

June 8, 2007

Mr. Paul S. Schmidt, Chair
Organization of Agreement States
P.O. Box 2659
Madison, Wisconsin 53701

Dear Mr. Schmidt:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated April 17, 2007, expressing concerns regarding the proposed implementation of Section 652 of the Energy Policy Act of 2005 (EPAAct) relating to fingerprinting and criminal history checks. The Commission is committed to cooperating to the extent possible with the Agreement States in addressing both safety and security issues and in implementing the EPAAct.

The Commission disapproved the NRC staff's proposal to postpone implementation of Section 652 of the EPAAct in order to implement expeditiously our understanding of the intent of Congress to require fingerprinting and criminal history checks of any individual who is permitted unescorted access to a utilization facility or risk-significant radioactive material. This action is consistent with the August 2006 recommendation of the interagency Task Force on Radiation Source Protection and Security, which was mandated by the EPAAct, that the NRC "expeditiously complete its implementation of the fingerprinting provisions of the EPAAct for those applicants for and licensees with Category 1 and 2 quantities of radioactive material." In making its decision, the Commission considered the NRC staff's recommendations as well as prior input from the Organization of Agreement States.

The Commission continues to support the direction it provided to the NRC staff to implement Section 652 of the EPAAct related to fingerprinting and criminal history checks, as well as cooperation with the States to address this and other EPAAct issues. The Commission recognized in its direction to staff that additional Agreement State involvement is appropriate and needed. As you note in your letter, a working group has been formed (co-chaired by NRC and Agreement State representatives) with members from the NRC staff, the Organization of Agreement States, and the Conference of Radiation Control Program Directors through which State perspectives on the Commission's direction and implementation issues, including the schedule and milestones for completion, can be discussed. The Commission requested that staff keep it fully informed of the progress and any significant challenges. We appreciate your continued commitment in this effort.

Sincerely,

/RA/

Dale E. Klein