



# Research Reactor Center

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**ANPR 73  
(74FR17115)**

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June 15, 2009

DOCKETED  
USNRC

June 16, 2009 (8:00am)

Secretary  
ATTN: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Rulemakings and Adjudications Staff,

We wish to respectfully submit comments on the advance notice of proposed rulemaking published in the Federal Register on April 14, 2009, entitled, *Requirements for Fingerprinting for Criminal History Record Checks of Individuals Granted Unescorted Access to Research and Test Reactors*.

It is obvious that the NRC is carefully trying to construct a reasonable regulation to cover this issue that will meet the requirements of Section 149 of the Atomic Energy Act. MURR recommends that the proposed regulation be identical to or as close as possible to NRC Order EA-07-074. Expanding the fingerprint requirements beyond the existing Order, would most likely result in different hardships for each research reactor.

Specific comments on each of the eleven questions are as follows:

**1. Which of these definitions of "areas of significance" should be adopted by the NRC? Are there preferable ways to define "areas of significance"? If so, what should they be and what are their advantages?**

Identifying "areas of significance" based on security reviews for our facility would not present a major imposition. However, if this approach is adopted it would be problematic for other research reactors with lesser defined areas of demarcation. The current criteria, focused on individuals who have access to SNM or who could control SNM, appears to be the better generic approach for the RTR community. The distinct nature of these diverse facilities will make it very difficult to identify unescorted access by area.

**2. What would be the approximate number of additional personnel that must be fingerprinted for unescorted access based on the "areas of significance" as described in Question 1? Are there any specific categories of persons whom the NRC should consider exempting from fingerprinting?**

For MURR, no additional personnel would be required to be fingerprinted for access to the areas defined in the Order. MURR had already expanded our fingerprint requirements to all persons with unescorted access to our containment as defined in the Interim Compensatory Measures for MURR.

Template = SECY-067

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**3. What is the estimated cost or impact of performing security plan or procedure revisions, and of providing the necessary administrative controls and training to implement fingerprint requirements for individuals permitted unescorted access to "areas of significance" such as those described in Question 1**

Because MURR decided to expand the set of persons beyond the definition required by the Order, MURR would only incur additional costs to provide background checks for new persons who would need access to our containment area. The cost of the fingerprinting process has cost MURR approximately \$8,000 thus far in actual costs. The opportunity cost of the time individuals consumed while administering this requirement most likely involves an additional estimated \$10,000.

**4. Is the proposed definition of individuals with unescorted access reasonable and sufficient? If not, why? For example, should persons granted unescorted access to "areas of significance" be permitted access to the facility at times when no supervision or oversight is present (e.g., evenings or weekends)? Should the NRC require access controls such as maintaining records of time and duration of persons accessing in an "area of significance" without escorts?**

The definition of unescorted access would present a problem with our current terminology. We currently have persons authorized "unescorted containment access" and "unescorted laboratory access." The second terminology, which does not involve an area that requires fingerprinting for background checks would have to be changed if the new definition of unescorted access, that refers to persons with access to areas of significance, was implemented.

**5. What has worked well, what has not, and why?**

While there was a learning curve associated with fingerprinting, we now understand the process. One possible change for consideration would be to allow the license to work directly with the FBI without having to process the fingerprints through the NRC.

**6. What requirements were found to be the most burdensome? Are there less burdensome alternatives that would accomplish the same level of protection?**

At MURR, we have not found that the process for fingerprinting too burdensome, other than the time lost by the people resources which are utilized to implement and maintain the process.

**7. Are there requirements in the orders that appear to contribute little to the security of the facility? Could the same resources be used more effectively in other ways?**

The existing Order is appropriate and effective. We would like the regulation to implement the same conditions as the order.

**8. Are there other enhancements that could be made?**

The best enhancement would be to implement the order with the proposed rulemaking without change.

**9. Has the implementation of the orders identified any new issues that should be addressed through rulemaking?**

MURR has fully implemented the Order and we feel it is would be best if the rulemaking implemented the Order unchanged.

**10. Regarding alternatives to fingerprinting foreign nationals and/or minors regarding a trustworthiness and reliability determination: (a) Do foreign nationals and/or minors require unescorted access to "areas of significance"? (b) are there alternative methods to obtain information upon which a licensee could base a trustworthiness and reliability determination for these individuals?**

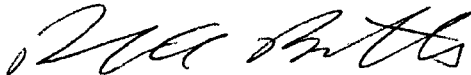
At MURR, we would not allow unescorted access to either category of persons. If one of these persons required access they would be escorted.

**11. Is there any additional information that NRC should consider in preparing the proposed rule?**

No further information needs to be provided.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Ralph A. Butler