

**ENVIRONMENTAL ASSESSMENT AND
FINDING OF NO SIGNIFICANT IMPACT
FOR THE FINAL RULE
AMENDING 10 CFR PART 73
Relief from Fingerprinting and Criminal History Records Checks
For Designated Categories of Individuals
U.S. Nuclear Regulatory Commission**

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations for the protection of Safeguards Information (SGI) to relieve individuals in certain occupational categories from the fingerprinting and criminal history checks requirements of section 149 of the Atomic Energy Act of 1954, as amended (AEA). In the regulation, Safeguards Information would mean the description of SGI in section 147 of the AEA.

I. INTRODUCTION

Section 652 of the Energy Policy Act of 2005 amended section 149 of the Atomic Energy Act of 1954 to require fingerprinting and criminal history records checks of any individual who would be provided Safeguards Information. SGI is a form of sensitive, unclassified, security-related information protected by AEA section 147, 10 CFR § 73.21, and various NRC Orders.

As a general matter, under AEA section 149, the Commission must require any individual seeking access to SGI to be fingerprinted and undergo a criminal history records check prior to gaining access to SGI. But section 149.b. permits the Commission to relieve persons by rule from the fingerprinting and criminal history records check requirements if doing so would be consistent with the Commission's obligations to promote the common defense and security and to protect the health and safety of the public.

II. PROPOSED ACTION

The proposed action is to promulgate an immediately effective final rule to relieve from

the criminal history check and fingerprinting requirements in the Energy Policy Act of 2005 the persons in the occupational categories specified in the regulation. Persons in these categories have not historically been subject to the criminal history check and fingerprinting requirements for access to SGI as defined in 10 CFR § 73.2.

III. NEED FOR THE PROPOSED ACTION

This final rule is needed to permit the continued sharing of SGI with Federal, State, local, and foreign government representatives who are involved in routine and emergency nuclear security matters. The final rule will enable the Commission to maintain its current approach to sharing SGI with these persons and is consistent with the Commission's obligations to promote the common defense and security and to protect the health and safety of the public.

IV. ALTERNATIVES TO THE PROPOSED ACTION

The Commission considered but rejected the alternative of no immediately effective final rulemaking. That alternative would negatively impact the common defense and security by impeding the Commission's ability to share SGI with foreign and domestic government officials who need it to perform routine and emergency security-related functions.

V. ENVIRONMENTAL IMPACTS OF THE ACTION

This rulemaking does not have an environmental impact. The rulemaking relieves persons in certain occupational categories from the criminal history records check and fingerprinting requirements in NRC regulations and expands the definition of SGI to cover the information described in section 147 of the AEA. The rule does not require any individual to take action that would result in an environmental impact.

VI. FINDING OF NO SIGNIFICANT IMPACT

The Commission has determined under the National Environmental Policy Act of 1969,

as amended, and the NRC's regulations in Subpart A of 10 CFR Part 51, that this final rule is not a major Federal action significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required. The Commission has concluded on the basis of an environmental assessment that this immediately effective final rule does not have any environmental impacts.