GUIDANCE FOR LICENSEES' 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) under to an NRC Order, it will receive a criminal history review, provided in Federal records, of information since the individual's 18th birthday. Individuals retain the right to correct and complete information and to initiate the challenge procedures described in Enclosure 3, "Process To Challenge NRC Denials or Revocations of Unescorted Access to Independent Spent Fuel Storage Installations." The licensee will receive the information from the criminal history records check for those individuals requiring unescorted access to spent fuel storage facilities. The licensee's NRC-approved reviewing official should evaluate that information using the guidance below. Furthermore, licensees must meet the requirements of all orders that apply to the facilities to which unescorted access is being granted.

When making a determination to allow unescorted access to the spent fuel storage facility, the licensee's reviewing official must evaluate all pertinent and available information, including the criminal history record information related to the individual, as required by the NRC Order. The NRC uses the criminal history records check to determine whether the individual has a record of criminal activity that indicates that he or she 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 that includes a review of criminal history information should be documented to include the basis for the decision made. In addition, the reviewing official should consider the following conditions:

- When negative information is discovered that the individual did not provide or that differs in any material respect from the information provided by the individual, the reviewing official should consider this information and should document actions taken based on these considerations and findings.

- Before granting any authorization of unescorted access to the spent fuel storage facility, the reviewing official should carefully evaluate a record containing a pattern of behaviors that indicates that the behaviors could be expected to recur or continue, or containing information about recent behaviors that raise questions about whether an individual should have unescorted access to the spent fuel storage facility subject to this Order.

The licensee must resubmit fingerprints under one of the following two conditions:

(1) The Federal Bureau of Investigation (FBI) has determined that the fingerprints cannot be classified because of poor quality in the mechanics of taking the initial impressions.

(2) The initial submission has been lost. In this case, the NRC will waive the processing fee for the resubmission of the lost fingerprints.

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