

January 16, 2002

Mr. Ralph E. Beedle  
Senior Vice President  
and Chief Nuclear Officer  
Nuclear Energy Institute  
1776 I Street Suite 400  
Washington, D.C. 20006-3708

Dear Mr. Beedle:

This letter acknowledges receipt of your November 19, 2001, letter to Samuel J. Collins, Director of Nuclear Reactor Regulation, requesting that NRC arrange for National Crime Information Center (NCIC) access for licensees conducting criminal history background investigations pursuant to Access Authorization requirements under 10 CFR 73.56. In addition, to the criminal history information currently received through 10 CFR 73.57 fingerprint submissions, you believe that licensees should have access to NCIC.

The statutory authority governing collection and release of FBI Criminal History Record Information (CHRI) and NCIC is Title 28, United States Code (U.S.C.), Section 534, which states, in part, that "The Attorney General shall (4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions." The authority granted to the Attorney General under Section 534 has been delegated to the Director of the FBI. Access to FBI CHRI and NCIC is also regulated by Title 28, Code of Federal Regulation (CFR), Section 20.33(a)(2), which allows the dissemination of FBI CHRI and NCIC to "Federal agencies authorized to receive it pursuant to federal statute or executive order." Federally mandated requirements for the utilization and/or access to NCIC is not legally permissible for use by non-criminal justice agencies unless authorized by Federal or State statutes and approved by the Attorney General of the United States.

The staff has been in contact with the FBI to ascertain their views as to whether or not NRC can provide NCIC access to licensees. The FBI reiterated that the licensees can not be permitted access to the NCIC. The FBI has informed us that access is inappropriate for noncriminal justice matters such as employment screening. In addition, the NCIC database is an FBI and Department of Justice (DOJ) system, NRC does not have authority for granting access to the system.

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As always, we appreciate your insights into our regulatory processes and requirements. Please, do not hesitate to contact us again with any concern or suggestions that you might have.

Sincerely,

***/RA/***

Glenn M. Tracy, Chief  
Reactor Safeguards, Radiation Safety  
and Emergency Preparedness Branch  
Division of Inspection Program Management  
Office of Nuclear Reactor Regulation

As always, we appreciate your insights into our regulatory processes and requirements. Please, do not hesitate to contact us again with any concern or suggestions that you might have.

Sincerely,

**/RA/**

Glenn M. Tracy, Chief  
Reactor Safeguards, Radiation Safety  
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Division of Inspection Program Management  
Office of Nuclear Reactor Regulation

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**\* See Previous Concurrence**

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