

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR REACTOR REGULATION
WASHINGTON, D.C. 20555-0001

September 19, 2002

**NRC REGULATORY ISSUE SUMMARY 2002-17
GUIDANCE ON PERFORMING MILITARY SERVICE VERIFICATION**

ADDRESSEES

All holders of operating licenses for nuclear power reactors.

INTENT

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to provide guidance to addressees on gathering information concerning an individual's military service when performing background investigations for granting personnel unescorted access authorization. The objective is to ensure that this aspect of the background investigation is handled in a consistent manner.

BACKGROUND

Section 73.56 of Title 10 of the *Code of Federal Regulations* (10 CFR 73.56) addresses personnel access authorization requirements for nuclear power plants. Section 73.56(b)(2)(i) states, in part, that an unescorted access authorization program must include a background investigation, and that this background investigation must develop information concerning an individual's military service. The current approach for conducting military service verifications is provided in NRC Regulatory Guide (RG) 5.66, "Access Authorization Program for Nuclear Power Plants," which includes the industry report NUMARC 89-01, "Industry Guidelines for Nuclear Power Plant Access Authorization Programs" as an attachment. This approach calls for documented, licensee interactions with the National Personnel Records Center to obtain a copy of the Armed Forces of the United States Report of Transfer or Discharge (DD 214) for a veteran. Over time, this process has proven to be quite lengthy. Dialog between the NRC and industry has provided the staff with a clear understanding of how difficult it may be for a licensee to obtain the information needed in time to make a final decision on access authorization. As a result, the staff has formulated a 3-step approach it believes has the potential for expediting military service verifications and licensee decision making.

The guidance contained in this RIS supersedes previous guidance the NRC communicated to the nuclear industry in a letter from Sam Collins dated November 14, 2001, on gathering information concerning an individual's military service. The guidance being provided is an interim measure which may be modified at a later time.

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SUMMARY OF ISSUE

Licensees may amend their physical security plans to incorporate the approach set forth below, in accordance with 10 CFR 50.54(p)(2), by reference to this RIS. In such cases, the steps in the alternative approach become requirements.

SUMMARY OF ISSUE

Addressees may use the following graded approach to obtain information concerning an individual's prior military service when conducting the background investigation of an applicant for unescorted access authorization:

1. Contact the most recent duty station to verify a veteran's character of service, and ask the same questions as would be asked of any employer. The successful completion of this process negates the need for the licensee to obtain a DD 214 report from the National Personnel Records Center.
2. If the veteran's last duty station cannot satisfactorily provide information concerning the character of the veteran's service, a licensee may accept a hand carried copy of the DD 214 report presented by the veteran. The licensee must subsequently verify the accuracy of the information in the provided DD 214 report through contact with a records custodian at the National Personnel Records Center who is in possession of the veteran's records. The successful completion of this process negates the need for the licensee to obtain a DD 214 report from the National Personnel Records Center. When the licensee is unable to establish contact with a records custodian at the National Personnel Records Center after a reasonable number of attempts, the licensee may choose to accept the provided DD 214 report at face value as a legitimate document, and will have met the military service verification requirement for *temporary* unescorted access. The licensee must then request a DD 214 from the National Personnel Records Center (Step 3).
3. If a licensee cannot complete the verification of military service through the means delineated in Steps 1 and 2, the licensee must obtain a copy of the DD 214 from the National Personnel Records Center in order to complete the military service verification. This may be done through a licensee request (or at the veteran's request) to the National Personnel Records Center that the DD 214 be sent directly to the licensee. (The veteran's request may result in an expedited response.) The licensee's receipt of a copy of the veteran's DD 214 should enable the licensee to complete the military service verification requirement for unescorted access.

BACKFIT DISCUSSION

This RIS requires no action or written response and is, therefore, not a backfit under 10 CFR 50.109. Consequently, the NRC staff did not perform a backfit analysis.

FEDERAL REGISTER NOTIFICATION

A notice of opportunity for public comment on this RIS was not published in the *Federal Register* because this RIS is informational.

PAPERWORK REDUCTION ACT STATEMENT

This RIS contains alternatives to the information collections in NRC Regulatory Guide 5.66 that are expected to reduce the burden to licensees to gather information concerning an individual's military service when performing background investigations for granting personnel unescorted access authorization. Because the burden to licensees for the alternative information collections is insignificant, Office of Management and Budget (OMB) clearance is not required. Existing information gathering requirements contained in 10 CFR 73.56 were approved by OMB, approval number 3150-0002, which expires April 30, 2005.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

If you have any questions about this matter, please contact one of the technical contacts listed below.

/RA/

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Attachment: List of Recently Issued NRC Regulatory Issue Summaries