

# United Association Local No. 50

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NOV 21 4 25 PM '89 Plumbers and Steamfitters Union

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DOCKET NUMBER  
PROPOSED RULE **PR 11-25-95**  
(54FR38863)

November 15, 1989

Secretary  
U.S. NUCLEAR REGULATORY COMMISSION  
Washington, DC 20555

Attention: Docketing and Service Branch

Dear Sir/Madam:

This comment is being submitted on behalf of the United Association Local No. 50 Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (hereinafter "Local 50") regarding the Proposed Rules promulgated by the Nuclear Regulatory Commission (hereinafter "NRC") concerning the NRC's proposal to amend its regulations to expand investigative scope for licensee "R" special nuclear material access authorization and "L" security clearance applicants by adding a credit check and correspondingly revising the fee to cover the additional cost for each credit check.

Local 50 is comprised of approximately 1,200 men and women who reside and work in Northwest Ohio. Approximately one-half of its members work at various nuclear power stations in Northwest Ohio and Southeast Michigan. In addition, Local 50 refers out many other individuals of the United Association, its parent International Union, who are members of other locals to nuclear power stations within the geographic jurisdiction of Local 50.

Local 50 and its members have performed a great deal of work on various nuclear power stations and in particular the Davis Besse Nuclear Power Station owned and operated by the Toledo Edison Corporation and its parent organization Centerior Energy Corporation. Based upon the work of its members and its involvement as the labor organization, Local 50 opposes the NRC's proposed amendments. This opposition is based upon several reasons.

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First, Local 50 believes that such credit checks are an undue intrusion in its members' personal affairs and violates their rights to privacy. The proposed rule making is expansive and does not limit the credit checks to any particular period of time (for example, within the last year) or financial institutions. In addition, it does not limit the credit checks to individuals who will be working at nuclear power stations for extended periods of time. Over the many years that Local 50 has referred individuals to nuclear power stations, individuals average less than two months on the job. To allow credit checks for individuals who work short periods of time are too persuasive and unnecessarily burdensome.

Secondly, one of the reasons indicated by the NRC in favor of its proposed rule making is to determine if individuals are financially insecure which may make them susceptible to committing espionage or similar activities against the United States. Local 50 members are construction workers and do not have access to plans, details, procedures or methods which are secret or classified in nature that could harm the United States. Local 50 members perform mechanical construction work and the work that they perform at nuclear power stations is, in theory, not that different from other mechanical work that they perform on non-nuclear power stations. Since the members of Local 50 would not have access to such secrets and therefore not be susceptible to espionage, there is no reason to burden the individuals with credit checks that would result in their privacy being invaded. The proposed rule does not differentiate between long and short term employees.

Thirdly, a second reason given by the NRC is that "individuals who have financial difficulties may be an indicator or result of more serious problems such as drug abuse, alcohol abuse or dishonesty". This bald statement unsupported by any factual evidence, scientific studies or documentation is overbroad and unreliable. In addition, as stated above, the Local 50 members are mechanical construction workers. They are closely supervised and work under the scrutiny of not only the supervisors of the contracting company by which they are employed, but also engineers and supervisors of the owners of the nuclear power station. It is not practical that Local 50 members, even if they would so chose, would be employed while involved in any drug abuse, alcohol abuse or dishonesty. If the Local 50 members do become involved in such improper activities, there are ample ways of discovering this because of the close scrutiny under which Local 50 members work. There are better ways to identify those problems rather than requiring all of the employees who perform work on the nuclear power stations to subject themselves to financial credit checks.

Fourthly, the NRC has failed to establish any need for this information. There has not been any indication by the NRC that espionage has been committed by construction workers in general or United Association members in particular on any nuclear power station. In addition, there has not been any supporting evidence that construction workers have been found to be drug abusers, alcohol abusers or dishonest. To establish these requirements of credit checks on individuals who have performed ably and loyally on various nuclear power stations is unnecessary.

Fifthly, the proposed rule does not indicate how the information obtained from the credit checks will be kept confidential. The information gained from credit checks is personal in nature and individuals who obtain that information should be under strict requirements to keep the information private.

Sixthly, the NRC proposes to increase the fee of the licensee in order to pay for this additional cost. This additional fee will then in turn be passed on by the licensee to the consumer. When this additional cost is passed on to its customers it will include individuals and businesses. This will cause greater expense to business manufacturers in the cost of producing their product as well as an additional financial burden on individuals. Local 50 and its members are strong proponents of ensuring that the United States and its manufacturers remain competitive. By increasing the expense to doing business by manufacturers will lead to a continuation of the erosion of the manufacturing strength of this country and lead to greater foreign imports by manufacturers of foreign nations. The NRC should not burden consumers to pay for unneeded credit checks.

For all the reasons stated above, Local 50 objects to the proposed rule making. Local 50 believes:

1. That this is an invasion of privacy of the workers on nuclear power stations;
2. That the proposed requirement of the credit checks is overbroad as it includes all workers even though construction workers do not have access to information which is secretive, are closely supervised and any action taken by construction workers can be easily identified by others without the necessary of credit checks;
3. That there is no factual evidence or documentation to support the proposed requirement to show a direct correlation between unfinancially secure individuals and espionage, drug abuse, alcohol abuse and dishonesty.

4. That the proposed rule making is unnecessary and the NRC has not established any need for this additional requirement;
5. There are no procedures to ensure that the information obtained through the credit checks will be kept confidential.
6. This additional cost will ultimately be passed on to the individuals and manufacturers thereby creating unnecessary financial burden on them and weakening the manufacturing strength of this nation.

If you desire any additional information concerning this, please contact me. Thank you for your attention to this.

Sincerely,

*Dave LaPlante*  
Dave LaPlante  
Business Manager

JJA/DL/pnr

cc: John Glenn, United States Senator  
Howard Metzenbaum, United States Senator  
Marcy Kaptur, United States Congress