



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 23, 2006

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA

ISSUANCE OF ORDERS (EA-06-242) IMPOSING FINGERPRINTING AND CRIMINAL HISTORY RECORDS CHECK REQUIREMENTS FOR ACCESS TO SAFEGUARDS INFORMATION (FSME-06-096)

Purpose: To inform that Orders regarding fingerprinting and criminal history records check requirements have been issued by the Nuclear Regulatory Commission (NRC) to certain licensees. Order EA-06-242 was issued on October 4, 2006, effective immediately.

Background: Section 652 of the Energy Policy Act of 2005 (EPA) amended Section 149 of the Atomic Energy Act (AEA) to require fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check of any person who is to be permitted to have access to Safeguards Information (SGI). The NRC's implementation of this requirement cannot await the completion of the SGI rulemaking, which is underway, because the fingerprinting and criminal history records check requirements for access to SGI were immediately effective upon enactment of the EPA.

Contents: In accordance with Section 149 of the AEA, as amended by the EPA, the Commission is imposing additional requirements for access to SGI, as set forth by this Order, so that affected licensees can obtain and grant access to SGI. The Order imposes requirements for access to SGI by or from any person, whether or not a Licensee, Applicant, or Certificate Holder of the Commission or Agreement States. The Order requires licensees to establish a fingerprinting program and submit the fingerprints of at least one individual to be the licensee's reviewing official. The NRC-approved reviewing official will determine whether other licensee staff may have access to SGI based on FBI criminal history records as well as trustworthiness and reliability determinations. A licensee must implement EA-06-241 and EA-06-242 prior to receiving new SGI. A copy of the Order has been enclosed for your convenience. Agreement States with licensees affected by the Orders will be notified in a separate communication.

NRC Point of Contact: Should you have any questions regarding the Orders, contact Mr. Ernesto Quiñones, of my staff, at EQP@nrc.gov, or 301-415-0271.

If you have any questions regarding this correspondence, please contact Mr. Joshua Palotay of my staff:

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/RA/

Janet R. Schlueter, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosure:
As Stated

FSME-06-096

October 23, 2006

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SISP Review Complete

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