U.S.NRC
United States Nuclear Regulatory Commission
Protecting People and the Environment

Non-Power Reactors (NPRs) Fingerprinting Rulemaking

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Objective

To discuss implementation of the final rule, receive feedback from licensees regarding the impact of implementing the final rule, and seek volunteers to pilot individual implementation meetings (if necessary).

Agenda

- 9:00 Opening Remarks and Introductions
- 9:05 Overview of Rule and Planned Implementation
- 9:50 Open Discussion
- 10:30 Public Participation
- 10:50 Closing Remarks

Public Meeting Ground Rules

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- NRC is currently in the final rule stage
  - No public comments on the rule will be accepted
  - We will not discuss rule language
  - As a bounding scenario, we will assume final rule language matches proposed rule language

Background for the NPR Rulemaking

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- Main drivers for this rulemaking:
  - Energy Policy Act (EPAct) of 2005 amended Section 149 of the Atomic Energy Act of 1954 (AEA)
    - Requires fingerprinting for unescorted access to utilization facilities
  - Fingerprinting Orders were issued to NPR licensees as interim measure in 2007
  - This rulemaking is to make fingerprint provisions generically applicable in the Code of Federal Regulations

Background for the NPR Rulemaking

- Compliance with AEA, as amended:
  - Section 149
    - NRC must fingerprint all persons seeking or granted unescorted access to utilization facilities
  - Section 104c
    - NRC is directed to impose only the minimum amount of regulation consistent with its obligations to promote the common defense and security and protect public health and safety and that "will permit the conduct of widespread and diverse research and development"

Assumed Rulemaking Requirements

- NRC-approved reviewing official makes determination of trustworthiness and reliability
  - Based on FBI fingerprint-based criminal history records check
  - Reviewing official required to have unescorted access to NPR or access to Safeguards Information (SGI)
- Licensees must conduct FBI fingerprint-based criminal history records check for those seeking or permitted:
  - Unescorted access to vital area; or
  - Unescorted access to special nuclear material (SNM)

Definitions

- Vital Area:
  - *Any area which contains vital equipment.* (10 CFR 73.2)

- Vital Equipment:
  - *Any equipment, system, device, or material, the failure, destruction, or release of which could directly or indirectly endanger the public health and safety by exposure to radiation. Equipment or systems which would be required to function to protect public health and safety following such failure, destruction, or release are also considered to be vital.* (10 CFR 73.2)

- Special Nuclear Material:
  - *Plutonium and Uranium enriched in the isotope 233 or in the isotope 235*

Questions…Comments…Concerns