GUIDANCE FOR LICENSEE'S EVALUATION OF ACCESS AUTHORIZATION TO SPENT FUEL STORAGE FACILITIES WITH THE INCLUSION OF CRIMINAL HISTORY (FINGERPRINT) RECORDS CHECKS

When a licensee submits fingerprints to the U.S. Nuclear Regulatory Commission (NRC), pursuant to an NRC Order, it will receive a criminal history review, provided in Federal records, since the individual's 18th birthday. The licensee will receive the information from the criminal history records check of those individuals requiring unescorted access to spent fuel storage facilities, and the NRC-approved reviewing official should evaluate that information, using the guidance below. Furthermore, the requirements of all Orders, that apply to the facilities to which unescorted access is being granted must be met.

The licensee's reviewing official is required to evaluate all available information in making a determination of unescorted access to the spent fuel storage facility, including the criminal history record information pertaining to the individual, as required by the NRC Order. The criminal history records check is used in the determination of whether the individual has a record of criminal activity that indicates that the individual should not have unescorted access to the spent fuel storage facility, subject to this Order. Each determination of unescorted access to the spent fuel storage facility, which includes a review of criminal history information, must be documented to include the basis for the decision made.

(i) When negative information is discovered that was not provided by the individual, or which is different in any material respect from the information provided by the individual, this information should be considered, and actions taken, based on these findings, should be documented.

(ii) A record containing a pattern of behaviors, which indicates that the behaviors could be expected to recur or continue, or recent behaviors that cast questions on whether an individual should have unescorted access to the spent fuel storage facility, subject to this Order, should be carefully evaluated prior to any authorization of unescorted access to the spent fuel storage facility.

It is necessary for a licensee to resubmit fingerprints under the following two conditions:

1) The Federal Bureau of Investigation (FBI) has determined that the fingerprints cannot be classified due to poor quality in the mechanics of taking the initial impressions; or,

2) The initial submission has been lost.

If the FBI advises the NRC that the fingerprints are unclassifiable, based on conditions other than poor quality, the licensee must submit a request to NRC for alternatives. When those search results are received from the FBI, no further search is necessary.