

February 21, 2008

EA-08-024

Holders of Material Licenses Authorized
To Possess Radioactive Material Quantities of Concern
As listed in Attachment 1 to Enclosure 1

**SUBJECT: ISSUANCE OF ORDER IMPOSING FINGERPRINTING AND CRIMINAL
HISTORY RECORDS CHECK REQUIREMENTS FOR UNESCORTED ACCESS
TO CERTAIN RADIOACTIVE MATERIAL**

You have previously received an Order (or applicable license condition) from the U.S. Nuclear Regulatory Commission (NRC or Commission) requiring that you implement increased controls (IC) with respect to the possession of radioactive material quantities of concern. As part of the IC Order, you were required to determine that each person who requires access to radioactive material quantities of concern to perform their job duties is sufficiently trustworthy and reliable. The IC Order includes direction and guidance on the specific factors which must be considered when making that determination.

Section 652 of the Energy Policy Act of 2005 (EPAct), enacted on August 8, 2005, amended the fingerprinting requirements of the Atomic Energy Act (AEA). Specifically, the EPAct amended Section 149 of the AEA to require fingerprinting and a Federal Bureau of Investigation (FBI) identification and criminal history records check for "any individual who is permitted unescorted access to radioactive materials or other property subject to regulation by the Commission that the Commission determines to be of such significance to the public health and safety or the common defense and security as to warrant fingerprinting and background checks." Thus, the NRC is issuing the enclosed Order (Enclosure 1, with attachments) to expeditiously implement, in part, these additional requirements as enhancements to the existing trustworthiness and reliability requirements of the IC Order.

This Order does not obviate the need for Licensees to continue to meet the requirements of the IC Order, and to maintain the effectiveness of security measures taken in response to the events of September 11, 2001. In addition, the enclosed Order modifies sections 1.b., 1.c., and "Table 1: Radionuclides of Concern" of the IC Order to reflect recent NRC policies and regulations.

Licensees have 180 days from the date of this Order to submit fingerprints and complete their review of the FBI criminal history records for all individuals currently authorized unescorted access under the IC Order.

Licensees are required to submit fingerprints in accordance with this Order. The current processing fee is \$36.00 per submission and payment must be made electronically through <http://www.pay.gov>. Details regarding fingerprint submittals and payment of fees are found in Enclosure 2 to this letter. Also enclosed is the guidance for evaluating FBI identification and criminal history records checks for allowing unescorted access to certain radioactive material (Enclosure 3) to aid Licensees in their review of criminal history records.

The enclosed Order requires that all Licensees respond to this Order within ninety (90) days of the date of its issuance, and provide under oath or affirmation, a certification that the Trustworthiness and Reliability (T&R) Official (an individual with the responsibility to determine the trustworthiness and reliability of another individual requiring unescorted access to radioactive materials quantities of concern) is deemed trustworthy and reliable by the Licensee. Licensee responses to the enclosed Order (not fingerprint cards) are required to be submitted to the Director, Office of Federal and State Materials and Environmental Management Programs, and should be addressed to the attention of Christian Einberg. Responses to the Order are acceptable electronically, by fax, or mail. Electronic submissions must be signed and sent as an attachment in ".pdf" format and should be sent to ICfingerprint@nrc.gov. Signed faxes should be sent to (301) 415-5955. For normal postal delivery, mail to:

Director, Office of Federal and State Materials and Environmental Management
Programs
U.S. NRC
Washington, D.C., 20555-0001
ATTN: Christian Einberg, Mail Stop T8E24

For delivery services requiring a street address, mail to:

Director, Office of Federal and State Materials and Environmental Management
Programs
U.S. NRC
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
ATTN: Christian Einberg, Mail Stop T8E24

Licensee fingerprint cards are required to be submitted to the Director, Division of Facilities and Security, and should be addressed to the attention of the Criminal History Program, Mail Stop T-6E46. The following mailing address should be used:

Director, Division of Facilities and Security
U.S. NRC
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738
ATTN: Criminal History Program, Mail Stop T-6E46

Please include the docket number listed in Attachment 1 to the enclosed Order in all your correspondence with NRC. In addition, Licensee responses shall be marked as "Security-Related Information - Withhold Under 10 CFR 2.390."

To facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order, please refer to the list of questions and answers of Enclosure 4, or call Fingerprinting for Increased Controls Support at (301) 415-3340. You may also send questions to ICfingerprint@nrc.gov.

The enclosed Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material
2. Procedures for Processing Fingerprint Checks
3. Guidance for Evaluating FBI Identification and Criminal History Records Check for Allowing Unescorted Access to Certain Radioactive Material
4. Questions and Answers with Regards to Fingerprinting and Criminal History Records Checks

Please include the docket number listed in Attachment 1 to the enclosed Order in all your correspondence with NRC. In addition, Licensee responses shall be marked as "Security-Related Information - Withhold Under 10 CFR 2.390."

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NAME	CEinberg	JOwens	APretzello	NHilton for CCarpenter	Email BJones
DATE	1/17/08	1/17/08	1/17/08	1/23/08	1/23/08
OFC	NSIR:OD	FSME/DMSSA: Acting Director	Tech Ed.	FSME: OD	
NAME	RZimmerman	RLewis	CPoland	CMiller	
DATE	1/30/08	2/05/08	02/06/08	02/21/08	

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