

PROPOSED RULE PR-73 (3)

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Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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Attention: Docketing and Service Branch

Subject: Comments on Proposed Rule, "Requirements for Criminal History Checks" (FR Doc. 86-25393)

Yankee Atomic Electric Company (YAEC) appreciates the opportunity to comment on the subject proposed rule on requirements for criminal history checks. YAEC owns and operates a nuclear power plant in Rowe, Massachusetts. Our Nuclear Services Division also provides engineering and licensing services for other nuclear power plants in the Northeast, including Vermont Yankee, Maine Yankee, and Seabrook.

We believe that information obtained from the criminal history check required by this proposed rule may contribute to the ability of licensee management to assess and determine the reliability and trustworthiness of its employees. We commend the Commission for recognizing the need for less stringent security controls at construction sites than operating plants and the need for a flexible approach to screening employees and/or contractors from other licensed facilities. The rule as proposed, however, is silent on an issue critical to making this a rule that can be realistically implemented by licensees.

The proposed rule does not set forth a provision on temporary clearances. As we understand it, NRC and NUMARC have agreed that submission of fingerprints constitutes adequate action to warrant granting of temporary clearances. This provision is very important. Such an approach would allow licensees to more efficiently deal with planned and unexpected outages. Without this provision, an individual's employment status would be held in abeyance during processing of the fingerprint form. Furthermore, protracted turnaround times for processing the fingerprints would lengthen the hiring process such that a licensee could be effectively prevented from hiring the best qualified candidates in some cases. Additionally, when faced with an immediate need for temporary workers, a licensee could well be prevented from hiring enough and thus incur prolonged and costly outages. To preclude such negative impacts, we strongly urge the Commission to incorporate a provision for temporary clearances along the lines discussed between NUMARC and the Staff.

We also recommend that a provision be incorporated for grandfathering individuals permanently employed by a licensee for at least five continuous years from the effective date of the final rule. This allowance would certainly be in line with NRC's past acceptance of industry's use of a statement of good standing (the so-called "good guy" letters) when hiring contractors or borrowing other licensee's employees, and in line with

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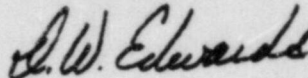
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the Commission's endorsement of the NUMARC guideline on access authorization, which requires that certain aspects of the background investigation span an individual's past five years. Furthermore, grandfathering would preclude the consequences of an enormous administrative burden that would be thrust upon the licensee, NRC and FBI by the initiation of such a program.

In conclusion, we urge the Commission to incorporate in this rule provisions which will allow licensees to grant temporary clearances and which will also recognize the established patterns of trustworthiness and reliability already inherent in existing employees. Such provisions will allow licensees the flexibility needed to more efficiently manage plant operations.

Thank you for the opportunity to comment. Attached is our response to the specific question asked in the proposed rule.

Very truly yours,



D. W. Edwards  
Director of Industry Affairs

DWE/jac

Attachment

Attachment 1

NRC Question: Should fingerprinting be required of individuals for unescorted access to vital areas only or to the nuclear power facility?

We recommend that the Commission allow licensees to decide for themselves whether they will fingerprint only individuals requiring unescorted access to vital areas or all individuals having access to the nuclear power facility. From a Part 100 consideration or safety perspective, licensees must protect vital areas from sabotage; nonvital areas are primarily an economic concern. Therefore, licensees should be required to fingerprint as a minimum all individuals requiring unescorted access to vital areas.

In reality, we believe that most licensees will implement a fingerprint requirement for all employees having access to the nuclear power facility. However, such action should not preclude licensee implementation of a program more limited in scope, as long as it results in a level of safety that was intended by this proposed rule for vital areas.