

Dear Mr. Quinones-Padovani,

I am writing to you on behalf of the Bureau of Radiological Health, Mississippi State Department of Health. The current Radiological Materials Branch Director, Mr. B.J. Smith, has asked that I review and reply to a June 21, 2007, request for information from all the Agreement States regarding any laws that might affect a State's ability to implement the fingerprinting requirements imposed by Section 652 of the Energy Policy Act of 2005 (EPAAct).

Mississippi has no constitutional, statutory or regulatory impediment to issuing any orders or legally binding requirements that would require fingerprinting and an FBI identification and criminal history records check for "...individuals permitted unescorted access to radioactive materials or other property subject to regulation by the Commission..."

That having been said, without additional funding and staff, Mississippi would be unable to collect, process, forward for adjudication, receive and act upon reports from the NRC or the FBI. Unless and until we are further federally funded to enforce this federal requirement, Mississippi cannot fulfill its other public health and regulatory requirements if this requirement is added as an unfunded mandate. (See B.J. Smith's comments, below).

If you have any further questions, let me know.

Art

Art Sharpe, JD

Director

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"Let our advance worrying become advance thinking and planning."

-- Sir Winston Churchill

"A good plan violently executed now is better than a perfect plan next week."

-- General George S. Patton, Jr.

-----Original Message-----

From: Smith, Bobby

Sent: Wednesday, July 25, 2007 1:05 PM

To: Sharpe, Arthur

Subject:

Mississippi does not have a problem issuing orders or legally binding requirements for the fingerprinting of individuals with unescorted access to radioactive materials. We do not want to be the clearinghouse for the collection of fingerprints and any possible decision regarding the employment status of these individuals. As long as the NRC processes the fingerprints to the FBI, then the results are submitted to the licensee for the ultimate decision making, the State of Mississippi can support issuing the order or legally binding requirements.

The process as I understand it today:

- a. State issues order or legally binding requirements to licensees
- b. Licensee collects fingerprints thru LLEA and submits to NRC Headquarters
- c. NRC submits fingerprints to FBI
- d. FBI does criminal background checks
- e. FBI submits results to licensee
- f. Licensee makes determination of trustworthy and reliability with other components of the Increased Controls
- g. State RAM program does the inspection and enforcement

As you see there is little impact on the State if the process is approved. It would get more complicated if the state has to be in the processing of fingerprints to the FBI and/or NRC. The real headache would be if the state has to make a judgment on the trustworthy and reliability of a licensee's employee.

B. J. Smith
Radioactive Materials Branch Director
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Mail Envelope Properties (46A7A12C.809 : 6 : 30729)

Subject: NRC Fingerprint Requirements
Creation Date 7/25/2007 3:14:28 PM
From: "Sharpe, Arthur" <Arthur.Sharpe@msdh.state.ms.us>

Created By: Arthur.Sharpe@msdh.state.ms.us

Recipients

nrc.gov
TWGWPO03.HQGWDO01
EQP (Ernesto Quinones-Padovani)

msdh.state.ms.us
Bobby.Smith CC (Bobby Smith)
jim.Craig CC (Jim Craig)

Post Office
TWGWPO03.HQGWDO01

Route
nrc.gov

msdh.state.ms.us

Files	Size	Date & Time
MESSAGE	3381	7/25/2007 3:14:28 PM
TEXT.htm	12540	
Mime.822	18814	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard