



Rulemaking

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September 22, 2010



Background for the RTR Fingerprint Rulemaking

- Main drivers for this rulemaking:
 - Energy Policy Act (EPAAct) of 2005 - now in Section 149 of the AEA - requires fingerprinting for utilization facilities
 - Fingerprinting Orders were issued to RTR licensees (as interim measure)
 - This rulemaking will incorporate (make generically applicable) the fingerprint provisions into the code of federal regulations



Background for the RTR Rulemaking

- Main constraints:
 - Must comply with Section 104c of the AEA - NRC is directed to impose only the minimum amount of regulation consistent with its obligations to promote the common defense and security and protect public health and safety as it permits the commission to fulfill its obligations under the Act.



Proposed Fingerprint Rule

- Nonpower (includes RTRs) applicants and licensees will be required to comply with §73.57:
 - Enables use of standard fingerprint provisions and procedures that are used for FBI fingerprint-based criminal history records checks
 - Ensures that RTR fingerprints are handled:
 - In a manner similar to other licensees and consistent with NRC obligations under the AEA
 - Similar to the RTR fingerprint order
 - Affords RTR licensees similar reliefs provided to other licensees (most of which were also in the order)



Additional Provisions for Comment

- NRC is proposing to make this rule effective 120 days following publication
 - NRC believes this is sufficient time given the similarity to the current order requirements
 - If 120 days is not sufficient – please provide feedback via www.regulations.gov



Additional Provisions for Comment

- The NRC provided additional background investigation requirements for comment , not currently in proposed rule language
 - Comments on these provisions will be considered - and the NRC may elect to further revise unescorted access provisions for RTR licensee in a future rulemaking



Additional Background Investigation Example Language

- Example language for the additional background checks is provided in the proposed rule notice
- Example requirements are broken into 5 sets of requirements:
 - Verification of True Identity
 - Employment History
 - Verification of Education
 - Criminal History Review
 - Character and Reputation Determination



Additional Background Investigation Questions

- Question 1 - Should the NRC require background checks for SGI and unescorted access to be consistent and address the same elements in the 73.2 definition of “background check” ?
- Question 2 - Is the FBI fingerprint-based criminal history records checks sufficient for RTR licensees to make a meaningful trustworthiness and reliability determination for unescorted access? If more is needed – what should be added ?



Additional Background Investigation Questions

- Question 3 – If a background check (per 73.2 definition) were to be conducted similar to the example language (in the FRN) - what should be the time period for the investigation (5 years, 10 years etc) ?
- Question 4 – Are there conflicting Federal and State requirements concerning privacy of students and staff? If so what is the nature of the conflict ?
- Question 5 – What is the number of people who seek unescorted access and already have been granted SGI access (i.e., already fingerprinted with background check)?



Wrap-up

- Please provide written comments per the proposed rule FRN (Section I. “Submitting Comments and Accessing Information”)
- Comment period ends – October 4, 2010
- www.regulations.gov Docket - NRC-2008-0619
- <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=NRC-2008-0619>



Update on Proposed Emergency Preparedness Rulemaking



Non-power Related Items

- The NRC sought comments on whether three of the topics of the proposed rule be expanded to non-power reactors. Specifically, should non-power reactor licensees be required to:
 - Conduct a detailed analyses of on-shift staff functions to ensure timely performance of emergency plan functions without having competing responsibilities;
 - Should non-power reactor licensees have the capability to declare an emergency in 15 minutes; and,
 - Should non-power reactor licensees include hostile action emergency action levels in their emergency plans

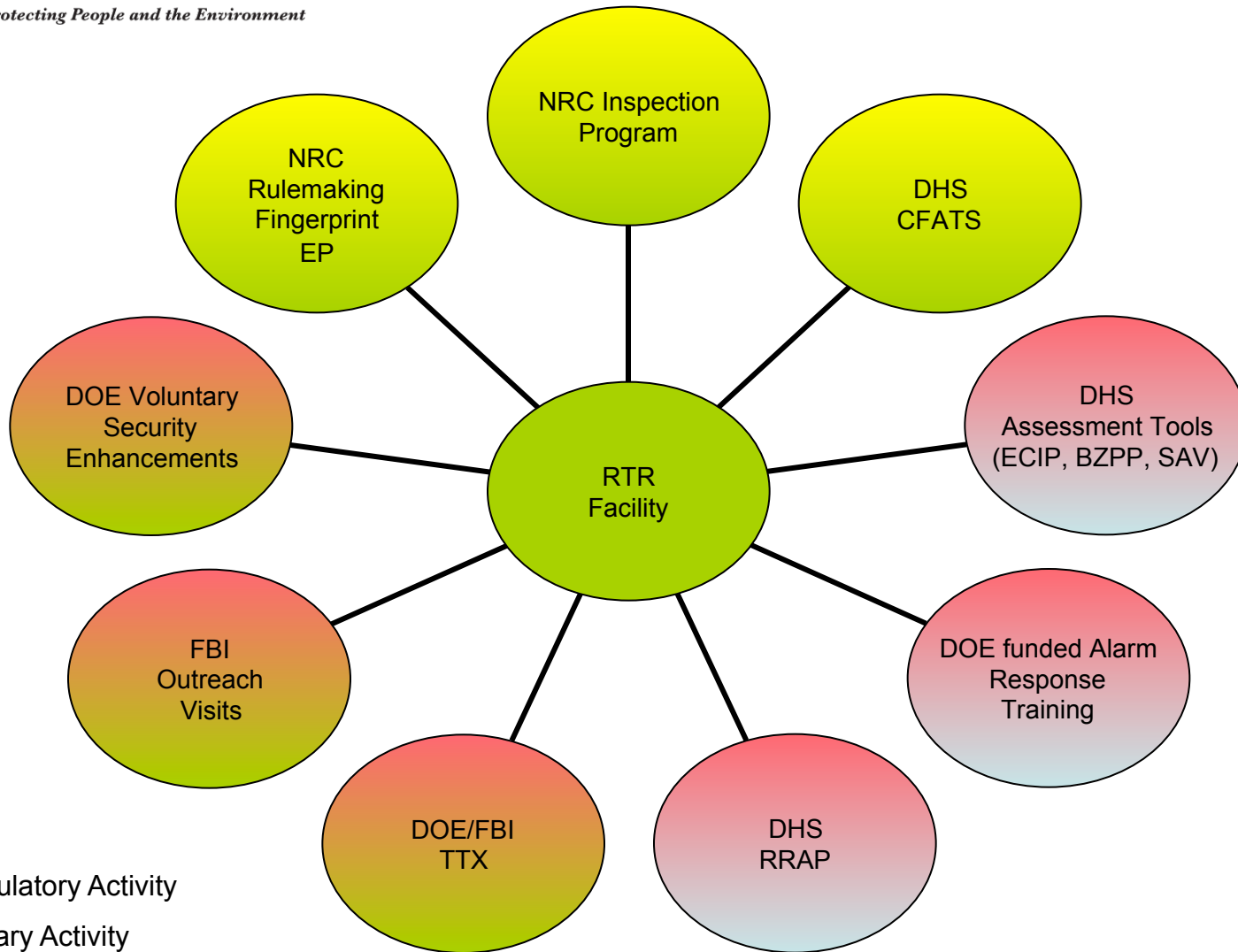


Status of Items

- Conduct a detailed analyses – No
- Declare an emergency in 15 minutes – Not included in this rule
- Hostile action emergency action levels – Not included in this rule



Security Update



Yellow = Regulatory Activity

Red = Voluntary Activity

Green = On-site (facility operator)

Blue = Off-site (campus or local law enforcement)



Interagency Partners

- **NRC**
 - Regulatory Work
 - Partnership
- **DHS**
 - Nuclear SSA
 - Regional Resiliency
- **DOE**
 - Voluntary Security Enhancement Program
 - Alarm Response Force Training
 - Table Top Exercise
- **FBI**
 - Outreach Visits



DHS/OIP



DOE/NNSA



FBI/WMD