

WASHINGTON LEGAL FOUNDATION

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202-857-0240

DOCKETED
USNRC

'89 NOV 17 P2:55

DOCKET NUMBER
PROPOSED RULE

PR 11, 25, 95
(54 FR 38863)

November 17, 1989

OFFICE OF REGULATORY
DOCKETING & SERVICE
BRANCH

Secretary
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, D.C. 20555

Re: Proposed Amendments to 10 C.F.R. §§ 11, 25 and 95
54 Fed. Reg. 38863 (September 21, 1989) Docket # RIN 3150-AD28

To the Members of the Commission:

The Washington Legal Foundation (WLF) wishes to express its support for the proposed amendments to 10 C.F.R. §§ 11, 25 and 95 [54 Fed. Reg. 38863 (September 21, 1989)] involving the authorization of credit checks for persons seeking NRC "L" and "R" security clearances. WLF is a non-profit, non-partisan public interest law and policy center with 120,000 members and supporters nationwide. WLF engages in litigation and participates in the administrative process regarding matters which affect the broad public interest and welfare.

In particular, WLF has devoted a substantial portion of its resources to supporting a strong national security apparatus. WLF has appeared as amicus curiae in many cases dealing with the security and defense of the United States, including United States v. Whitworth, No. CR 85-552 JV (N.D. Cal 1985) (trial of a former Navy petty officer accused of espionage for the Soviet Union).

Based on our experiences in the national security field, WLF wholeheartedly supports all efforts to more closely monitor the access of individuals to important national security information and materials. Massive security breaches over the past several years have not occurred because of the ideological or political convictions of the traitors, but rather because of the lust for money. Hostile intelligence organizations offering large sums of money have successfully procured classified information from individuals with security clearances.

This being the case, the risk is certainly higher that a person having serious financial problems would engage in a secrets-for-money swap than would a person without financial problems. By permitting the NRC to conduct credit checks into applicants for "R" and "L" clearances, potentially disastrous events can be avoided before they ever occur.

Clearly, the trust and responsibility that the Government

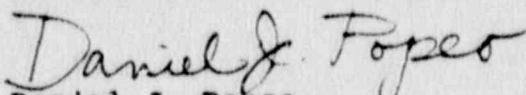
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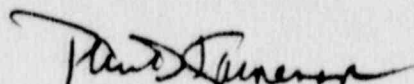
places upon an individual when granting a security clearance should in part be based upon that individual's conscientiousness and honesty when dealing with others, including financial institutions. Persons who habitually fail to live up to the legal requirements of borrowing and repaying money are very likely to be less honest and reliable than those who make good-faith efforts to live up to the terms of their loans. WLF does not mean to imply that persons who have had credit problems because of divorce, illness or unemployment should automatically be denied access to security clearances. In some cases, unfortunately, persons simply fail to repay loans without any good reason. The reliability and integrity of such deadbeats should be weighed by the NRC when making decisions about security clearances.

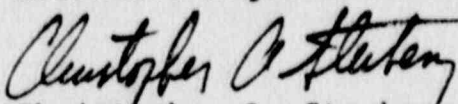
Very often, credit problems are a symptom rather than a disease. Alcoholism and drug addiction often lead to very serious financial problems. By allowing NRC to investigate into clearance applicants' credit histories, other derogatory information may come to light in a way impossible under the current system of making only a National Agency Check. No reasonable person can argue that drug addicts and alcoholics are deserving of the trust of the Government to keep secure the nation's sensitive information and materials. The use of credit checks in uncovering deeper indications of unreliability among clearance applicants would be a valuable tool.

Access to our nuclear facilities by terrorist groups, the loss of state secrets to hostile intelligence organizations and potentially the very safety of our nation is at stake when an unreliable or dishonest person is given a security clearance. NRC has wisely sought to broaden the scope of the investigations performed on applicants for security clearances. WLF strongly supports the adoption of the proposed amendments.

Respectfully Submitted,


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