



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

A-C27-2  
PDR

12 SEP 1986

MEMORANDUM FOR: Patricia G. Norry, Director  
Office of Administration

FROM: Robert F. Burnett, Director  
Division of Safeguards, NMSS

SUBJECT: REQUIREMENT FOR CRIMINAL HISTORY CHECKS

In accordance with our conversation of September 11, 1986 with Mr. Mausshardt concerning the subject rule, please note the following:

- (1) The concurrence sheet (Attached) shows your office is unable to concur at the present time due to an inability to assure that the FBI form DD258 is OMB approved.
- (2) The funding issue being pursued by OGC is mentioned in my letter to the EDO to be signed after the CRGR approval. This was added after our conversation at your suggestion. (Updated copy attached).
- (3) The briefing charts being prepared for the CRGR will include both of the above issues and cognizant staff are being invited to assist in the briefing.
- (4) The CRGR has scheduled the briefing at 1:00 p.m., September 17, 1986.

I will keep you advised of additional issues if they develop. The package is being moved along in parallel with resolution of these issues to maintain the required time schedule.

Sincerely,

Robert F. Burnett, Director  
Division of Safeguards  
Office of Nuclear Safety and Safeguards

cc:  
DMAusshardt  
JZerbe

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SEP 11 1986

MEMORANDUM FOR: James H. Sniezek, Chairman  
Committee to Review Generic Requirements

FROM: John G. Davis, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: REVIEW OF PROPOSED RULE, "REQUIREMENTS FOR  
CRIMINAL HISTORY CHECKS"

This memorandum transmits the subject proposed rulemaking for Committee to Review Generic Requirements (CRGR) review. For your convenience an overview of the anticipated sequence of activities for processing of information and of the impact and implications of implementing the rule is provided as Enclosure 1. The rule package is provided as Enclosure 2.

The proposed rule requires implementation of procedures for the control and use of criminal history data received from the Federal Bureau of Investigation (FBI) as part of Federally-mandated criminal history checks of individuals granted unescorted access to nuclear power plants or access to Safeguards Information by power reactor licensees. The Public Law, signed by the President on August 27, 1986, requires the NRC to issue this regulation in order to:

- o implement procedures for the taking of fingerprints,
- o establish conditions for the use of the criminal history data to include limits on redissemination and assurance that the information is used solely for its intended purpose,
- o provide individuals subject to fingerprinting the right to complete and correct information contained in their criminal history records prior to any final adverse action.

Licensees cannot have access to the FBI criminal history data provided for by the Act until NRC has established regulations for the control and use of the data. The Act also stipulates that the NRC shall promulgate these regulations no later than six months after the date of the enactment of this Act.

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(Concurrence Copy)

The Offices of Inspection and Enforcement, Nuclear Reactor Regulation, and Public Affairs have concurred in this rulemaking. The Office of the General Counsel has no legal objection.

I would appreciate scheduling of a CRGR meeting at an early date. The NMSS contact is Kristina Z. Jamgochian, 42-74754.

(SIGNED) Donald B. Mausshardt

for John G. Davis, Director  
Office of Nuclear Material  
Safety and Safeguards

Enclosures:

1. Overview
2. Proposed 10 CFR 73.57 Pkg.

cc: W. Schwink, DEDROGR staff  
w/15 copies

NOTE: The Regulatory Analysis was coordinated with CAG.

RM	LBush for	GMcPeek for	Fingram for	JPhillips for	RFonner for
IKirk	IE	NRR	PA	ADM	OGC
9/8/86	JTaylor	HDenton	JFouchard	PBNorby	Wolmstead
by phone	9/4/86	9/3/86	9/3/86	9/ /86	9/4/86
9:00 a.m.	by phone	by phone	by phone	by phone	by phone

*did not concur due to need check FBI for OMB clearance*

OFC	:SGRT	:SGRT	:SGRT	:SG	:SG	:NMSS	:NMSS
NAME	:KJamgochian	:JYardugian	:GMcCorkle	:ETen Eyck	:RBurnett	:DMAusshardt	:JDavis
DATE	:9/5/86	:9/5/86	:9/5/86	:9/8/86	:9/9/86	:9/11/86	:9/ /86