

From: Monica Orendi
To: Patricia McGrady-Finneran
Date: 01/24/2008 10:57:13 AM
Subject: Fwd: License condition for NRC review

>>> "Cardwell, Cindy" <Cindy.Cardwell@dshs.state.tx.us> 1/24/2008 10:48 AM >>>
Rob,

Attached is the submittal letter and attached proposed license conditions to implement the fingerprinting requirements. These are being submitted per SA-201.

Thanks,

Cindy

CC: Kathleen Schneider

Mail Envelope Properties (4798B553.C78 : 21 : 10192)

Subject: Fwd: License condition for NRC review
Creation Date 01/24/2008 10:57:07 AM
From: Monica Orendi

Created By: MLO1@nrc.gov

Recipients

nrc.gov
TWGWPO01.HQGWDO01
PXM1 (Patricia McGrady-Finneran)

nrc.gov
TWGWPO02.HQGWDO01
KXS CC (Kathleen Schneider)

Post Office

TWGWPO01.HQGWDO01
TWGWPO02.HQGWDO01

Route

nrc.gov
nrc.gov

Files	Size	Date & Time
MESSAGE	987	01/24/2008 10:57:07 AM
fingerprintingNRCltr108.doc	27698	01/24/2008 10:56:49 AM
fingerprintingliccondition108.doc	42496	01/24/2008 10:56:49 AM

Options

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

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled

Junk Mail using personal address books is not enabled
Block List is not enabled

January 24, 2008

Robert J. Lewis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Lewis:

Enclosed is a copy of the proposed Texas Department of State Health Services (DSHS) license conditions requiring fingerprinting, which will implement Rats ID 2007-4. One of the conditions is for new licensees and the other is for existing licensees. The changes indicated in red text are the DSHS changes from the sample license conditions contained in FSME-08-005. DSHS intends to begin adding the licensee conditions to the approximately 230 licenses already required to implement the increased controls requirements in early February. Therefore, we request NRC's comments by February 7 at the latest. Our intent is to add the license conditions to the licenses prior to a planned DSHS fingerprinting workshop on March 6, 2008 in Austin.

We believe that these license conditions satisfy the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at cindy.cardwell@dshs.state.tx.us or 512-834-6770, ext. 2239 or Mike Dunn at mike.dunn@dshs.state.tx.us or 512-834-6688, ext. 2207.

Sincerely,

Cynthia C. Cardwell, Manager
Radiation Policy, Standards and
Quality Assurance Group
Policy, Standards and Quality Assurance Unit
Division for Regulatory Services
Department of State Health Services

Enclosures:
As stated.

LICENSE CONDITION REQUIRING FINGERPRINTING FOR NEW LICENSEES

- XX. The licensee shall comply with the requirements described in U. S. Nuclear Regulatory Commission's Order EA-07-305 (the Order). Notwithstanding the time periods contained within the Order, the licensee shall comply with the following conditions in the time specified. The licensee shall complete implementation of said requirements by the first day that radionuclides in quantities of concern are possessed at or above the limits specified in "Table 1: Radionuclides of Concern" contained within the Order. The licensee shall notify the DSHS - Radioactive Material Licensing Group, Manager when they have achieved full compliance with the requirements described in the Order. The notification shall be made within thirty (30) days after full compliance has been achieved. This notification shall include a certification that the Trustworthiness and Reliability (T&R) Official, (and any subsequent T&R Official,) is themselves deemed trustworthy and reliable by the Licensee as required in B.2. of the Order. The licensees shall notify the Agency Texas Department of Public Safety, Intelligence Center at (866) 786-5972 within 24 hours if the results from a criminal history records check indicate that an individual is identified on the FBI's Terrorist Screening Data Base.

LICENSE CONDITION REQUIRING FINGERPRINTING FOR EXISTING LICENSEES (Example 2)

- XX. The licensee shall comply with the requirements described in U. S. Nuclear Regulatory Commission's (NRC) ~~[insert requirement]~~, dated ~~[insert date of requirement]~~, and the document (NRC Order EA-07-305 (the Order), with attachments, dated December 5, 2007) entitled "Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material." The requirements listed in the NRC Order shall be implemented as part of the trustworthiness and reliability program of the Increased Controls requirements.
- By **[insert date 90 days after the date of this license amendment]** of the effective ~~date of this license condition~~, the licensee shall provide under oath or affirmation, a certification that the Trustworthiness and Reliability Official (TRO) is deemed trustworthy and reliable by the licensee as required in paragraph B.2. of the U.S. Nuclear Regulatory Commission (NRC) Order EA-07-305, published in the Federal Register on December 13, 2007 [72 FR 70901].
 - All fingerprints obtained by the licensee pursuant to this requirement must be submitted to the NRC for transmission to the U.S. Federal Bureau of Investigation (FBI). Additionally, the licensee's submission of fingerprints shall also be accompanied by a certification, under oath and affirmation, of the trustworthiness and reliability of the TRO ~~Trustworthiness and Reliability Official~~ as required by paragraph B.2. of NRC the Order EA-07-305.
 - The licensee shall complete implementation of the fingerprinting requirements by **[insert date 180 days after the date of this license amendment]**. The licensee shall notify the DSHS - Radioactive Material Licensing Group, Manager when they have achieved full compliance with the requirements described in the NRC Order. The notification shall be made within **twenty-five (25) days** after full compliance has been achieved.
 - The licensee shall notify the Agency Texas Department of Public Safety, Intelligence Center at (866) 786-5972 within 24 hours if the results from a criminal history records check indicate that an individual is identified on the FBI's Terrorist Screening Data Base.

LICENSE CONDITION REQUIRING FINGERPRINTING FOR NEW LICENSEES

- XX. The licensee shall comply with the requirements described in U. S. Nuclear Regulatory Commission's Order EA-07-305 (the Order). Notwithstanding the time periods contained within the Order, the licensee shall comply with the following conditions in the time specified. The licensee shall complete implementation of said requirements by the first day that radionuclides in quantities of concern are possessed at or above the limits specified in "Table 1: Radionuclides of Concern" contained within the Order. The licensee shall notify DSHS - Radioactive Material Licensing Group, Manager when they have achieved full compliance with the requirements described in the Order. The notification shall be made within thirty (30) days after full compliance has been achieved. This notification shall include a certification that the Trustworthiness and Reliability (T&R) Official, and any subsequent T&R Official, is themselves deemed trustworthy and reliable by the Licensee as required in B.2. of the Order. The licensee shall notify the Texas Department of Public Safety, Intelligence Center at (866) 786-5972 within 24 hours if the results from a criminal history records check indicate that an individual is identified on the FBI's Terrorist Screening Data Base.

LICENSE CONDITION REQUIRING FINGERPRINTING FOR EXISTING LICENSEES (Example 2)

- XX. The licensee shall comply with the requirements described in U. S. Nuclear Regulatory Commission's (NRC) Order EA-07-305 (the Order), with attachments. The requirements listed in the Order shall be implemented as part of the trustworthiness and reliability program of the Increased Controls requirements.
- By **[insert date 90 days after the date of this license amendment]**, the licensee shall provide under oath or affirmation, a certification that the Trustworthiness and Reliability Official (TRO) is deemed trustworthy and reliable by the licensee as required in paragraph B.2. of the Order.
 - All fingerprints obtained by the licensee pursuant to this requirement must be submitted to the NRC for transmission to the U.S. Federal Bureau of Investigation (FBI). Additionally, the licensee's submission of fingerprints shall also be accompanied by a certification, under oath and affirmation, of the trustworthiness and reliability of the TRO as required by paragraph B.2. of the Order.
 - The licensee shall complete implementation of the fingerprinting requirements by **[insert date 180 days after the date of this license amendment]**. The licensee shall notify DSHS - Radioactive Material Licensing Group, Manager when they have achieved full compliance with the requirements described in the Order. The notification shall be made within **twenty-five (25) days** after full compliance has been achieved.
 - The licensee shall notify Texas Department of Public Safety, Intelligence Center at (866) 786-5972 within 24 hours if the results from a criminal history records check indicate that an individual is identified on the FBI's Terrorist Screening Data Base.