

Thanks Ernesto. Just to clarify the message from Maine:

Maine does not have any issues with implementing the fingerprinting requirements but they would like to simultaneously require a local criminal history check because about 40% of their local criminal history records are not tied to fingerprints, so the FBI check could miss some local crimes. This additional check is not something that would be required by the NRC but Maine could impose a local criminal history check if it wishes to do so.

The state rep also informed me that if the fingerprints could be processed through the state instead of through the NRC they could obtain both the local and FBI results with the same check, if not they would have to do two separate checks (but she also said that this is what they've had to do in the past). As to whether it would be possible for the states to process the fingerprints, we're still waiting to hear back from the FBI regarding their interpretation of the AEA (I called them on Tuesday but they haven't returned my calls).

In sum, the State of Maine doesn't have any problems with implementing the fingerprinting requirements but would prefer to have the fingerprints pass through the state instead of the NRC because it would be easier for them to run the local criminal history check, if it is adopted as an additional requirement by the state.

-Tison

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NOTE: ATTORNEY CLIENT PRIVILEGE/  
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DETERMINES OTHERWISE.

>>> Ernesto Quinones-Padovani 7/25/2007 4:18 PM >>>

Below is MS response to RCPD 07-004.

The state of Maine contacted Tison yesterday saying that they do not have any impediments to implement the fingerprinting requirements. However, they believe that the FBI check will not be enough and prefer to impose additional requirements to perform a local check on top of the FBI check. (Tison, correct me if I got the message wrong).

Ernesto

>>> "Sharpe, Arthur" <[Arthur.Sharpe@msdh.state.ms.us](mailto:Arthur.Sharpe@msdh.state.ms.us)> 7/25/2007 3:14 PM >>>

Dear Mr. Quinones-Padovani, I am writing to you on behalf of the Bureau of Radiological Health, Mississippi State Department of Health. The current Radiological Materials Branch Director, Mr. B.J. Smith, has asked that I review and reply to a June 21, 2007, request for information from all the Agreement States regarding any laws that might affect a State's ability to implement the fingerprinting requirements imposed by Section 652 of the Energy Policy Act of 2005 (EPAct). Mississippi has no constitutional, statutory or regulatory impediment to issuing any orders or legally binding requirements that would require fingerprinting and an FBI identification and criminal history records check for ".individuals permitted unescorted access to radioactive materials or other property subject to regulation by the Commission." That having been said, without additional funding and staff, Mississippi would be unable to collect, process, forward for adjudication, receive and act upon reports from the NRC or the FBI. Unless and until we are further federally funded to enforce this federal requirement, Mississippi cannot fulfill its other public health and regulatory requirements if this requirement is added as an unfunded mandate. (See B.J. Smith's comments, below). If you have any further questions, let me know. Art Art Sharpe, JDDirectorOffice of Emergency Planning and ResponsePost Office Box 1700Jackson, Mississippi 39215-1700(601)-576-7680 office(601)-201-6409 cell "Let our advance worrying become advance thinking and planning."-- Sir Winston Churchill "A good plan violently executed now is better than a perfect plan next week."-- General George S. Patton, Jr.

-----Original Message-----

From: Smith, Bobby

Sent: Wednesday, July 25, 2007 1:05 PM

To: Sharpe, Arthur

Subject: Mississippi does not have a problem issuing orders or legally binding requirements for the fingerprinting of individuals with unescorted access to radioactive materials. We do not want to be the clearinghouse for the collection of fingerprints and any possible decision regarding the employment status of these individuals. As long as the NRC processes the fingerprints to the FBI, then the results are submitted to the licensee for the ultimate decision making, the State of Mississippi can support issuing the order or legally binding requirements.

The process as I understand it today:

- a. State issues order or legally binding requirements to licensees
- b. Licensee collects fingerprints thru LLEA and submits to NRC Headquarters
- c. NRC submits fingerprints to FBI
- d. FBI does criminal background checks
- e. FBI submits results to licensee
- f. Licensee makes determination of trustworthy and reliability with other components of the Increased Controls
- g. State RAM program does the inspection and enforcement

As you see there is little impact on the State if the process is approved. It would get more complicated if the state has to be in the processing of fingerprints to the FBI and/or NRC. The real headache would be if the state has to make a judgment on the trustworthy and reliability of a licensee's employee.

B. J. Smith  
Radioactive Materials Branch Director  
Division of Radiological Health  
Mississippi State Health Dept.  
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## **Mail Envelope Properties** (46A8A75F.F30 : 23 : 8982)

**Subject:** Re: MS response to RCPD 07-004  
**Creation Date** 7/26/2007 9:53:35 AM  
**From:** Tison Campbell  
**Created By:** TAC2@nrc.gov

### **Recipients**

nrc.gov  
TWGWPO03.HQGWDO01  
EQP (Ernesto Quinones-Padovani)

### **Post Office**

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| MESSAGE      | 8109        | 7/26/2007 9:53:34 AM   |
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