



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Release *to*
PDR

JUN 10 1987

MEMORANDUM FOR: Edward L. Jordan, Chairman
Committee to Review Generic Requirements

FROM: Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

SUBJECT: COMMITTEE TO REVIEW GENERIC REQUIREMENTS REVIEW
OF GENERIC LETTER

The enclosed draft generic letter represents a revision to staff policy on criminal history checks at nuclear power reactors and is provided for review by the Committee to Review Generic Requirements (CRGR). It replaces a previously issued generic letter (Generic Letter 87-4, copy enclosed) which temporarily waived all requirements of NRC's fingerprint rule (10 CFR 73.57) for temporary workers pending issuance of an NRC policy statement and industry guidelines on access authorization. OGC has recommended that public comment be solicited on the policy statement and guidelines. In the meantime, the staff believes a new generic letter should be issued to provide a more practical resolution of the issue pending final Commission action on the access authorization policy statement and industry guidelines.

The Office of the General Counsel has reviewed the draft generic letter and concurs. This issue is identified as Category II, however expedited review is requested. NRR contact is R. Erickson ext. 24935. Thank you for your assistance.

James H. Sniezek/jr

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Draft Generic Letter
2. Generic Letter 87-4
3. Excerpt from PL 99-399
4. Excerpt from 10 CFR 73.57
5. Briefing Chart
(Fingerprint Situation)
6. CP&L Request Exemption, 4/15/87
7. FP&L Request Exemption, 6/2/87
8. Response to CP&L, 6/2/87
9. ARM/DC ltr to Licensees, 6/4/87
10. Proposed NRC Policy Statement
and NUMARC Guidelines

FBI CRIMINAL HISTORY CHECKS

TO ALL POWER REACTOR LICENSEES

Gentlemen:

Subject: IMPLEMENTATION OF 10 CFR 73.57, REQUIREMENTS
FOR FBI CRIMINAL HISTORY CHECKS (GENERIC LETTER 87-)

Generic Letter 87-04 exempted temporary workers from the requirements of 10 CFR 73.57, "Requirements for FBI Criminal History Checks," on an interim basis pending resolution of final screening policy for this category of worker. A recent decision by the NRC to solicit public comment on its policy statement and industry guidelines on access authorization, may postpone this final resolution. The purpose of this generic letter is to authorize use of a temporary clearance program until final screening policy is established.

A licensee may grant an individual temporary clearance for unescorted facility access or access to Safeguards Information. This temporary clearance is contingent upon submittal of fingerprints to NRC in accordance with 10 CFR 73.57 and maintenance of all security plan commitments pertaining to employee screening. The criminal history resulting from the FBI check must be considered immediately after receipt to determine if unescorted access should be continued or terminated.

This generic letter supersedes any previous generic letter (e.g., 87-04) on this subject. This policy is in effect until further notice by the NRC.

Sincerely,

Frank J. Miraglia, Jr.
Associate Director for Projects
Office of Nuclear Reactor Regulation

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ENCLOSURE 1



THE FIRST GENERIC LETTER

MAR 6 1987

TO: All Power Reactor Licensees (Generic Letter 87-04)

SUBJECT: TEMPORARY EXEMPTION FROM PROVISIONS OF THE FBI CRIMINAL HISTORY
RULE FOR TEMPORARY WORKERS

Gentlemen:

As provided for in Public Law 99-399, "The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986," Section 606:

"The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its obligations to promote the common defense and security and to protect the health and safety of the public."

As provided for in 10 CFR 73.57, "Requirements For Criminal History Checks," Section (b)(2)(v):

"Upon further notice to licensees and without further rulemaking, the Commission may waive certain requirements of this section on a temporary basis for temporary workers."

Accordingly, pending resolution by NRC management of an issue addressing requirements for unescorted access of temporary workers to nuclear power facilities, the Commission temporarily waives the requirements of 10 CFR 73.57 for these individuals.

Sincerely,

Frank J. Miraglia

Harold R. Benton, Director
Office of Nuclear Reactor Regulation

Enclosure:
List of Recently Issued Generic
Letters

0703750062

THE LAW

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

(a) **REVIEWS.**—The Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each review the adequacy of the physical security standards currently applicable with respect to the shipment and storage (outside the United States) of plutonium, and uranium enriched to more than 20 percent in the isotope 233 or the isotope 235, which is subject to United States prior consent rights, with special reference to protection against risks of seizure or other terrorist acts.

(b) **REPORTS.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the results of the review conducted pursuant to this section, together with appropriate recommendations.

SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM.

The Congress strongly urges the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

SEC. 606. CRIMINAL HISTORY RECORD CHECKS.

(a) **IN GENERAL.**—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"SEC. 149. FINGERPRINTING FOR CRIMINAL HISTORY RECORD CHECKS."

a. The Nuclear Regulatory Commission (in this section referred to as the 'Commission') shall require each licensee or applicant for a license to operate a utilization facility under section 103 or 104 b. to fingerprint each individual who is permitted unescorted access to the facility or is permitted access to safeguards information under section 147. All fingerprints obtained by a licensee or applicant as required in the preceding sentence shall be submitted to the Attorney General of the United States through the Commission for identification and a criminal history records check. The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant. Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission and, in accordance with regulations prescribed under this section, the Commission may provide such results to the licensee or applicant submitting such fingerprints.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its obligations to promote the common defense and security and to protect the health and safety of the public.

"c. For purposes of administering this section, the Commission shall prescribe, subject to public notice and comment, regulations—
"(1) to implement procedures for the taking of fingerprints;

42 USC 2169.

42 USC 2133, 2134.

42 USC 2168.

Health and
Medical Care
Safety

Regulations

Backfit Analysis

As this rulemaking is based upon legislative mandate, the NRC will make a backfit decision in accordance with the provisions of the Act.

List of Subjects to CFR Part 73

Hazardous materials—transportation, incorporation by reference, Nuclear materials—Nuclear power plants and reactors, Security, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Federal Reconstruction Act of 1949, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendment to 10 CFR Part 73:

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The authority citation for CFR Part 73 is revised to read as follows:

Authority: Secs. 53, 161, 66 Stat. 930, 944, as amended; sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 207, as amended, 504, 66 Stat. 1242, as amended, 1243 (42 U.S.C. 5841, 5844).

Section 73.37(f) also issued under sec. 207, Pub. L. 96-295, 94 Stat. 789 (42 U.S.C. 5841 note); Section 73.57 is issued under sec. 806, Pub. L. 96-299, and Section 1611, 66 Stat. 948; (42 U.S.C. 2201).

For the purposes of sec. 223, 66 Stat. 958, as amended (42 U.S.C. 2273), §§ 73.21, 73.37(g), and 73.55 are issued under sec. 161b, 66 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.53, 73.57 are issued under sec. 1611, 66 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 73.20(c)(1), 73.24(b)(1), 73.24(b)(3), (h)(6), and (k)(4), 73.27(a) and (b), 73.37(f), 73.40(b) and (d), 73.46(g)(2), and (h)(2), 73.50(g)(2), (3)(iii)(B), and (h), 73.55(h)(2) and (4)(iii)(B), 73.70, 73.71, 73.72 are issued under sec. 1610, 66 Stat. 950, as amended (42 U.S.C. 2201(c)).

2. A new § 73.57 is added to read as follows:

§ 73.57 Requirements for criminal history checks of individuals granted unescorted access to a nuclear power facility or access to Safeguards Information by power reactor licensees.

(a) General. (1) Each licensee who is authorized to operate a nuclear power reactor under Part 50 of this chapter shall comply with the requirements of this section.

(2) Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this chapter shall submit fingerprint cards for those individuals who have or will have access to Safeguards Information.

(3) Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this chapter may submit fingerprint cards prior to

receiving its operating license for those individuals who will require unescorted access to the nuclear power facility.

(b) General performance objective and requirements. (1) Except those listed in paragraph (b)(2) of the section, each licensee subject to the provisions of this section shall fingerprint each individual who is permitted unescorted access to the nuclear power facility or access to Safeguards Information. Individuals who have unescorted access authorization on April 1, 1987 will retain such access pending licensee receipt of the results of the criminal history check on the individual's fingerprints, so long as the cards were submitted by September 28, 1987. The licensee will then review and use the information received from the Federal Bureau of Investigation (FBI) to determine if the individual meets the provisions contained in this rule. Individuals who do not have unescorted access or access to Safeguards Information after April 1, 1987 shall be fingerprinted by the licensee and the result of the criminal history records check shall be used prior to making a determination for granting unescorted access to the nuclear power facility or access to Safeguards Information.

(2) Licensees need not fingerprint in accordance with the requirements of this section for the following categories:

(i) For unescorted access to the nuclear power facility or for access to Safeguards Information (but must adhere to provisions contained in § 73.21): NRC employees and NRC contractors on official agency business; individuals responding to a site emergency in accordance with the provisions of § 73.55(a); a representative of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement at designated facilities who has been certified by the NRC; law enforcement personnel acting in an official capacity; State or local government employees who have had equivalent reviews of FBI criminal history data; and individuals employed at a facility who possess "Q" or "L" clearances or possess another active government granted security clearance, i.e., Top Secret, Secret, or Confidential.

(ii) For access to Safeguards Information only but must adhere to provisions contained in § 73.21: Employees of other agencies of the United States Government; a member of a duly authorized committee of the Congress; the Governor of a State or his/her designated representative;

individuals to whom disclosure is ordered pursuant to § 2.744(e).

(iii) Any licensee currently processing criminal history requests through the FBI pursuant to Executive Order 10450 need not also submit such requests to the NRC under this section, and

(iv) When a nuclear power plant is in cold shutdown during refueling or major maintenance, the requirements of this rule may be waived for devitalized areas.

(v) Upon further notice to licensees and without further rulemaking, the Commission may waive certain requirements of this section on a temporary basis for temporary workers.

(3) The licensee shall notify each affected individual that the fingerprints will be used to secure a review of his/her criminal history record, and inform the individual of proper procedures for revising the record or including explanation in the record.

(4) Fingerprinting is not required if the utility is maintaining the unescorted access to the nuclear power facility or access to Safeguards Information granted an individual if:

(i) The individual returns to the same nuclear power utility that granted access and such access has not been interrupted for a continuous period of more than 365 days; and

(ii) The previous access was terminated under favorable conditions.

(5) Fingerprints need not be taken, in the discretion of the licensee, if an individual who is a permanent employee of a licensee, contractor, manufacturer, or supplier has been granted unescorted access to a nuclear power facility or to Safeguards Information by another licensee, based in part on a criminal history records check under this section. The criminal history check file may be transferred to the gaining licensee in accordance with the provisions of paragraph (f)(3) of this section.

(6) All fingerprints obtained by the licensee under this section must be submitted to the Attorney General of the United States through the Commission.

(7) The licensee shall review the information received from the Attorney General and consider it in making a determination for granting unescorted access to the individual or access to Safeguards Information.

(8) A licensee shall use the information obtained as part of a criminal history records check solely for the purpose of determining an individual's suitability for unescorted access to the nuclear power facility or access to Safeguards Information.

(c) Prohibitions. (1) A licensee may not base a final determination to deny

FINGERPRINT SITUATION

- "Temporary Workers" are now completely exempt (not even required to be fingerprinted).
- Situation prolonged by General Counsel recommendation that NRC solicit public comment on its overall access authorization policy and industry guidelines.
- "Temporary Worker" exemption is confusing (staff has been inundated by phone calls from licensees).
- Formal letters requesting exemptions from 73.57 received from
Carolina Power & Light
Florida Power & Light
- In response to Carolina Power & Light NRC began special handling of fingerprint cards for "new hires" and informed all licensees.
- NRC needs to assure everyone is fingerprinted and licensees want authority to grant "temporary clearances."
- Staff is considering a new Generic Letter to accomplish both.
- Scheduled for consideration at meeting of Committee to Review Generic Requirements on 6/10/87.

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 50-261 H. B. Robinson Plant, Unit 2, Carolina Power & Light Co 05000324
 50-324 Brunswick Steam Electric Plant, Unit 2, Carolina Power & Light Co 05000325
 50-325 Brunswick Steam Electric Plant, Unit 1, Carolina Power & Light Co 05000400
 50-400 Shearon Harris Nuclear Power Plant, Unit 1, Carolina Power & Light Co
 AUTH. NAME: CUTTER, A. B. AUTHOR AFFILIATION: Carolina Power & Light Co.
 RECIP. NAME: RECIP. AFFILIATION: Document Control Branch (Document Control Desk)

SUBJECT: Requests exemption from requirements of 10CFR73.57(b)(1) re fingerprinting of individuals not having unescorted access. Exemption would allow util to grant access to individual whose authorization process began prior to 870401.

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CP&L

Carolina Power & Light Company

P. O. Box 1551 • Raleigh, N. C. 27602
(919) 836-6231

APR 1 1987

SERIAL: NLS-87-080
10CFR73.57

A. B. CUTTER
Vice President
Nuclear Engineering & Licensing

United States Nuclear Regulatory Commission
ATTENTION: Document Control Desk
Washington, DC 20555

BRUNSWICK NUCLEAR PLANT, UNIT NOS. 1 & 2
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H. B. ROBINSON NUCLEAR PLANT, UNIT NO. 2
DOCKET NO. 50-261/LICENSE NO. DPR-23

SHEARON HARRIS NUCLEAR POWER PLANT
DOCKET NO. 50-400/LICENSE NO. NPF-63
10CFR73.57 - REQUEST FOR EXEMPTION

Gentlemen:

Pursuant to 10CFR50.12 and 73.5, Carolina Power & Light Company (CP&L) hereby requests an exemption from the requirement in 10CFR73.57(b)(1) (and the provisions of 10CFR50 that incorporate it) that "[i]ndividuals who do not have unescorted access or access to Safeguards Information after April 1, 1987 shall be fingerprinted by the licensee, and the results of the criminal history records check shall be used prior to making a determination for granting unescorted access to the nuclear power facility or access to Safeguards Information" (emphasis added). This exemption request is limited. Carolina Power & Light Company seeks an exemption from Section 73.57(b)(1) for CP&L employees and applicants for employment with CP&L only to the extent that it requires CP&L to use the results of the criminal history records check prior to making a determination for granting unescorted access to its nuclear facilities or access to Safeguards Information, and then only in those situations in which either (a) CP&L began the access authorization review process for a given individual prior to the rule's April 1, 1987 effective date (but the individual has not been granted or denied access before April 1, 1987), or (b) CP&L has already mailed the individual's fingerprints to the NRC, but CP&L has not received the results of the criminal history check within the twenty-five working-day turnaround period projected by the Commission when it published the proposed rule. See 51 Fed. Reg. 40439, Col. 2 (1986).

Thus, under the requested exemption, CP&L would continue to fingerprint all individuals (other than temporary workers) who require unescorted access to a nuclear plant or who require access to Safeguards Information. The requested exemption would allow CP&L, if otherwise appropriate, to grant access to an individual whose access authorization review processing began prior to April 1, 1987 (but the individual has not been granted or denied access before April 1, 1987) or after twenty-five working days have passed since an individual's fingerprints were mailed to the NRC without any results from the FBI criminal history records check having yet been received. In such situations, CP&L

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APR 15 1987

would decide whether to grant an individual access based on CP&L's extensive pre-employment background verification and screening program. As described in greater detail in the enclosure to this letter, this program involves such information as a five-year criminal history check in all counties in which the employment applicant or intra-company transfer employee lived, worked, or attended school, as well as reference checks, psychological testing, drug screening, and a financial responsibility check.

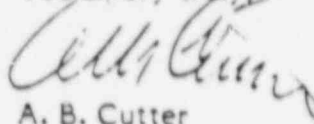
Carolina Power & Light Company seeks this exemption because of its concern that the processing of fingerprints for new employment applicants or transfer employees who do not have access authorized prior to April 1, 1987 will take longer than the projected twenty-five working days, at least during the initial months of the program during which time every licensee in the nation will be submitting fingerprint cards for all current employees who already had access authorization. Delays beyond the twenty-five working days projected for obtaining FBI criminal history checks on transfer employees and employment applicants will adversely affect the timely availability of personnel to CP&L. Employment applicants or transfer employees who need access authorization will be unable to do the job for which their skills and qualifications are needed, making personnel unavailable and impairing CP&L's ability to complete nuclear safety-related tasks in a safe, timely, and economical manner.

As explained in the enclosed justification, the requested exemption is consistent with the statutory authorization for the rule and the underlying purpose of the rule, as well as justified by several special circumstances. Accordingly, CP&L requests that you grant this exemption, if possible, by May 7, 1987.

Carolina Power & Light has evaluated this request in accordance with the provisions of 10CFR170.12 and determined that a license amendment application fee is required. A check for \$150 is enclosed in payment of this fee.

Should you have any questions regarding this request, please contact Mr. Arnold Schmich at (919) 836-8759.

Yours very truly,



A. B. Cutter

MSC/lah (5174AWS)

Enclosure

cc: Mr. B. C. Buckley (NRC)
Dr. J. N. Grace (NRC-II)
Mr. G. F. Maxwell (NRC-SHNPP)
Mr. H. Krug (NRC-RNP)
Mr. G. Requa (NRC)
Mr. W. H. Ruland (NRC-BNP)
Mr. E. Sylvester (NRC)

Brunswick, Robinson, and Harris Plants
Justification for Exemption from 10CFR Section 73.57(b)(1)

The NRC promulgated 10CFR73.57 on March 2, 1987 by publication of the final rule in the Federal Register. See 52 Fed. Reg. 6310, 6314-15 (1987); 52 Fed. Reg. 7821 (1987) (corrections). Carolina Power & Light Company seeks an exemption from Section 73.57(b)(1) for CP&L employees and applicants for employment with CP&L only to the extent that it requires CP&L to use the results of the criminal history records check prior to making a determination for granting unescorted access to its nuclear facilities or access to Safeguards Information, and then only in those situations in which either (a) CP&L began the access authorization review process for a given individual prior to the rule's April 1, 1987 effective date (but the individual has not been granted or denied access by April 1, 1987), or (b) CP&L has already mailed the individual's fingerprints to the NRC but CP&L has not received the results of the criminal history check within the twenty-five working-day turnaround period projected by the Commission when it published the proposed rule. See 51 Fed. Reg. 40439, Col. 2 (1986).

Unless the NRC grants an exemption, the requirements of Part 73 bind Part 50 licensees such as CP&L both by the terms of Part 73 and through the incorporation of Part 73 into Part 50. See, e.g., 10CFR50.54(p). The NRC may grant exemptions from Part 73 requirements under 10CFR73.5 and may grant exemptions from Part 50 requirements under 10CFR50.12. ~~Because the relevant standard under Section 73.5 is largely subsumed~~ within the more specific exemption standard of Section 50.12, a licensee that satisfies the standard under Section 50.12 should also satisfy the more general standard of Section 73.5. Accordingly, although CP&L seeks this exemption under both Section 73.5 and Section 50.12, for simplicity this request will refer primarily to the more specific standard of Section 50.12.

Per 10CFR50.12(a), the NRC may grant exemptions that are (1) "[a]uthorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security" and (2) present special circumstances. Section 73.5, like the old Section 50.12, adds the statement that the exemption be "otherwise in the public interest." The requirement in current Section 50.12(a)(2) that special circumstances be present expands on the public interest concept. That section identifies six categories of special circumstances; four of these categories ((ii), (iii), (v), and (vi)), each of which is discussed below, apply to this exemption request.

The requested exemption is authorized by law.

The governing statute, Section 149 of the Atomic Energy Act of 1954, as amended ("the Act"), was enacted as part of the "Omnibus Diplomatic Security and Antiterrorism Act of 1986." See P.L. 99-399, Section 606(a), 100 Stat. 876, codified at 42 U.S.C. Section 2169. Section 149 does not require a licensee to have received the results of the criminal history records check prior to granting individuals unescorted access or access to Safeguards Information. Rather, the statute simply requires the licensee "to fingerprint each individual who is permitted unescorted access to the facility or is permitted access to Safeguards Information," and to submit the fingerprints to the NRC for a criminal history records check by the FBI. Id. Additionally, the statute specifically permits the NRC to relieve licensees from the obligations imposed. See Section 149b of the Act, 42 U.S.C. Section 2169(b). Thus the requested exemption is authorized by the governing statute.

The requested exemption will not present an undue risk to the public health and safety and will not endanger life or property and is consistent with the common defense and security.

Under CP&L's present access authorization background screening program, prior to granting a new employee unescorted access to a nuclear facility or access to Safeguards Information, CP&L completes a thorough background investigation, including a criminal history check, independent of the fingerprinting program required by 10CFR73.57. Carolina Power & Light Company's screening process includes the following:

- A criminal record check in each county of every State in which the employment applicant has lived, worked, or attended school during the previous five years or back to age 18 (as permitted by Federal, State, or other applicable laws)
- Verification of employment history, including verification of military service, for the previous five years or back to age 18
- Verification of educational institutions attended
- Contacting two personal and character references provided by the applicant, as well as contacting two additional references provided by the applicant's references
- Psychological testing
- Drug screening
- Financial responsibility check

All of these steps are and will continue to be completed prior to granting any new employee unescorted access or access to Safeguards Information.

Additionally, for those individuals whose access authorization review process begins on April 1, 1987 or after, CP&L would still review the FBI criminal history records check results prior to granting an individual access under the requested exemption so long as that information was received by CP&L within the projected twenty-five working days. For these individuals, CP&L would consider granting access prior to receiving the FBI's criminal history records check information only when receipt of this FBI information is delayed beyond the twenty-five working days. For those individuals whose access authorization processing began prior to April 1, 1987 but who have not been granted or denied access prior to April 1, 1987, receipt of the FBI criminal history records check results would almost certainly occur later than twenty-five working days after CP&L began its access authorization process, because the processing of the fingerprint cards under the rule was not projected to begin until April 8, 1987. See 52 Fed. Reg. 6313, Col. 3 (1987). In all cases, CP&L would of course still review the FBI information promptly upon its receipt and, consistent with the employee's rights to challenge the information, reconsider any decision to grant access to an individual about whom any previously unknown criminal activity is revealed.

Because CP&L would already have reliable background information available, granting the requested exemption would present no undue risk to the public health and safety, to life or property, or to the common defense and security.

The requested exemption is in the public interest.

In addition to the reasons stated above, the requested exemption is in the public interest for the reasons described below in connection with the special circumstances identified in 10CFR50.12(a)(2).

Special Circumstance (ii): Application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of the rule is to "help assure that individuals with criminal histories impacting upon their reliability and trustworthiness are not permitted unescorted access to a nuclear power facility or access to Safeguards Information." 52 Fed. Reg. 6310 (1987). As described above, CP&L already has in effect an extensive background screening program that should uncover the great majority, if not all, of the information that the criminal history records check available under Section 73.57 will provide. Thus, because extensive and reliable background information is presently available to CP&L, strict application of Section 73.57 is not necessary to achieve the rule's underlying purpose of assuring that only individuals who are reliable and trustworthy are permitted to have unescorted access to a CP&L nuclear plant or access to Safeguards Information.

Special Circumstance (iii): Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted.

By design, CP&L's exemption request is tailored to apply only when the hardship and costs of compliance significantly exceed those contemplated when the regulation was adopted. As discussed previously, the Commission expects the processing of the fingerprint cards--from the time the licensee mails them until the licensee receives the results of the criminal history records check--to take approximately twenty-five working days. See 51 Fed. Reg. 40439, Col. 2 (1986). Under the rule, for those individuals who do not have access authorization prior to April 1, the licensee must await the results of the fingerprint check from the FBI prior to granting access. Thus, there is an anticipated average time lag of five working weeks between the time an employment applicant or a transfer employee is fingerprinted and when that employee can begin working in the position requiring unescorted access or access to Safeguards Information. If the applicant or transfer employee is unable to begin assigned work after the anticipated five working week period has passed (due to a delay in obtaining information from the criminal history records check), the burden on the licensee necessarily exceeds that contemplated when the rule was issued. That is, the applicant or transfer employee is unable to do the work that he was sought to do, placing a significant unanticipated burden on the licensee's existing personnel resources.

Special Circumstance (v): The exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation.

This special circumstance is also satisfied, due to the conditional nature of the requested exemption. The requested exemption is temporary in that it is effective only when the Commission or the FBI or both are backlogged in processing the fingerprint cards. Under the requested exemption, in those cases where an individual's criminal history records check takes longer than the projected twenty-five working days, CP&L would be exempt from the rule's requirement that the results of the FBI fingerprint check be reviewed prior to the person's being granted access.

It should be emphasized that CP&L is and will be making good faith efforts to comply with the rule. The individuals requiring unescorted access or access to Safeguards Information (other than temporary workers) are being fingerprinted as required by the rule. CP&L seeks an exemption from the rule only to the extent that factors beyond its control, which affect the length of time needed to receive the results of the criminal history records check, make compliance with the rule's prior review requirement more burdensome than intended by the NRC and the statute. Furthermore, upon receipt of the belated information from the FBI, CP&L would fully review the results of the criminal history records checks for the individuals, including any already granted access under the requested exemption. CP&L would, consistent with the employee's rights to challenge any information, revoke the access authorization of any individuals about whom the Company obtains new information that would preclude continued access authorization. This revocation would be handled the same way as any necessary revocations of the current access authorization of the 3000-4000 present CP&L employees who have had authorization prior to April 1, 1987.

Special Circumstance (vi): There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption.

As explained under Special Circumstance (iii) above, the requested exemption is tailored to be effective only in those situations where there is a delay beyond the NRC's anticipated twenty-five working days for processing the fingerprint cards. Carolina Power & Light Company believes that (at least during the initial months of implementing the rule) it will take more time to receive the results of these fingerprint checks. Thus, CP&L anticipates the burden of delaying the employment of new applicants and the transfer of present employees will be greater than the NRC considered when adopting the regulation. Because comparably reliable background information will be available to CP&L in making its own background checks, it is in the public interest to grant the requested exemption, thereby avoiding the unnecessary costs to employment applicants, to transfer employees, and to CP&L of delaying the useful employment of these individuals beyond the five working weeks contemplated under the rule.



FLORIDA POWER & LIGHT COMPANY

JUNE 08 1987

L-87-234

Office of Nuclear Reactor Regulation
Attn: Mr. Thomas Murley, Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: St. Lucie Units 1 and 2
Docket Nos. 50-335 and 50-389
Turkey Point Units 3 and 4
Docket Nos. 50-250 and 50-251
Temporary Exemption Request

Dear Mr. Murley:

On March 2, 1987, the Commission published a new regulation, 10 CFR 573.57, by virtue of which licensees such as Florida Power & Light Company (FPL) are prohibited from granting any individual unescorted access to nuclear power facilities until after the licensees have received and evaluated the results of a check of criminal history records conducted by the Federal Bureau of Investigation on the basis of the individual's fingerprints. The new regulation, which was required by P.L. 99-399, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, became effective on April 1, 1987.

Section 73.5 of the Commission's regulations permits the Commission to "grant such exemptions from the requirements of . . . this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest." This letter is a request, made pursuant to 10 CFR 573.5, for a temporary exemption from the requirements of Section 73.57, with respect to several categories of persons.

New Employees. We expect that, by the end of the year, approximately 133 persons will be hired by FPL for jobs which require unescorted access to its nuclear facilities. These new hires will have successfully completed the Company's employment screening process which includes, for example, the following features as described in Attachment A.

Transfer Employees. Before the end of 1987, approximately 100 employees of FPL will transfer from non-nuclear positions to positions at one or another of the four nuclear power plants which the Company operates. Although these persons have been employees of the Company for many years, they were not assigned to a nuclear plant before April 1 and did not on that date have authorization for unescorted access to such a facility. Consequently, they are not "grandfathered" under the NRC's new regulation and cannot be granted access until the results of the fingerprint check have been received and evaluated. However, these persons have already been subjected to the Company's screening process for employees in effect at the time of their employment and have satisfied all those requirements. In addition, of course, they have demonstrated their reliability and confirmed their suitability for employment by performing satisfactorily in their prior jobs with FPL. However, they must presently be denied unescorted access to the Company's nuclear facilities.

U. S. Nuclear Regulatory Commission
 L-87-234
 Page two

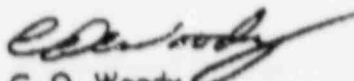
NRC regulations permit these employees to enter the nuclear facilities if they are escorted by other persons who have unescorted access. In fact, escorted access is not a practical alternative. Since the escort must remain with the person escorted at all times, escort coverage is essentially one-on-one. There are not enough security guards to provide escorts for the potentially more-than-two-hundred employees who must be escorted; diverting other employees to serve as escorts leaves their work undone.

Thus, the potentially more-than-two-hundred employees whose clearance must await receipt of results from the FBI are in effect unable to work at the nuclear power plants. The cost to the company of 25 employees who are now idle is on the order of \$4,000 per day; the number of employees so situated grows weekly. Furthermore, the jobs to which the employees have been assigned remain unfilled and that work must remain undone or is performed by other company employees, frequently on an overtime basis.

The burden imposed upon FPL has essentially no countervailing benefit in terms of security for the nuclear facilities and their operations. Experienced, qualified, tested, and reliable employees are simply prevented from performing the jobs for which they have been selected.

We respectfully request that the Commission grant FPL a limited and temporary exemption from the requirement to defer the grant of unescorted access to its nuclear facilities until results of FBI check of criminal history records is in hand. The exemption would permit the granting before October 1, 1987, of temporary unescorted access to the following categories of FPL employees only: a) newly hired employees who have successfully completed the Company's screening process described above and b) persons employed by the Company prior to April 1, 1987, but newly assigned to nuclear facilities. The temporary access would expire upon completion by the Company of its evaluation of all information (including the results from the FBI) concerning the individual employee, at which time unescorted access would be confirmed on a permanent basis or denied.

Very truly yours,

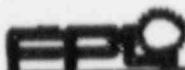


C. O. Woody
 Group Vice President
 Nuclear Energy

COW/JAD/gp

Attachment

cc: J. Nelson Grace, Regional Administrator, Region II, USNRC
 Kristina Z. Jamgochian, NMSS/LN, USNRC



General Operations

ISSUE
DATE JUL 31 1986

151

SUBJECT

Personnel Screening for Access Authorization
PRS/PNA - General

SECTION

Personnel

Scope

REVISED
THROUGHOUT

To provide instructions for screening all FPL employees who may need access authorization and/or unescorted access into nuclear plant sites, in accordance with the Nuclear Energy Access Authorization Plan.

Nuclear Plant Sites

FPL nuclear plant sites includes:

- St. Lucie Units No. 1 and No. 2.
- Turkey Point Nuclear Units No. 3 and No. 4.
- Turkey Point Fossil Units No. 1 and No. 2.

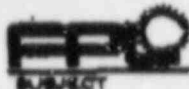
Background Investigations

A thorough background investigation and a psychological evaluation is to be obtained by the FPL Division Personnel/College and Professional Recruiting on all newly-hired employees into any Power Resources or Nuclear Energy Department payroll location. Personnel Records - PER (GO) is to obtain this information on all other FPL employees, with less than 36 months continuous service with FPL, who may require unescorted access into any FPL nuclear power plant.

The background investigation including the items listed below must be completed, reviewed, and on file in the Personnel Department prior to a new employee's effective date and/or granting unescorted access into any FPL nuclear power plant:

- Employee's Birth Certificate (or equivalent)
- Criminal Investigation
- U.S. Military Form DD-414 (or equivalent), if applicable
- Character and Reputation Report based on two provided plus two developed references
- Credit History Report
- Employment History Report
- Education History Report
- Driving Record Report
- Worker's Compensation Report
- Psychological Evaluation Report
- Drug Screen Urinalysis Report

The background investigation and psychological evaluation requirement can be fulfilled for employees with 36 months or more of continuous service with FPL by a documented record of their having demonstrated no aberrant behavior. This documented record can be established by completing an Inter-Office Memo as outlined in GO Procedure 131.1.



General Operations

ISSUE
DATE JUL 31 1986

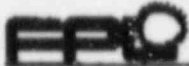
131

SUBJECT
Personnel Screening for Access Authorization
PRA/PYE - General

SECTION

Personnel

Index of Procedures	Subject	Procedure #
	Employees with 36 (or more) months of Service	GO 131.1
	Employees with less than 36 months of Service	GO 131.2
	New Employees	GO 131.3



General Operations

ISSUE
DATE

JUL 31 1986

131.1

SUBJECT Personnel Screening for Access
Authorization PRA/PNE - 36 (or more)
Months Service

SECTION

Personnel

Scope

To provide instructions for screening FPL employees with 36 (or more) months of service who may need access authorization and/or unescorted access into nuclear plant sites in accordance with the Nuclear Energy Access Authorization Plan.

Supervisor

1. When an employee in your location with 36 (or more) months continuous FPL service requires an unescorted access badge at a Nuclear Plant Site, prepare an Inter-Office Memo, original and one machine copy as follows:

- a. Address to - Supervisor, Personnel Records - PER (GO).

- b. Enter

- Supervisor's name and location symbol.
- Employee's name on subject line.
- Date prepared.

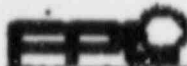
- c. Enter the following statement on the Inter-Office Memo:

"The above named employee was employed by Florida Power & Light Company on (enter employment date). He/she has been continuously employed since that date, and to the best of my knowledge, he/she has not demonstrated aberrant behavior which would preclude his/her unescorted access to a nuclear power plant."

This information is confidential and is to be mailed under confidential cover.

If for any reason you are unable to prepare the above memo for one of your employees who is being assigned to a nuclear Plant, contact the Nuclear Energy Department Personnel Coordinator - PNE (GO) to determine the appropriate course of action.

(see example next page)



General Operations

ISSUE
DATE

JUL 31 1986

181.1

SUBJECT Personnel Screening for Access
Authorization PER/PNE - 26 (or more)
Months Service

SECTION

Personnel

Supervisor (cont'd)

1. (cont'd)

CONFIDENTIAL		INTER-OFFICE MEMO	
TO	Supv. Personnel Records - PER (GO)	FROM	E. J. Martin
DATE	June 18, 86	FILE	as 86
<p>The above named employee was employed by Florida Power & Light Company on February 18, 1986. He has been continuously employed since that date and to the best of my knowledge, he has not demonstrated aberrant behavior which would preclude his unrestricted access to a nuclear power plant.</p>			
Employee's local file			
<p>TO: _____</p> <p>TO: _____</p> <p>TO: _____</p>			
<p>PEOPLE...SERVING PEOPLE</p> <p>Print and sign on both if more than 1 signature</p>			

2. Send original and machine copy to Supervisor - Personnel Records - PER (GO).

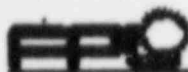
Personnel Records -
PER (GO)

3. Upon receipt of memorandum from supervisor and verification of length of service, enter Access Authorization Status into the Nuclear Employee Plant Access (computer) System.

4. Sign and return approved machine copy to employee's supervisor.

Supervisor

5. Upon receipt of machine copy, place in employee's local file for future reference.



General Operations

ISSUE
DATE JUL 31 1986

131.2

SUBJECT: Personnel Screening for Access
Authorization PRA/PNE - Less Than
24 Months Service

SECTION

Personnel

Supervisor (cont'd)

2. Send original and duplicate to Personnel Records - PER (GO).

This report must be issued allowing sufficient time (at least two weeks) for the background investigation and psychological evaluation to be completed prior to the employee's assignment to a nuclear power plant. If not completed and received by Personnel Records - PER (GO) prior to the employee's assignment the employee will not be granted unescorted access into the plant.

If Form 4923 was completed when employee was hired and duplicate is on file, it is not necessary to prepare another Form 4923.

Personnel Records -
PER (GO)

3. Upon receipt of Nuclear Plant Screening Record, Form 4923, review employee's file and check status of each listed document. If all documents are not on file, take action to obtain them.
4. Review each document for any derogatory information which requires the attention of Nuclear Energy Personnel Coordinator - PNE (GO) such as felony convictions, terrorist activities, medical disabilities, etc. and make arrangements for review of the information, if necessary.

Nuc Enrgy Para.
Coord - PNE (GO)

5. Review the derogatory information revealed by the investigation and initial the related documents in Personnel Records - PER (GO).
6. If access cannot be granted, advise the Vice President Nuclear Operations - PNE (GO) and appropriate Nuclear Plant Vice President/Plant Manager of the information and take appropriate action.

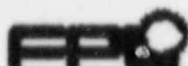
Personnel Records -
PER (GO)

7. After all required documents are on file and have been reviewed and approved, sign **COMPLETED BY** and **DATE**.

If required document cannot be obtained, place an X in the Incomplete column and indicate in the Remarks area the reason the document is not obtainable.

8. Return approved Form 4923 duplicate to employee's supervisor.
9. Keep Form 4923 original in employee's Personnel File.

Note: Investigation documents are kept in a confidential file.



General Operations

ISSUE
DATE JUL 31 1986

121.3

SUBJECT

Personnel Screening for Access
Authorization PER/PNE - Less Than
36 Months Service

SECTION

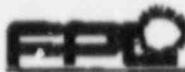
Personnel

Personnel Records -
PER (GO) (cont'd)

10. Enter access authorization status into Nuclear Employee Plant Access (computer) System.

Plant Security
Supervisor

11. When employee reports to the plant, verify on the Nuclear Employee Plant Access System that the unescorted plant access has been approved.
12. If access authorization cannot be verified on the computer system, contact the Supervisor, Personnel Records - PER (GO).
13. Issue appropriate identification badge upon receipt of verification that unescorted access has been authorized.



General Operations

ISSUE
DATE JUL 31 1986

131.3

SUBJECT

Personnel Screening for Access
Authorization PRS/PNE - New Employee

SECTION

Personnel

Scope

To provide instructions for screening new FPL employees who may need access authorization and/or unescorted access into nuclear plant sites in accordance with the Nuclear Energy Access Authorization Plan.

Division Personnel/
College and
Professional
Recruiting - PER (GO)

1. When employing an individual from outside the Company into any Nuclear Energy or Power Resources Payroll Location or anyone requiring unescorted access to a Nuclear Power Plant, prepare a Background Investigation Lead Sheet, Form 1825, to request a complete investigation from an outside vendor consisting of the following:

- Criminal Investigation Report
- U.S. Military Form DD214 (or equivalent), if applicable.
- Character and Reputation Report based on two provided plus two developed references
- Credit History Report
- Employment History Report
- Education History Report
- Driving Record Report
- Worker's Compensation Report

(see example next page)



General Operations

ISSUE
DATE

JUL 31 1988

131.3

SUBJECT

Personnel Screening for Access
Authorization PRA/PNR - New Employee

SECTION

Personnel

Division Personnel/ 1. (cont'd)
College and Professional
Recruiting - PNR (OO)

FPL BACKGROUND INVESTIGATION LEAD SHEET

TYPE OR COMPLETE IN PNR

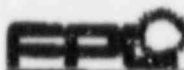
NAME John M. Doe		SOCIAL SECURITY NUMBER 123-45-6478	
TELEPHONE NUMBER 555-5336	PLACE OF BIRTH Blanca, Florida	CURRENT ADDRESS 123 SW 45 Avenue Blanca, FL 33353	
SEX M	DATE OF BIRTH 01 01 56 Month Day Year		
RACE <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Other Indian <input type="checkbox"/> White	HEIGHT 5' 10"	WEIGHT 150 lbs.	COLOR OF EYES Brown
			COLOR OF HAIR Brown
TYPE OF INVESTIGATION COMPLETE <input checked="" type="checkbox"/> PARTIAL <input type="checkbox"/> (if partial, check which elements are required)			
ELEMENTS REQUESTED:			
CHARACTER AND REPUTATION		DRIVING RECORDS	
- 3 LISTED CHARACTER REFERENCES		WORKERS' COMPENSATION HISTORY	
- 3 DEVELOPED CHARACTER REFERENCES		EMPLOYMENT HISTORY	
CRIMINAL HISTORY			
CREDIT HISTORY			
EDUCATION HISTORY			
MILITARY HISTORY (Form DD214 or equivalent)			
VERIFICATION OF IDENTITY			

REMARKS:

RECEIVED BY: **John M. Doe** Signature
 RECOMPONENT REPRESENTATIVE
5-6-86 Date File No **1234**

COMPLETED BY: _____ Signature
 CONTRACTOR REPRESENTATIVE
 _____ Date

Form 1000 (Revised Nov. 83)



General Operations

ISSUE
DATE JUL 31 1986

131.3

SUBJECT

Personnel Screening for Access
Authorization PRS/PNE - New Employee

SECTION

Personnel

Division Personnel/
College and
Professional
Recruiting - PER (GO)
(cont'd)

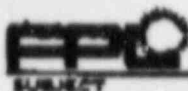
2. Obtain copy of U.S. Military Form DD214, as applicable from applicant as an interim document until original is obtained by vendor.
3. Administer Minnesota Multiphasic Personality Inventory (MMPI) to applicant and obtain report on score from the Consulting Industrial Psychologist. MMPI results are filed with the other access authorization documents.
4. Obtain copy of results of the drug screening urinalysis administered with the Pre-Employment Physical Examination and file with the other access authorization documents.
5. Obtain certified copy of applicant's birth certificate.
6. Upon receipt of documents requested by Form 1825 from the outside vendor and all other documents mentioned above, review each document for any information which must be brought to the attention of Nuclear Energy or Power Resources Personnel Coordinator such as felony convictions, terrorist activities, medical disabilities, etc. and make arrangements for review of information, if necessary.

PNE/PER Personnel
Coordinator

7. When advised of any information revealed during the background investigation or psychological evaluation which requires your attention, review and initial the documents.
8. Take appropriate action and advise Division Personnel/College and Professional Recruiting - PER (GO).

Division Personnel/
College and
Professional
Recruiting - PER (GO)

9. Complete Nuclear Plant Screening Record, Form 4823, prior to the new employee effective date by entering the following:
 - Location
 - Date
 - Originator's name
 - Employee's name
 - Social Security Number
 - Employment date
 - An X in the appropriate block indicating the background investigation has been completed.
 - An X in the appropriate column indicating the status of each of the documents listed.
10. Sign Completed By Personnel Representative space and date.



General Operations

ISSUE
DATE

JUL 31 1986

131.3

SUBJECT

Personal Screening for Access
Authorization PHS/PNE - New Employee

SECTION

Personal

Division Personnel/ 10. (cont'd)
College and Professional
Recruiting - PER (GO)
(cont'd)

CONFIDENTIAL

TO: Supervisor Personnel Records - PER (GO)

LOCATION: *Alencia Ada Sav.*FROM: *L.J. Roberts*DATE: *7-23-86*SUBJECT: NUCLEAR PLANT SCREENING RECORD

EMPLOYEE NAME <i>C.E. Jones</i>	SOCIAL SECURITY NUMBER <i>226-04-5245</i>	EMPLOYMENT DATE <i>2-3-86</i>
------------------------------------	----------------------------------------------	----------------------------------

The above named employee may require unescorted access inside the protected area of the Turkey Point, St. Lucie nuclear power plant.

☒ A background investigation is required. Please indicate the status of the following documents in the employee's personnel file.

☐ A background investigation has been completed. The following is the status of the required documents in the employee's personnel file.

DOCUMENTS REQUIRED FOR UNESCORTED ACCESS

ON FILE

INCOMPLETE

NOT APPLICABLE

Employer's Birth Certificate for applicant.....
Criminal Investigation (FBI).....
Military Form DD214 for applicant if applicable.....
Character and Reputation Report.....
Credit History Report.....
Employment History Report.....
Education History Report.....
Psychological Evaluation Report.....
Drug Screen Urinalysis Report.....

REMARKS

APPROVED BY

L.J. Roberts

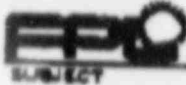
COMPLETED BY PERSONNEL REPRESENTATIVE

Ray L. Shaw

DATE

7-24-86

Form 4523 (prev. edition Nov. 1984)



General Operations

ISSUE
DATE

JUL 31 1986

181.3

SUBJECT

Personnel Screening for Access
Authorization PRA/PNR - New Employee

SECTION

Personnel

Division Personnel/
College and
Professional
Recruiting -
PER (GO) (cont'd)

11. Enter access authorization status into Nuclear Employee Plant Access System.
12. Attach Form 4923 original to supporting documents and send to Personnel Records - PER (GO).

Important: This information is confidential and is to be mailed under confidential cover.

13. Send duplicate to employee's work location for insertion into employee's local file, excluding supporting documents.

Personnel Records -
PER (GO)

14. When completed Nuclear Plant Screening Record, Form 4923 original is received, verify that all indicated documents have been received.
15. Take necessary steps to obtain any documents checked incomplete or not received.
16. Verify that Access Authorization Status has been posted to Nuclear Employee Plant Access System.
17. File the completed Nuclear Plant Screening Record, Form 4923 original in the employee's Personnel File. Supporting documents are filed in a separate confidential file.

Plant Security
Supervisor

18. When the employee reports to the plant, verify on the Nuclear Employee Plant Access System that the unescorted plant access has been approved.
19. If access authorization cannot be verified on computer system, contact the Supervisor, Personnel Records - PER (GO).
20. Issue appropriate Identification Badge upon receipt of verification that unescorted access has been authorized.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

Encl

Docket Nos. 50-261
50-324
50-325
50-400

JUN 2 1987

Mr. E. E. Utley
Senior Vice President
Power Supply and Engineering
and Construction
Carolina Power & Light Company
Post Office Box 1551
Raleigh, North Carolina 27602

SUBJECT: REQUEST FOR EXEMPTION FROM THE REQUIREMENTS IN
10 CFR 73.57(b)(1) and (7)

This is in response to your letter dated April 15, 1987, requesting an exemption from requirements in 10 CFR 73.57(b)(1) and (7) for certain employees at the Brunswick, H. B. Robinson and Shearon Harris Nuclear Power Plants who had not been granted unescorted access or access to Safeguards Information on or before April 1, 1987. The regulation requires that these persons be fingerprinted and results of an ensuing criminal history check be used prior to making a determination for granting them access. Your request for an exemption reflected concern that the processing of fingerprints and return of information will take longer than twenty-five working days, at least during the initial months of the program when all licensees are submitting fingerprint cards for current employees who already have access authorization.

Through April 28, 1987 the NRC received, and forwarded to the FBI, 141 fingerprint cards from Carolina Power and Light Company. In the first two weeks of May we received 859 additional cards from CP&L. Based upon our initial experience with the first 50,000 cards received from all utilities, we do not expect to encounter significant delays in their processing. In any event, persons already having unescorted access authorization on April 1, 1987, will be unaffected by delays in receipt of their criminal history check results provided their fingerprint cards are submitted by September 28, 1987.

On the other hand, we recognize the need to minimize delays in processing of fingerprint cards for other persons (such as new employees) who were not authorized unescorted access as of April 1, 1987. Accordingly, we are recommending that all licensees identify and transmit such cards, including payment, separate from others sent to NRC. The exterior of such packages must be prominently marked "SPECIAL HANDLING - NEW HIRES." We will give priority to such fingerprint cards and expedite their processing to the FBI beginning June 5, 1987. Failure to mark the exterior of these packages as indicated will result in normal processing.

8706150301
5M

Mr. E. E. Utley

- 2 -

JUN 2 1987

We believe these actions will resolve this matter so that exemptions to 10 CFR 73.57(b)(1) and (7) will not be necessary.

Sincerely,

16
Steven A. Varga, Director
Division of Reactor Projects I-II
Office of Nuclear Reactor Regulation

cc: See next 3 pages

DISTRIBUTION:

RSGB r/f
EHalman, ARM/DC
RErickson, RSGB
GL...es, AR2A
EA nsam, PD21
SVa ga, DRPR
JPai low, DRIS
KEccleston, PD21
BGrimes, DRIS
ESylvester, PD21
RBrady, ARM/DS
BBuckley, PD21
RFonner, GC
JGibson, RSGB
DCS
NRC PDR
Local PDR

OFC	: RSGB	: ARM/DS	: GC <i>PHONE</i>	: ARM/UC	: DRIS	: DRIS	: PD21
NAME	: RErickson/bc	: RBrady	: RFonner	: EHalman	: BGrimes	: JPai low	: EAdensam
DATE	: 5/1/87	: 5/ /87	: 5/22/87	: 5/ /87	: 5/26/87	: 5/26/87	: 6/1/87
OFC	: AR2A/DRPR	: D/DRPRM					
NAME	: GL...as	: SVa ga					
DATE	: 5/ /87	: 6/2/87					

OFFICIAL RECORD COPY

Mr. E. E. Utley
Carolina Power & Light Company

Brunswick Steam Electric Plant
Units 1 and 2

cc:

Mr. P. W. Howe
Vice President
Brunswick Nuclear Project
Box 10429
Southport, North Carolina 28461

Mr. C. R. Dietz
Plant General Manager
Brunswick Nuclear Project
Box 10429
Southport, North Carolina 28461

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Shaw, Pittman, Potts & Trowbridge
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Mr. H. A. Cole
Special Deputy Attorney General
State of North Carolina
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Raleigh, North Carolina 27602

Mr. D. E. Hollar
Associate General Counsel
Carolina Power & Light Company
Post Office Box 1551
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Mr. Robert P. Gruber
Executive Director
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