



NUCLEAR ENERGY INSTITUTE

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December 14, 2000

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U. S. Nuclear Regulatory Commission
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Washington, DC 20555-0001

SUBJECT: NEI 99-08 (Original), *Industry Guidelines for Nuclear Power Plant Access Authorization Programs*

Dear Mr. Tracy:

NEI 99-08 (Original), *Industry Guidelines for Nuclear Power Plant Access Authorization Programs* (Enclosure 1) is provided for NRC review. Changes proposed by the industry (Enclosure 2) summarize the significant modifications being made in the program and provide rationale for them. These changes were discussed in general terms with the NRC staff and other stakeholders on July 6, 2000.

This document incorporates the experience gained over the last 10 years of managing unescorted access. The new guide, NEI 99-08, is intended to replace NUMARC 89-01, *Industry Guidelines for Nuclear Power Plant Access Authorization Programs*, that was endorsed and incorporated in Regulatory Guide 5.66, dated June 1991.

The change rationale provided in Enclosure 2 shows that there would be no reduction in effectiveness to determine an individual's trustworthiness and reliability. Performance criteria are consistent with current industry practices and the changes will make the access programs more efficient.

After the staff has had an opportunity to review the document, I would like to discuss what action is necessary for the NRC to update Regulatory Guide 5.66 to endorse NEI 99-08.

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If you have any questions, please contact me at (202-739-8105 or jwd@nei.org) or Rich Enkeboll at 202-739-8102 or ree@nei.org.

Sincerely,



James W. Davis

Enclosures

NEI 99-08 [Original]

Industry Guidelines for Nuclear Power Plant Access Authorization

December 2000

NEI 99-08 [Original]

Nuclear Energy Institute

**Industry Guidelines for
Nuclear Power Plant
Access Authorization**

December 2000

ACKNOWLEDGEMENTS

This document, *Industry Guidelines For Nuclear Power Plant Access Authorization Programs*, NEI 99-08, was developed by members of the NEI Access Authorization Control Standardization Task Force. These industry professionals, experts on access authorization programs, drawing upon lessons learned during the application of the previous NUMARC 89-01 Guidelines, provided valuable insights to update the program. The changes provide a more efficient and effective program. NEI also wishes to acknowledge the extensive review and comment by those industry representatives who shaped the final form of this document.

NOTICE

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EXECUTIVE SUMMARY

NEI 99-08, *Industry Guidelines For Nuclear Power Plant Access Authorization Programs*, provides standard industry guidance for implementing the Access Authorization Rule. These guidelines were originally published as NUMARC 89-01 and incorporated in Regulatory Guide 5.66. With a decade of experience with these guidelines, several lessons have been learned that will establish criteria for the next decade under the current rule.

These updated performance criteria are consistent with current industry practices with potential for being more efficient and cost effective. Additionally, **NEI 99-08** is organized to facilitate the sharing of access data among authorized entities through the Personnel Access Data System.

This document supplants the current Physical Security Plan commitment to conduct access authorization programs in accordance with Regulatory Guide 5.66/NUMARC 89-01. Upon implementation of **NEI 99-08**, NUMARC 89-01 is cancelled. On that occasion licensees can affect the change to the Physical Security Plan using the § 50.54(p) process.

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INDUSTRY GUIDELINES FOR NUCLEAR POWER PLANT ACCESS AUTHORIZATION PROGRAMS

1 INTRODUCTION

This document, *Industry Guidelines for Nuclear Power Plant Access Authorization Programs*, hereinafter referred to as **NEI 99-08**, has been designed to establish consistency in access authorization programs throughout the industry. Guidance is provided primarily for the implementation of the personnel access authorization requirements, 10 CFR § 73.56, and 10 CFR § 73.57, requirements for criminal history checks, but includes reference to access associated requirements of the Fitness-for-Duty rule, 10 CFR Part 26. When implemented, **NEI 99-08** will supercede NUMARC 89-01.

Pursuant to regulation, **NEI 99-08** provides a process and delineates criteria for granting and maintaining a worker's status in the clearance process for unescorted access to the protected area of a commercial nuclear power plant. The described process entails successful completion of a background investigation, a psychological assessment and a criminal history check. This document provides a continuation of the processes and procedures that NUMARC 89-01 established, with a simplified and updated structure for implementing regulatory requirements.

This manual focuses on the requirements for completing unescorted access authorization (UAA). UAA is an administrative determination that the individual has completed required background screening elements and been determined to meet requirements of trustworthiness and reliability. In order to be granted unescorted access (UA), the individual with UAA must complete required FFD testing, have access training, be covered by a behavioral observation program, be placed in a random drug and alcohol testing program, and be provided the physical means to gain access into the protected area (e.g., badge, keycard, biometrics, etc.).

Licensees are authorized to approve access programs for workers of companies that are authorized to work inside the protected areas of nuclear power plants. Such a company is called a "licensee-approved contractor/vendor," hereinafter referred to as "C/V."

Subsequent to the granting of UA, a worker is only eligible to maintain UA if he or she:

- Continues to need to have unescorted access to the protected area;
- Is covered under a behavioral observation program; and
- Is subject to random drug and alcohol testing.

While this document focuses on the requirements for UAA, it must be used in conjunction with applicable rules and regulations (e.g., 10 CFR Part 26) and Physical Security Plan commitments. Therefore, satisfactory completion of the requirements of

NEI 99-08 may not be the sole determining factor in the granting of, or continuation of, unescorted access.

4 PURPOSE AND SCOPE

To support the safe operation of each commercial nuclear power plant, the licensee or the licensee-approved contractor/vendor, will implement an unescorted access authorization program in accordance with regulation and the criteria in this document. These criteria have been designed with one overarching objective: achieve a reasonable assurance that each individual granted unescorted access to the protected area of a nuclear power plant by the licensee is trustworthy and reliable—he or she would not constitute an unreasonable risk to the health and safety of the public (e.g., a potential threat to commit radiological sabotage).

NEI 99-08 is applicable to each nuclear power utility's access authorization program and to licensee-approved contractor/vendor programs (have been accepted in accordance with 10 CFR § 73.56(a)(4)) and to industry agencies that conduct specific aspects in support of the UAA program.

5 RESPONSIBILITY

The final granting and controlling of unescorted access for an individual is the responsibility of the licensee. Each licensee approving a C/V's UAA program retains the ultimate responsibility for assuring that individuals being granted UA to the protected area meet the requirements of 10 CFR §73.56. Such program-approving licensees will ensure the latest revision of this document has been provided to each of its C/Vs for use in authorized programs and require that the criteria herein be met. Each licensee that uses a C/V to perform any UAA program element or implementation of a behavior observation program must ensure the program is audited annually. Results of these audits may be shared among licensees that accept workers from that C/V. Records of completed elements of the program are to be documented and made available to, and reproduced upon request, for licensee access authorization personnel, licensee auditors, or representatives of the NRC.

6 INITIATION OF THE UNESCORTED ACCESS AUTHORIZATION PROGRAM

Information collected under these criteria may be released or transferred upon the written authorization of the applicant, where such release or transfer is necessary in the performance of official, contractual, or licensee duties in determining UAA.

No BI element or psychological evaluation may be initiated without the written consent of the person who is the subject of the investigation. The applicant applying for UAA shall be informed of the types of records that may be produced and retained, where such

records are normally maintained, and the duration that such records are usually retained. The applicant shall also be informed of his/her right to review the information to assure its accuracy and completeness, as well as to whom and under what circumstances the information will be released.

An applicant may withdraw consent to a BI or a psychological evaluation at any time. When withdrawal of consent is made, all processing of work in connection with either the BI or the psychological evaluation must cease while receipt of previously requested information is understood and acceptable. Withdrawal of consent shall be deemed withdrawal of the application for UAA.

To complete a BI under 10 CFR § 73.56 (b)(2)(i), the applicant applying for UAA shall be instructed to provide, in written form, sufficient personal history information to establish true identity and allow the licensee, C/V, or other agent to examine his or her reputation, character, and reliability.

7 BACKGROUND INVESTIGATION ELEMENTS

Except as provided for in 10 CFR § 73.57, the background investigation covers the time period specified in each sub-element below or since the eighteenth birthday, whichever is shorter. Licenses need not fingerprint applicants who have "Q" or "L" clearances or have another active government granted security clearances, i.e., Top Secret, Secret or Confidential. These clearances must be received from the sponsoring facility and not hand carried by the applicant.

A licensee, C/V or other agent shall make a "best effort," as defined herein, to obtain the required information pertaining to the applicant's employment, education, credit, criminal, and military service histories, as well as the applicant's character and reputation. Suitable inquiry information is concurrently collected and processed as required by the Fitness-for-Duty rule (10 CFR Part 26). Only licensee employees are authorized access to the criminal history records information received from the FBI. Some information can only be collected on a "best effort" basis. The actions that constitute a "best effort" attempt will be determined by the circumstances.

If the desired source cannot be contacted or the information cannot be obtained from the sources initially chosen, it will then be necessary to pursue secondary sources for the essential information. Such an alternative information source is not necessarily provided by the applicant but determined to be credible by virtue of the source's relationship with the applicant or authenticity of the records being relied upon.

Although the "best effort" attempt is designed to collect the information needed for the unescorted access decision, it will not necessarily produce the information sought—some information concerning an individual simply is not obtainable, (e.g., when an employer's policy precludes release of the requested information). It is not expected that licensees,

C/Vs, or other agents will pay for employment information. Activities associated with the "best effort" to obtain the information are to be documented.

7.1 PERSONAL HISTORY

Unless otherwise specified, for each of the elements covered a BI shall be conducted to verify the activities of an applicant for the past three years or since his or her eighteenth birthday whichever is shorter.

7.1.1 Employment/Unemployment History

Verify employment/unemployment history for the past three-year period prior to the application of UAA as follows:

- a. For claimed employment periods of 30 days or more verify the length and nature of employment through contacts with previous employers. Investigate the following aspects of the employment relationship:
 1. Dates of employment periods;
2. Reason for termination and eligibility for rehire—if military, characterization of service and reason for separation, and
 3. Any disciplinary history or other information that could impact the trustworthiness/reliability decision for UAA.
- b. Periods of self-employment may be verified by any reasonable method, usually one or more of the following:
 1. Self employment tax records
 2. Bookkeeper or accountant
 3. Client(s)
4. Employee(s)
 5. Reference(s)
 6. Co-worker(s)
 7. Relative(s)
- c. If an employer is unable to provide employment information and a request for the information has been initiated, the following secondary sources may be used to develop the length and nature of claimed employment:
 1. Pay stubs, W2 form, wage & benefit statement, or business records confirming periods of employment.
 2. Union contribution records used in determination of employee retirement benefits.

3. Reference(s).

Activities during periods of unemployment of 30 days or more must be verified through contact with relatives, references or review of official records (e.g., unemployment compensation, union records, etc.)

No gaps of 30 days or more may exist. If the applicant has contiguous employment/unemployment periods of less than 30 days, at least one of the periods of employment/unemployment must be verified for each 30-day period.

For periods when the applicant was on active military duty or enrolled as a student in lieu of employment, completion of applicable elements in Sections 5.1.2 and 5.1.3 satisfy this section.

3.0.1 Military Service as Employment:

- a. Service is usually verified by means of direct contact with the applicant's last command/duty station. If the last command/duty station is unable to provide the information, an authenticated copy of the applicant's DD Form 214 may be relied upon. Authenticity of the DD Form 214 is to be determined by the licensee or C/V conducting the BI.
- b. If the licensee or C/V cannot authenticate the individual-provided DD Form 214, it will be necessary to obtain an official document (DD Form 214 or equivalent) from a military record custodian—the National Personnel Records Center, the specific military service records center, the military organizational unit, or command, etc. A request for the discharge information must be submitted to the record custodian within five (5) business days of granting unescorted access. Military record center addresses may be found on the National Personnel Records Center's Standard Form 180.
- c. It is not necessary to check military service of an applicant serving in the Reserves or National Guard, unless the applicant served on active duty beyond the annual reserve active-duty requirements within the previous three (3) years.
- d. When an attempt to obtain the information is not forthcoming from the original request, two additional requests, submitted at a nominal six-month interval, would constitute a "best effort."
- e. Foreign military service and discharge characterization would be checked on a "best effort" basis.

If the licensee, C/V or BI Screening Company determines that an applicant's discharge is other than honorable or if a DD Form 214 is received indicating other than honorable separation occurred, further investigation is necessary to ascertain the details of the discharge.

5.0.1 Education History

Education history requires verification of any claimed enrollment in lieu of employment, during the previous three (3) years.

5.1 CRIMINAL HISTORY

FBI criminal history record information is used to determine whether the applicant has a record of criminal activity that may adversely impact on his or her reliability and/or trustworthiness. This record is obtained from the FBI by submitting the applicant's fingerprints through the NRC. The following apply:

- a. Fingerprints must be taken prior to the granting of UA and must be forwarded to the NRC/FBI within five business (5) days of the granting of UA. If a licensee employs electronic fingerprint submission capability and the system is available, the fingerprints must be submitted the same day as taken.
- b. When a licensee or C/V discovers information that confirms or rebuts any criminal history information provided by the applicant, the source and actions taken must be documented. If the information is different than originally claimed, the investigation results shall be provided to the licensee prior to granting UA.
- c. Only under two conditions will it be necessary for a licensee to resubmit fingerprints: the FBI has determined poor quality in the mechanics of taking the initial impressions or the initial submission has been lost. When the FBI determines the fingerprints are unclassifiable, based on conditions other than poor quality, the name and date of birth search conducted by the FBI is satisfactory and no further submission is required.

1.1 CHARACTER AND REPUTATION

Character and reputation of an applicant is ascertained by conducting reference checks with co-workers, neighbors, and friends. The reference checks focus on emotional stability, trustworthiness and reliability. To ensure that a broad overview of the applicant's adult life is covered, persons used to verify employment/unemployment information are not to be counted as a separate character reference for purposes of this check.

- a. The applicant's reputation for emotional stability, reliability and trustworthiness must be examined through contact with at least two (2) developed references. Developed references can be identified using references listed on the personal history statement, past or present employers (unless used for employment check), schools,

neighborhoods, co-workers, clubs, churches, etc. It is not necessary that reference's (individual or collectively) association with or knowledge of the applicant cover the entire three (3) year retrospective period.

- b. An individual used as a developed reference cannot be a known close relative (e.g., wife, husband, mother, father, brother, sister, or child) of the applicant. A developed reference cannot live in the same permanent household as the applicant, a listed reference or another developed reference.
- c. To be used as a personal reference, he or she needs to have known the individual long enough and well enough to be able to provide meaningful information, as a minimum for six months with at least one contact in the last six months.
- d. Records of developed reference checks need to include the name and address of the personal reference, the length of time known, the frequency and type of association, any adverse or discrepant information, date of the contact, the name of the investigator conducting the interview, and the name and phone number of the source used to obtain the developed reference's name.
- e. References are to be questioned regarding their knowledge of the applicant's:
 1. Behavioral/psychological problems;
 2. Unlawful/criminal activities;
 3. Illegal use, sale, or possession of a controlled substance;
 4. Abuse of alcohol, prescription or over-the-counter drugs;
 5. Susceptibility to coercion or bribery; and
 6. Any other conduct relating to an assessment of potential untrustworthiness and/or unreliability.

6.1 CREDIT CHECK

A credit check provides information to be used with other BI information in the evaluation of an applicant's reliability and trustworthiness. Whatever information a national credit database provides satisfies the requirement for credit history information. For workers with residence of record from foreign countries, a financial responsibility inquiry from any entity within the country of record is acceptable.

6.2 PSYCHOLOGICAL EVALUATION

The licensee or C/V shall require the applicant to undergo a professionally accepted evaluation procedure, such as a written personality test, to assist in the determination of reliability and trustworthiness. The results of such a test or procedure must be evaluated by a qualified and, if applicable, licensed psychologist or psychiatrist. In instances where the results of the procedure identify a psychological abnormality that might indicate

emotional instability, unreliability or untrustworthiness, a clinical interview must be conducted by a qualified and, if applicable, licensed psychologist or psychiatrist. In addition, if the licensee develops other relevant information, the licensee may request a clinical interview to assess whether the individual would be considered trustworthy and reliable. Clinical interviews must be done under professionally accepted conditions, not necessarily in a physical face-to-face situation. The result of such an interview must be documented and include the date, results, name and qualification of the individual conducting the interview.

Although the behavioral observation program is the primary methodology for determining continued trustworthiness and reliability, subsequent to the granting of UA clinical interviews may be used to provide added assurance.

6.3 VERIFICATION OF IDENTITY

The purpose for the verification of identity requirement is to assure that the applicant being processed for UAA is, in fact, the person he or she purports to be.

The licensee or C/V shall verify identity as follows:

- a. Photo identification (e.g., driver's license, passport, etc.) or
- b. By comparing pertinent data from the BI and the applicant (e.g., social security number, date of birth, physical characteristics of the applicant, etc.)

3 EVALUATION CRITERIA

In making a trustworthiness or reliability determination the following shall be considered in conjunction with the specific information obtained during the background investigation and psychological evaluation:

- a. Willful omission or falsification of information submitted by an applicant.
- b. Illegal sale, use or possession of a controlled substance or alcohol abuse.
- c. A criminal history without evidence of rehabilitation, that establishes untrustworthiness or unreliability.
- d. A history of mental illness, emotional instability or behavioral problems which could impact the applicant's judgement or reliability.
- e. Evidence of susceptibility to coercion, influence or pressure that, if applied, might lead the applicant to commit sabotage or other unsafe act.

- f. Evidence that an applicant has committed, or attempted to commit or aided or abetted another who committed, or attempted to commit any act of sabotage or similar act.
- g. A psychological evaluation that indicates the applicant is untrustworthy, unreliable or a potential risk to self or others.
- h. Any other adverse information that could impact the trustworthiness and reliability of the applicant.

Subsequent to the granting of UA, a licensee or C/V may develop information that questions the continued trustworthiness and reliability of the individual. The licensee or C/V must review the circumstances, apply the evaluation criteria originally used to determine trustworthiness and reliability and determine whether the person continues to be trustworthy and reliable. In instances where trustworthiness and reliability can no longer be substantiated, UA/UAA must be terminated unfavorably. If this determination is made by a C/V, the licensee approving the program must be advised. The licensee must deny/revoke any active UA.

Note: Derogatory information obtained from confidential/unnamed sources must be substantiated and documented, and should not be used to deny UA, unless corroborated.

9 ACCESS AUTHORIZATION CATEGORIES

9.1 TEMPORARY

A licensee may grant UA utilizing a temporary UAA determination. The Temporary UAA is normally valid for a period of 180 continuous days from the granting of UA. The granting of UA using a Temporary UAA determination is predicated on the continued active investigation of all BI elements necessary for Full UAA. This 180-day Temporary UAA may be used to grant UA upon satisfactory completion of the following components:

- a. Verification of identity;
- b. Psychological evaluation (does not need to be repeated if administered within the past 365 days);
- c. Credit check;
- d. Recommendation of one developed character reference.
- e. A request for the FBI criminal history check of the applicant submitted in accordance with section 5.2.a.

- f. Verification of activities for the past year.

Unescorted access based on a Temporary UAA determination may not be extended beyond 180 days, except in instances where the military record agency and/or the criminal history check completion are delayed by the agency performing the check. Temporary UAA may be transferred while collecting information to complete the full/update UAA. Using back-to-back Temporary UAAs to circumvent this provision is not permitted.

6.1 FULL

After granting UA based on a Temporary UAA, the licensee or C/V must continue to process the applicant for a Full UAA. A licensee or C/V may issue the Full UAA when all elements of the BI have been satisfactorily completed, including elements done on a "best effort" basis. When upgrading a Temporary UAA to a Full UAA, the licensee need not interrupt UA unless the time to complete Full UAA exceeds 180 continuous days and the delay is not caused by a military record agency and/or the criminal history check. In all other instances UA shall be terminated by the licensee and only reinstated once all elements for the Full UAA have been completed satisfactorily.

Individuals who had been granted UA for a period of 180 continuous days as of April 25, 1991 were grandfathered by the NRC—considered to have satisfactorily met the Unescorted Access Authorization (UAA) performance requirements which continue to be as defined herein.

6.2 REINSTATEMENT/TRANSFER

A licensee may reinstate/transfer UA (Temporary or Full/Update) provided:

- a. The applicant's UA has not been interrupted for a continuous period exceeding 365 days;
- b. The previous period of UA was terminated under favorable conditions; and
- c. In instances in which there is a greater than thirty (30) day break in UA, the individual's activities since the last date of UA have been "ascertained" and determined not to have the potential to affect the applicant's trustworthiness or reliability prior to reinstatement. The "ascertaining of activities" is the implementation of the licensee's procedure (e.g., use of a questionnaire, interview, or confirmation that the worker has been covered by an approved behavior observation program, etc.), to ensure that information necessary to make the trustworthiness determination is collected and evaluated, and
- d. The applicant's identity is verified.

4.1 UPDATE

Pursuant to granting UA to an applicant whose previous UA has been interrupted for more than 365 days but less than three (3) years, a licensee must conduct an Update. A Temporary UAA may be issued while the Update BI is being conducted after the requirements of Section 7.1 have been met. Updating the UAA requires the licensee or C/V to complete all background investigation elements in accordance with Section 5, to cover the applicant's activities from the previous UA termination date.

5 REVIEW PROCESS

Each individual who is denied UAA/UA or had it revoked shall:

- a. Be provided the basis for denial or revocation of UAA/UA;
- b. Have the opportunity to provide any additional information; and
- c. Be provided the opportunity to have the decision, together with any additional information, reviewed by another designated management level employee of the licensee who is equivalent or senior to and independent of the individual who made the initial decision to deny or revoke UAA/UA. The determination from this review is final.

An alternative review process that is independent and impartial is acceptable. The licensee will include a description of the appeals process to be used in the procedures that implement this requirement.

Licensee programs are not intended to modify, subjugate, or abrogate any review rights that currently exist for C/V employees with their respective employers.

4 BEHAVIORAL OBSERVATION PROGRAM

Subsequent to the granting of UA, the licensee's and/or C/V's behavioral observation program is the primary means for determining continued trustworthiness and reliability. To maintain UAA, an individual must be covered by a behavioral observation program that has the following features:

- a. The objective of detecting illegal drug use, alcohol/legal drug abuse and other behavior that may constitute an unreasonable risk to the health and safety of the public, including a potential threat to commit radiological sabotage.
- b. Management/supervisory personnel responsible for:
 - Observing personnel for behavioral traits and patterns that may reflect adversely on their trustworthiness or reliability; and

- Reporting those observations to appropriate licensee or C/V management, and
- c. A training program that results in reasonable assurance that licensee and C/V supervisory personnel have sufficient awareness and sensitivity to detect degradation in performance, impairment or changes in an individual's behavior with an expectation of promptly reporting noticeable changes in behavior to the licensee's or C/V's management for appropriate evaluation and action.

4 ARREST REPORTING

Individuals with UAA must be notified in writing of his or her responsibility to report any arrest that may impact upon his or her trustworthiness or reliability. Individuals are responsible for complying with the written notification. Failure to report arrests could result in the denial/revocation of UA.

5 LICENSEE-APPROVED C/V SCREENING PROGRAMS

The licensee may accept the results of the entire UAA program, or any part thereof, conducted by a C/V, provided that the program elements meet the requirements of these criteria and that appropriate records are made available upon request for auditing by the licensee or its designated representatives. The C/V program features do not abrogate the licensee's ultimate responsibility for assuring that individuals granted UA to the protected area meet regulatory requirements.

In conjunction with the request for UA and while the individual holds UA at a licensee facility, C/Vs shall report developed adverse or derogatory information. Adverse or derogatory information developed subsequent to the termination of UA that would have affected an original UA decision shall be reported to the licensee upon discovery.

6 AUDITS

6.1 LICENSEE PROGRAMS

An audit of the licensee's initial UAA program and its conformance to these guidelines must be made within 12 months of the effective date of implementation of the access authorization program. Thereafter, personnel not responsible for the UAA decision-making program must conduct an audit at least once every 24 months. The audit report must be provided to licensee management and include any findings and corrective actions. The licensee shall retain all reports of evaluation for a minimum of three years.

6.2 LICENSEE-APPROVED C/V SCREENING PROGRAMS

The licensee or its designated representative shall conduct audits on a nominal annual basis of its C/V's UAA programs to ensure compliance with these criteria. Audits performed by other licensees may be relied upon for acceptance of results and associated evaluation, i.e., a re-audit of the same C/V for the same period of time is not necessary provided the scope of the audit meets regulation. Licensees relying on audit results must obtain and review a copy of the audit report to include findings and corrective actions and shall retain said records of evaluation for a minimum of three years.

7 RECORDS

7.1 PROTECTION OF INFORMATION

Each licensee or C/V who collects personal information for the purpose of processing applicants for UAA shall establish and maintain a system of files and procedures for the protection of the personal information. This information must not be disclosed to unauthorized persons. The following are considered authorized:

- a. Other licensees or C/Vs seeking the information as required for UAA determinations and who have obtained a signed release form;
- b. NRC representatives;
- c. Appropriate law enforcement officials under court order;
- d. The subject individual or his or her representative;
- e. Licensee representatives who have a need to have access to the information in performing assigned duties, including audits of licensee, contractor or vendor programs, except where specifically excluded by regulation;
- f. Persons deciding matters on review or appeal; or
- g. Other persons pursuant to court order.

FBI criminal history records information can only be accessed and maintained by licensee employees.

7.1 RECORDS MAINTENANCE

Licensees and/or their C/Vs who implement UAA programs in accordance with these criteria shall retain the records on which the authorization is based for the duration of the UA and for the regulatory specified period following termination from the authorizing licensee.