

August 13, 2010

ALL AGREEMENT STATES, MICHIGAN

NOTIFICATION OF ISSUANCE OF NRC ENFORCEMENT GUIDANCE MEMORANDUM
RELATED TO FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECK
REQUIREMENTS FOR UNESCORTED ACCESS TO CERTAIN RADIOACTIVE MATERIAL
(FSME-10-077)

Purpose: On June 14, 2010, the U.S. Nuclear Regulatory Commission (NRC) issued the enclosed enforcement guidance memorandum (EGM) for use as interim guidance in dispositioning violations of the Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material, EA-07-305, dated December 5, 2007. This letter is intended to inform all Agreement States of NRC's action. No action or response on the part of the Agreement States is requested or required. The Agreement States may choose to take similar actions.

Background: Section 652 of the Energy Policy Act of 2005 (EPAAct), enacted on August 8, 2005, amended the fingerprinting requirements of the Atomic Energy Act (AEA). Specifically, the EPAAct 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 issued the Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material to implement, in part, these additional requirements as enhancements to the existing trustworthiness and reliability requirements of the Increased Controls (IC) Order, dated November 14, 2005.

If you have questions regarding this correspondence, please contact me at (301) 415-7197 or the individual named below.

Point of Contact: Glenda Villamar E-mail: Glenda.Villamar@nrc.gov
Telephone: (301) 415-8022 Fax: (301) 415-5370

Robert J. Lewis, Director **/RA/**
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

ALL AGREEMENT STATES, MICHIGAN

NOTIFICATION OF ISSUANCE OF NRC ENFORCEMENT GUIDANCE MEMORANDUM RELATED TO FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR UNESCORTED ACCESS TO CERTAIN RADIOACTIVE MATERIAL (FSME-10-077)

Purpose: On June 14, 2010, the U.S. Nuclear Regulatory Commission (NRC) issued the enclosed enforcement guidance memorandum (EGM) for use as interim guidance in dispositioning violations of the Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material, EA-07-305, dated December 5, 2007. This letter is intended to inform all Agreement States of NRC's action. No action or response on the part of the Agreement States is requested or required. The Agreement States may choose to take similar actions.

Background: Section 652 of the Energy Policy Act of 2005 (EPAAct), enacted on August 8, 2005, amended the fingerprinting requirements of the Atomic Energy Act (AEA). Specifically, the EPAAct 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 issued the Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material to implement, in part, these additional requirements as enhancements to the existing trustworthiness and reliability requirements of the Increased Controls (IC) Order, dated November 14, 2005.

If you have questions regarding this correspondence, please contact me at (301) 415-7197 or the individual named below.

Point of Contact: Glenda Villamar E-mail: Glenda.Villamar@nrc.gov
Telephone: (301) 415-8022 Fax: (301) 415-5370

Robert J. Lewis, Director */RA/*
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Enforcement Guidance Memorandum

Distribution:

MSSA r/f
John Kinneman, Region I DNMS
Steve Reynolds, Region III DNMS
Art Howell, Region IV DNMS
Roy Zimmerman, OE

ML101940106

| OFC | FSME/MSSA | FSME/MSSA | FSME/MSSA | FSME/MSSA | FSME/MSSA |
|------|-----------|-----------|-----------|-----------|-----------|
| NAME | GVillamar | MBurgess | CEinberg | JLuehman | RLewis |
| DATE | 06/25/10 | 06/28/10 | 07/07/10 | 07/14/10 | 08/13/10 |

OFFICIAL RECORD COPY