

TELECONFERENCE MEETING OF THE
ADVISORY COMMITTEE ON THE
MEDICAL USES OF ISOTOPES

August 15, 2007

MEETING SUMMARY

PURPOSE: To discuss issues related to the implementation of the Fingerprinting Orders for Increased Controls medical licensees.

OUTCOME: Dr. Richard Vetter and Mr. Ralph Lieto briefed the remaining Advisory Committee on the Medical Uses of Isotopes (ACMUI) members on the Fingerprinting Orders issues they discussed with NRC staff at an Increased Controls Fingerprinting Orders Working Group Meeting on July 31, 2007. The Nuclear Regulatory Commission (NRC) staff gained a better understanding of the views and opinions of the ACMUI. The ACMUI will send a letter to the Commission to offer its opinion and assistance with regards to NRC issuing Fingerprinting Orders to medical licensees.

FINGERPRINTING ORDERS

Dr. Vetter's and Mr. Lieto's concerns with the implementation of the Fingerprinting Orders for Increased Controls medical licensees are listed below:

1. Direct and indirect cost of fingerprinting (hundreds to thousands of dollars) in addition to the expenses already incurred by licensees to implement increased controls
2. Issuance of Orders with no justification
3. Grandfathering for individuals who have already been determined to be trustworthy and reliable and given unescorted access
4. Extended length of time between issuance of Orders and opportunity for stakeholder comment during rulemaking

Dr. Vetter and Mr. Lieto also summarized answers NRC staff had provided for their questions on July 31, 2007. The questions and answers are outlined below:

1. Can fingerprints be sent directly from the licensee to the FBI?
Answer: No, there is no current method for licensees to send fingerprints directly to the FBI. Fingerprints must be submitted to NRC for forwarding to FBI.
2. Will licensees set the criteria to determine whether individuals granted unescorted access are trustworthy and reliable, or will NRC provide guidelines?
Answer: NRC staff is considering this issue.

Dr. Subir Nag, ACMUI, asked the members if the fingerprinting Orders would provide additional information, since fingerprints are commonly taken for employment or driver's license purposes. Dr. Vetter explained that the local fingerprinting generally done for employment purposes would determine whether or not the individual had any issues with the local or state police. Dr. Vetter also indicated that the FBI database is national, so submitting fingerprints to the FBI would be an enhancement to the security of sources. Dr. Vetter also stated that NRC did not know

whether or not they would be able to use fingerprints previously taken for employment or other purposes. Mr. Lieto added that it is unknown at this time, if fingerprints will need to be resubmitted after a certain time period.

Dr. Leon Malmud, ACMUI Chair, stated he had been fingerprinted for many reasons (i.e. hospital work, NRC, Air Force, etc.) and asked the ACMUI to restrict its discussion to how the Fingerprinting Orders could potentially impact the practice of physicians and other professionals handling radioactive material. Dr. Nag stated that if the cost issue could be addressed there would be minimal impact on patient care.

MOTION 1: Dr. Nag made a motion to support grandfathering for individuals who had previously been determined to be trustworthy and reliable and granted unescorted access.

Dr. Vetter seconded the motion and added that the NRC Increased Controls Fingerprinting Orders Working Group indicated the system would be able to handle the influx of fingerprints.

Dr. Darrell Fisher, ACMUI, stated that the Energy Policy Act of 2005 did not have a provision for grandfathering. Dr. Fisher also noted that that the ACMUI had an opportunity to make recommendations to the Commission to aid the Commission in making the determination as to what radioactive materials or sources are of significance to require fingerprinting.

Dr. Orhan Suleiman, ACMUI, opposed the motion. Dr. Malmud's opinion was that it is a better option to start with uniform fingerprinting and not grandfather individuals. Dr. Fisher agreed. Dr. Nag requested to withdraw the motion, but the motion carried.

MOTION 2: Dr. Fisher made a motion that the ACMUI agree to assist the Nuclear Regulatory Commission, if requested, to determine those levels and types of material that could be of such significance to public health and safety to warrant fingerprinting and background checks.

Dr. Nag seconded the motion, and after considerable discussion, the ACMUI passed the motion unanimously.

Dr. Vetter suggested the ACMUI send a letter to the Commission with regards to the ACMUI's position on the Fingerprinting Orders issues. Dr. Malmud asked Dr. Vetter to compose a letter for his co-signature stating ACMUI would offer its services and opinion for consideration by the Commission on Fingerprinting Orders issues with regard to medical licensees.