From: "Adrian C. Howe" <AHOWE@health.nv.gov>
To: <rxl1@nrc.gov>
Date: 02/11/2008 5:00:16 PM
Subject: Fingerprinting License Condition Approval

Mr. Lewis;

I am sending as an attachment the recent request for review of Nevada's proposed license conditions for the fingerprinting rule. This was sent out to you last week by snail mail, but it was suggested by Region IV staff that we send it by email.

I thank you in advance for your attention to this matter.

Adrian Howe

Adrian C. Howe

Radiation Physicist

Deputy Food and Drug Commissioner

Radiological Health Section

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Subject:	Fingerprinting License Condition Approval
Creation Date	02/11/2008 4:59:40 PM
From:	"Adrian C. Howe" <AHOWE@health.nv.gov>
Created By:	AHOWE@health.nv.gov

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fingerprint license conditions approval letter.doc	51712	
Mime.822	80904	

Options

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Return Notification:	None

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February 8, 2008

Robert Lewis, Deputy Director
Division 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 are proposed license conditions for review by your staff. We believe these license conditions will satisfy the requirements of "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material (NRC ORDER EA-07-305)" and will satisfy the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200. We will incorporate these license conditions immediately upon approval from your staff.

If you have any questions, please contact me at 775-687-7540 or kbeckley@health.nv.gov.

Sincerely,

Karen K. Beckley, M.P.A., M.S.
Supervisor, Radiological Health Section
Bureau of Health Protection Services

Enclosures:
As stated.

Proposed license conditions for existing licensees

XX. The licensee shall comply with the requirements described in the document (NRC Order EA-07-305 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 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 Trustworthiness and Reliability Official as required by paragraph B.2. of NRC 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 Nevada Radiological Health Section 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 Nevada Radiological Health Section 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.

Proposed license conditions for new licensees

XX. The licensee shall comply with the requirements described in Order EA-07-305 (the Order). 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 Nevada Radiological Health Section 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. 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 Nevada Radiological Health Section 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.