

April 27, 2015

EA-15-036

TO: Non Manufacturer or Distributor Service Provider Licensee Requesting
Unescorted Access to Certain Radioactive Material

SUBJECT: ISSUANCE OF ORDER IMPOSING TRUSTWORTHINESS AND RELIABILITY
REQUIREMENTS FOR UNESCORTED ACCESS TO CERTAIN RADIOACTIVE
MATERIAL

The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing the enclosed Order (Enclosure 1). The Order requires you to implement specific measures to ensure the trustworthiness and reliability (T&R) of your service representatives that need unescorted access to radioactive material in quantities greater than or equal to the quantities listed in Table 1: Radionuclides of Concern (Attachment 2 to Enclosure 1). You must respond to this Order, in writing and under oath or affirmation, either consenting to the Order or providing the reasons why you now believe the Order should not have been issued.

Section 149 of the Atomic Energy Act of 1954, as amended, requires fingerprinting and criminal history record checks of all individuals who seek or currently have unescorted access to radioactive materials determined by the Commission to be of significance to the public health and safety or the common defense and security. The Commission has determined that the radioactive materials in the quantities listed in Table 1 of Attachment 2 are of significance to the public health and safety or the common defense and security. Because your licensed activities require such access and you desire that the access be unescorted, you must establish a program to fingerprint and check criminal history records of those individuals who will require unescorted access to radioactive material in quantities of concern at a customer's facility.

The fingerprinting program must meet the requirements in this Order (Attachment 3 to Enclosure 1). To establish a fingerprinting program, you must designate an individual who will be the Reviewing Official for your company. This individual must be permitted unescorted access to radioactive material or have access to Safeguards Information as part of his or her job duties and will be responsible for reviewing the results of Federal Bureau of Investigation (FBI) criminal history records checks concerning other individuals in your company. The Reviewing Official will use the criminal history records check results along with other T&R requirements to make determinations for unescorted access to radioactive materials in quantities of concern for those individuals. You must submit the designated individual's fingerprints to the NRC. Based on an FBI criminal history records check using the fingerprint results, the NRC staff will determine if the designated individual should have unescorted access to radioactive material in quantities of concern and be approved to serve as your company's Reviewing Official. If the NRC determines that the designated individual should be prohibited unescorted access, the individual may appeal the decision by following the procedures in Enclosure 5 to this letter, or you may designate a different individual.

The enclosed Order is effective immediately. These requirements will remain in effect until the Commission determines otherwise. You must respond to this Order within twenty-five (25) days of the date of its issuance, and implement the requirements before allowing unescorted access to radioactive material in quantities of concern to any individual. Please refer to the enclosed guidance and procedures (Enclosures 2-5) for further information. Some of the implementing guidance with included Questions and Answers (Q&As), specifically Enclosure 2, were developed as part of previously-issued Orders and may not be directly applicable to service provider licensees that are not manufacturers or distributors.

You must submit fingerprints in accordance with the procedures in this Order. The current processing fee is \$26.00 per submission and payment must be made as described in Enclosure 3.

To facilitate resolution of any issues or questions related to compliance with the requirements in the enclosed Order, please contact Michelle Smethers at (301) 415-6711 or by e-mail at Michelle.Smethers@nrc.gov.

Licensee responses to the Order (**not fingerprint cards**) are required to be submitted to the Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, and should be addressed to the attention of Michelle Smethers, Source Management and Protection Branch (SMPB), Mail Stop T8-E18. Responses to the Order should be mailed to one of the following addresses:

For normal postal delivery, mail to:

Director, Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. NRC
Washington, D.C., 20555-0001
Attention: Michelle Smethers, Mail Stop T8-E18

For delivery services requiring a street address, mail to:

Director, Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. NRC
11545 Rockville Pike
Rockville, MD 20852-2738
Attention: Michelle Smethers, Mail Stop T8-E18

Licensee fingerprint cards are required to be submitted to the Director, Division of Facilities and Security, and should be addressed to the attention of the Criminal History Program, Mail Stop T-03B46M. A short cover letter should be included listing the Reviewing Official(s) and the docket number (for NRC licensees) or the two letter State abbreviation followed by a dash and the State-issued license number (e.g., CA-123456) (for Agreement State licensees).

For delivery services requiring a street address, mail to:

Director, Division of Facilities and Security
U.S. NRC
11545 Rockville Pike
Rockville, MD 20852-2738
Attention: Criminal History Program,
Mail Stop T-03B46M

The enclosed Order has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Scott W. Moore, Acting Director
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Order Imposing Trustworthiness and Reliability Requirements for Unescorted Access to Certain Radioactive Material.
2. Implementing Guidance for Service Provider Licensees that are not Manufacturers or Distributors.
3. Procedures for Processing Fingerprint Checks.
4. Guidance for Evaluating FBI Identification and Criminal History Records Checks for Allowing Unescorted Access to Certain Radioactive Material.
5. Process to Challenge NRC Denials or Revocations of Unescorted Access to Certain Radioactive Material.

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NAME	MSmethers w/ comments	AGiantelli	LDudes w/ comments	SWastler for CLui via email	DFurst via email	JMaltese via email w/ comments	PTressler	SMoore (Acting OD)
DATE	2/13/2015	2/24/2015	2/24/2015	3/12/2015	3/6/2015	3/18/2015	4/1/2015	4/27/2015

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