

June 13, 2007

ALL AGREEMENT STATES, NEW JERSEY, PENNSYLVANIA, VIRGINIA  
STATE LIAISON OFFICERS

**NRC REGULATORY ISSUE SUMMARY 2007-14 and 2007-15, FINGERPRINTING REQUIREMENTS FOR LICENSEES IMPLEMENTING THE INCREASED CONTROL ORDER; AND UNESCORTED ACCESS TO MATERIALS FOR NON-MANUFACTURER AND DISTRIBUTOR SERVICE PROVIDERS (FSME-07-055)**

**Purpose:** To provide Regulatory Issue Summaries (RIS) 2007-14 and 2007-15, dated June 5, 2007, regarding U.S. Nuclear Regulatory Commission's (NRC) efforts to issue fingerprinting Orders for Increased Control (IC) licensees and to issue Orders for allowing unescorted access to materials for non-manufacturer and distributor (M&D) service providers. RIS 2007-14 is currently being distributed to NRC IC recipients and RIS 2007-15 is being distributed to NRC service providers. The RIS is also available at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2007/>. We would appreciate and encourage any assistance States may be able to provide in sharing this communication with licensees and/or registration holders, as appropriate.

**Background:** On August 8, 2005, the Energy Policy Act of 2005 (EPAAct) was enacted. Section 652 of the EPAAct 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 permitted unescorted access to radioactive materials subject to regulation by the Commission, and which the Commission determines to be significant to the public health and safety as to warrant fingerprinting and background checks. On March 12, 2007, the Commission directed staff to develop a plan to require fingerprinting for IC licensees under public health and safety.

A joint NRC and Agreement State working group, consisting of the Organization of Agreement States and the Conference of Radiation Control Program Directors representatives, has been formed to address issues associated with the implementation of the fingerprinting requirements of the EPAAct for IC licensees and for non-M&D service providers. RIS 2007-14 and RIS 2007-15 were developed by the working group. The working group will be responsible for the development of a plan and implementing guidance. It is anticipated that Orders or other legally binding requirements will be issued in Fall 2007.

RIS 2007-14 informs addressees that in the next several months NRC will issue additional Orders, to licensees that have received the IC requirements, that will require fingerprinting and an FBI criminal history records check for individuals that have or will have unescorted access to radioactive materials in quantities of concern. FBI criminal history records check, based on fingerprints, are used in conjunction with IC trustworthy and reliability criteria to make determinations for individuals granted unescorted access to radioactive materials in quantities of concern.

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IC requirement 1.c. required that service providers be escorted unless determined to be trustworthy and reliable pursuant to a background investigation as an employee of a manufacturer and distributor (M&D) licensee. As a result, currently only M&D service providers may be granted unescorted access to risk significant sources even though non-M&D service providers provide similar services.

RIS 2007-15 informs addressees that NRC will offer the opportunity for non-M&D service providers to receive an Order imposing trustworthy and reliability requirements and fingerprinting requirements that M&D service provider licensees must currently meet for unescorted access to radioactive materials quantities of concern.

**Contents:** NRC RIS 2007-14, Fingerprinting Requirements for Licensees Implementing the Increased Control Order, and RIS 2007-15, Unescorted Access to Materials for Non-Manufacturer and Distributor Service Providers.

**NRC Points of Contact:** If you have any questions regarding this RIS or this correspondence, please contact me or the technical contact below.

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Enclosures:

1. RIS 2007-14
2. RIS 2007-15

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