Guidance for Licensee's Evaluation of Access to Safeguards Information or Unescorted Access to Radioactive Materials with the Inclusion of Criminal History (Fingerprint) 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 eighteenth birthday. The Licensee will receive the information from the criminal history check of those individuals requiring access to safeguards information (SGI) unescorted access to radioactive materials, and the NRC-approved reviewing official should evaluate that information using the guidance below. Furthermore, the requirements of all Orders which apply to the information to which access is being granted or to the material 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 access to SGI or unescorted access to radioactive materials, 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 access to SGI or unescorted access to radioactive materials subject to this Order. Each determination of access to SGI or unescorted access to radioactive materials, 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 which cast questions on whether an individual should have access to SGI or unescorted access to radioactive materials subject to this Order, should be carefully evaluated prior to any authorization of access to SGI or unescorted access to radioactive materials.

It is necessary for a Licensee to resubmit fingerprints only under two conditions:

1) The 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 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.