

June 22, 2010

MEMORANDUM TO: R. W. Borchardt  
Executive Director for Operations

FROM: Andrew L. Bates, Acting Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-10-0045 – PROPOSED RULE:  
REQUIREMENTS FOR FINGERPRINT- BASED CRIMINAL  
HISTORY RECORDS CHECKS FOR INDIVIDUALS SEEKING  
UNESCORTED ACCESS TO RESEARCH OR TEST REACTORS  
(RIN 3150-AI25)

The Commission has approved the publication in the *Federal Register* of the proposed amendments to 10 CFR 73.57, subject to the changes and comments noted below.

(EDO)

(SECY Suspense:

7/22/10)

1. The staff should submit to the Commission, with the draft final rule package, its plan to sunset the existing research and test reactor (RTR) fingerprinting orders.
2. The staff should actively seek feedback from these licensees in a more direct manner to supplement traditional stakeholder outreach efforts.
3. The staff should update the NRC's public website to provide real-time information of ongoing NRC activities, including rulemakings and guidance, affecting the RTR community.
4. The staff should make the following changes to the Federal Register Notice:
  - a. ensure the term "criminal history records checks" vice "criminal history record checks" is used in all occurrences.
  - b. page 1, add comma after "(EPAAct)" in 2<sup>nd</sup> sentence of "Summary" section.
  - c. page 4, delete extra space in "10 CFR 73.67" in first sentence of "Background" section.
  - d. page 5, add comma after "RTRs," in last sentence of first full paragraph.
  - e. page 6, add "an" before "SRM" in 2<sup>nd</sup> sentence of 2<sup>nd</sup> full paragraph.
  - f. page 6, last line, change date to read "January March 12, 2007"
  - g. page 8, first full sentence; clarify which order is being discussed.

- h. page 8, first sentence of “ANPR” section add “**history**” after “criminal”
- i. page 11, line 11, add comma after “73.57<sup>;</sup>”
- j. page 12, line 1, change “case” to “**cases**”
- k. page 12, line 11, change “creative” to “**flexible**”
- l. page 15, 3<sup>rd</sup> line from the bottom, delete quotation mark after “radiation.”
- m. page 17, line 2, add comma, after “vital area<sup>;</sup>”
- n. page 18, line 4, change “can not” to “cannot”
- o. page 19, last line, delete “the”
- p. page 20, remove extra spaces at beginning of line 1.
- q. page 20, 2<sup>nd</sup> sentence of “NRC Response,” add comma after “73.57(b)(5)<sup>;</sup>”
- r. page 21, 4<sup>th</sup> sentence of “NRC Response,” add comma after “(as defined in Part 73)<sup>;</sup>”
- s. page 21, 5<sup>th</sup> sentence of “NRC Response,” add comma after “(i.e., special nuclear material)<sup>;</sup>”
- t. page 24, line 2, change “Section 149(a)(1)(B)(I)” to read “Section 149(a)(1)(B)(**i**)”
- u. page 27, first sentence of 3<sup>rd</sup> full paragraph, change “to not” to “not to”
- v. page 31, first sentence of 2<sup>nd</sup> full paragraph add “**an**” before “RTR”
- w. page 32, first number 1., change “which” to “**that**”
- x. page 32, first number 2., change “which” to “**that**” on both occurrences.
- y. page 32, first number 2., change “would” to “**should**”
- z. page 33, line 11, change “stakeholder’s” to “stakeholders”
- aa. page 33, paragraph B.1, first sentence, add comma after “background checks<sup>;</sup>”
- bb. page 33, last line, complete sentence by adding “**records checks.**” to the end.
- cc. page 34, paragraph 3., revise to read “...what time **period**...”
- dd. page 37, delete line 1, (duplicated from page 36)
- ee. page 37, line 2, remove extra space in “Government’s”
- ff. page 38, 3<sup>rd</sup> line from the bottom, add comma after “2005<sup>;</sup>”

- gg. page 40, remove extra blank line after line 3.
  - hh. page 41, line 1, change “provision” to “provisions”
  - ii. page 47, remove extra blank line after line 2.
5. The staff should make the following changes to the Regulatory Analysis:
- a. ensure the term “history records checks” vice “history record checks” is used in all occurrences.
  - b. page 1, paragraph 1.1, 2<sup>nd</sup> sentence, add comma after “facility.”