

| <p style="text-align: center;"><b>Draft Final Rule Text</b></p> <p style="text-align: center;"><b>Personnel access authorization requirements for nuclear power plants.</b></p>   |
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| (a) Introduction.   |
| (a)(1) By [date—180 days—after the effective date of the final rule published in the Federal Register], each nuclear power reactor licensee, licensed under 10 CFR Part 50, shall implement the revised requirements of this section through revisions to its Commission-approved Physical Security Plan.   |
| (a)(2) The licensee is responsible to the Commission for maintaining its access authorization program in accordance with Commission regulations and related Commission-directed orders.   |
| (a)(3) Each applicant for an operating license under the provisions of part 50 of this chapter, and each holder of a combined license under the provisions of part 52 of this chapter, shall satisfy the requirements of this section upon receipt of an operating license or upon notice of the Commission's finding under § 52.103(g) of this chapter or, in any event, no later than before the receipt of special nuclear material in the form of fuel assemblies. Before receiving its operating license under Part 50 of this chapter, before the Commission makes its finding under § 52.103(g) of this chapter, or before the receipt of special nuclear material in the form of fuel assemblies, each applicant for a license to operate a nuclear power reactor (including an applicant for a combined license) may implement its Commission-approved Physical Security Plan to certify individuals unescorted access authorization status for future protected or vital areas of its facilities and thereby maintain a pool of individuals with unescorted access authorization status for future protected or vital area unescorted access to its facilities. |
| (a)(4) Contractors and vendors who implement licensee or applicant approved access authorization programs or program elements shall develop, implement, and maintain contractor authorization programs or program elements that meet the requirements of this section, to the extent that the licensees and applicants specified in paragraphs (a)(1) and (a)(5) of this section rely upon those contractor access programs or program elements to meet the requirements of this section. In any case, only a licensee or applicant shall grant or, permit an individual to maintain, deny, terminate, or withdraw unescorted access to the nuclear power plant protected and or vital areas of its nuclear power plant or plants.  |
| (b) Individuals who are subject to an access authorization program.<br>(b)(1) The following individuals shall be subject to an access authorization program:  |
| (b)(1)(i) Any individual to whom a licensee intends to grant unescorted access to nuclear power plant protected or vital areas or any individual for whom a licensee or an applicant intends certify unescorted access authorization:   |
| (b)(1)(ii) Any individual whose duties and responsibilities permit the individual to take actions by electronic means, either on site or remotely, that could adversely impact the licensee's or applicant's operational safety, security, or emergency response capabilities. Licensees may allow short-term supervised oversight of contractors, vendors and consultants required for supporting its information technology systems provided that (1) information technology systems are isolated from plant-based network and (2) a  |

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| <p>contractor's or vendor's systems connected to licensees systems are free from unwanted codes, (3) the licensee implements electronic security measures that are, at a minimum, capable of (A) producing a reviewable log of the work conducted by the vendor or consultant, (B) detecting configuration changes to contractor's or vendor's connected systems, (C) detecting and preventing unauthorized access and changes of licensees' or applicants' systems, and (D) preventing unauthorized eavesdropping by an unauthorized individual or system to provide high assurance that any system that can adversely impact safety, security, or emergency response capabilities are protected from potential threats imposed by electronically escorted contractors, vendors or consultants . Additionally, if commercial facilities, not under licensee control, are required for emergency response, the licensee shall implement security measures that provide high assurance that licensee equipment within those facilities cannot be used as a means to provide electronic access to any systems that can adversely impact safety, security or emergency response equipment relied upon by the licensee for the protection of the public health and safety and the common defense and security; and</p> |
| <p>(b)(1)(iii) Any individual who has responsibilities for implementing a licensee's or applicant's protective strategy, including, but not limited to, armed security force officers, alarm station operators, and tactical response team leaders; and</p>  |
| <p>(b)(1)(iv) The licensee's, applicants, or contractor access program's reviewing official. However the reviewing officials shall be exempted from the criminal history review requirements set forth in (d) (7) of this section, if licensees do not expect to grant the reviewing official unescorted access to their protected or vital areas or if applicants do not expected to certify the reviewing officials unescorted access status. In such case, the reviewing officials shall be subjected to criminal history review requirements set forth in 73.56 (k)(1)(ii).</p>  |
| <p>(b)(2) At the licensee's or applicant's discretion, other individuals, including employees of a contractor or a vendor who are designated in access authorization program procedures are subject to an access authorization program that meets the requirements of this section.</p>  |
| <p>(c) General performance objective. Access authorization programs must provide high assurance that the individuals who are specified in paragraph (b)(1), and, if applicable, (b)(2) of this section are trustworthy and reliable, such that they do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.</p>  |
| <p>(d) Background investigation. In order to grant an individual unescorted access to the protected area or vital area of a nuclear power plant or certify an individual unescorted access authorization status, licensees applicants and contractors or vendors specified in paragraph (a) of this section shall ensure that the individual has been subject to a background investigation. The background investigation must include, but is not limited to, the following elements:</p>   |
| <p>(d)(1) Informed consent. The licensees, applicants, and the contractors or vendors specified in paragraph (a) of this section shall not initiate any element of a background investigation without informed and signed consent of the subject individual. The licensee or</p>   |

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| <p>applicant to whom the individual is applying for unescorted access and unescorted access authorization respectively or the contractors or vendors supporting them shall inform the individual of his or her right to review information collected to assure its accuracy, and provide the individual with an opportunity to correct any inaccurate or incomplete information that is developed by licensees, applicants, or contractors or vendors about the individual.</p>   |
| <p>(d)(1)(i) The subject individual may withdraw his or her consent at any time. The licensee, applicant or the contractor specified in paragraph (a) of this section shall inform the individual that —</p> <p>(A) Withdrawal of his or her consent will withdraw the individual's current application for access authorization under the licensee's or applicant's access authorization program or contractor access program ; and</p> <p>(B) Other licensees and applicants shall have access to information documenting the withdrawal through the information-sharing mechanism required under paragraph (o)(6) of this section, for their access determination of that individual. Additionally, the contractors or vendors may have the same access to the information, if such information is necessary for assisting licensees or applicants complying with requirements set forth in section.</p>   |
| <p>(d)(1)(ii) If an individual withdraws his or her consent, the licensees, applicants, and contractors or vendors specified in paragraph (a) of this section may not initiate any elements of the background investigation that were not in progress at the time the individual withdrew his or her consent, but shall complete any background investigation elements that are in progress at the time consent is withdrawn. In the information-sharing mechanism required under paragraph (o)(6) of this section, the licensee or applicant, shall record the status of individual's application for unescorted access or unescorted access authorization respectively. The contractor or vendor may record the status of individual's application for unescorted access or unescorted access authorization for licensees or applicants. Additionally, licensees, applicants, or contractors or vendors shall collect and maintain the individual's application for unescorted access or unescorted access authorization; his or her withdrawal of consent for the background investigation; the reason given by the individual for the withdrawal, and any pertinent information collected from the background investigation elements that were completed.</p> |
| <p>(d)(1)(iii) The licensees, applicants, and contractors or vendors specified in paragraph (a) of this section shall inform, in writing, any individual who is applying for unescorted access or unescorted access authorization that the following actions related to providing and sharing the personal information under this section are sufficient cause for denial or unfavorable termination of unescorted access or unescorted access authorization status:</p> <p>(A) Refusal to provide signed consent for the background investigation;</p> <p>(B) Refusal to provide, or the falsification of, any personal history information required under this section, including the failure to report any previous denial or unfavorable termination of unescorted access or unescorted access authorization;</p> <p>(C) Refusal to provide signed consent for the sharing of personal information with other licensees, applicants, or the contractor or vendors under paragraph (d)(4)(v) of this section; and</p> <p>(D) Failure to report any arrests or legal actions specified in paragraph (g) of this section.</p>  |

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| <p>(d)(2) Personal history disclosure.</p> <p>(i) Any individual who is applying for unescorted access or unescorted access authorization shall disclose the personal history information that is required by the licensee's or applicant's access authorization program or contractor access program, including any information that may be necessary for the reviewing official to make a determination of the individual's trustworthiness and reliability.</p>  |
| <p>(d)(2)(ii) Licensees, applicants, and contractors or vendors shall not require an individual to disclose an administrative withdrawal of unescorted access or unescorted access authorization under the requirements of paragraphs (g), (h)(7), or (i)(1)(v) of this section, unless the individual's unescorted access or unescorted access authorization is in an administratively withdrawn state at the time he or she is seeking unescorted access or unescorted access authorization, or the individual's unescorted access or unescorted access authorization was subsequently denied or terminated unfavorably by a licensee, applicant, or contractors or vendors.</p>  |
| <p>(d)(3) Verification of true identity. Licensees, applicants, and contractors or vendors shall verify true identity of an individual who is applying for unescorted access or unescorted access authorization in order to ensure that the applicant is the person that he or she has claimed to be. At a minimum, licensees and applicants or contractors or vendors shall validate that the social security number that the individual has provided is his or hers, and, in the case of foreign nationals, validate the claimed immigration status that the individual has provided is correct.</p> <p>In addition, licensees and applicants shall also determine whether the results of the fingerprinting required under § 73.57 confirm the individual's claimed identity, if such results are available.</p> |
| <p>(d)(4) Employment history evaluation. Licensees, applicants, and contractors or vendors shall ensure that an employment history evaluation has been completed on a best effort basis, by questioning the individual's present and former employers, and by determining the activities of individuals while unemployed.</p>   |
| <p>(d)(4)(i) For the claimed employment period, the employment history evaluation must ascertain the reason for termination, eligibility for rehire, and other information that could reflect on the individual's trustworthiness and reliability.</p>  |
| <p>(d)(4)(ii) If the claimed employment was military service, the licensee, applicant, or contractor or vendor who is conducting the employment history evaluation shall request a characterization of service, reason for separation, and any disciplinary actions that could affect a trustworthiness and reliability determination.</p>  |
| <p>(d)(4)(iii) If education is claimed in lieu of employment, the licensee, applicant, or contractor or vendor shall request information that could reflect on the individual's trustworthiness and reliability and, at a minimum, verify that the individual was registered for the classes and received grades that indicate that the individual actively participated in the educational process during the claimed period.</p>  |

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| <p>(d)(4)(iv) If a previous employer, educational institution, or any other entity with which the individual claims to have been actively engaged and to whom the licensee, applicant, or contractor or vendor has directed a request for information fails to provide information or indicates an inability or unwillingness to provide information within 3 business days of the request, the licensee, applicant, or contractor or vendor shall document this refusal or unwillingness in the licensee's, applicant's, or contractor or vendor's record of the investigation, and obtain a confirmation of employment, educational enrollment and attendance, or other form of active engagement claimed by the individual from at least one alternate source, with questions answered to the best of the alternate source's ability. This alternate source may not have been previously used by the licensee, applicant, or contractor or vendor to obtain information about the individual's character and reputation. If the licensee, applicant, contractor or vendor uses an alternate source because the requested information is not obtained within 3 business days of the initial request to the employer, educational institution, or other entity, the licensee or applicant need not delay granting an individual unescorted access or certifying an individual unescorted access authorization but the licensee, applicant, or contractor or vendor shall evaluate and document the response at the time it is received,</p> |
| <p>(d)(4)(v) When any licensee, applicant, or contractor access program specified in paragraph (a) of this section is legitimately seeking the information required for an unescorted access or unescorted access authorization decision under this section and has obtained a signed release from the subject individual authorizing the disclosure of such information, a licensee, applicant, or contractor or vendor specified in paragraph (a) of this section shall make available the personal or access authorization information requested regarding the denial or unfavorable termination of unescorted access authorization was based.</p>  |
| <p>(d)(4)(vi) In conducting an employment history evaluation, the licensee, applicant, or contractor or vendor may obtain information and documents by electronic means, including, but not limited to, telephone, facsimile, or email.<br/>The licensee, applicant, or contractor or vendor shall make a record of the contents of the telephone call and shall retain that record, and any documents or electronic files obtained electronically, in accordance with paragraph (o) of this section.</p>  |
| <p>(d)(5) Credit history evaluation. The licensees, applicants, and the contractor or vendor specified in paragraph (a) of this section shall ensure that the full credit history of any individual who is applying for unescorted access or unescorted access authorization is evaluated. A full credit history evaluation must include, but is not limited to, an inquiry to detect potential fraud or misuse of social security numbers or other financial identifiers, and a review and evaluation of all of the information that is provided by a national credit-reporting agency about the individual's credit history. For individuals including foreign national and United States citizens who have resided outside the United States and do not have established credit history that covers at least the most recent seven years in the United States, the licensee, applicant, or the contractor or vendor must document all attempts to obtain information regarding the individual's credit history and financial responsibility from some relevant entity located in that other country or countries.</p>   |
| <p>(d)(6) Character and reputation evaluation. The licensees, applicants and the contractor or vendor specified in paragraph (a) of this section shall ascertain the character and reputation of an individual who has applied for unescorted access or unescorted access authorization by conducting reference checks. Reference checks may not be conducted with any person</p>  |

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| <p>who is known to be a close member of the individual's family, including but not limited to, the individual's spouse, parents, siblings, or children, or any individual who resides in the individual's permanent household. The reference checks must focus on the individual's reputation for trustworthiness and reliability.</p>  |
| <p>(e) Psychological assessment. In order to assist in determining an individual's trustworthiness and reliability, the licensees, applicants, and contractors or vendors specified in paragraph (a) of this section shall ensure that a psychological assessment has been completed of the individual who is applying for unescorted access or unescorted access authorization status, prior to the individual being granted unescorted access or certified unescorted access authorization. The psychological assessment must be designed to evaluate the possible adverse impact of any noted psychological characteristics on the individual's trustworthiness and reliability.</p>   |
| <p>(e)(1) A licensed psychologist or psychiatrist with the appropriate clinical training and experience shall conduct the psychological assessment.</p>   |
| <p>(e)(2) The psychological assessment must be conducted in accordance with the applicable ethical principles for conducting such assessments established by the American Psychological Association or American Psychiatric Association.</p>  |
| <p>(e)(3) At a minimum, the psychological assessment must include the administration and interpretation of a standardized, objective, professionally-accepted psychological test that provides information to identify indications of disturbances in personality or psychopathology that may have adverse implications for an individual's trustworthiness and reliability. Appropriately tailored, predetermined thresholds for each scale must be applied in interpreting the results of the psychological test to determine whether an individual shall be interviewed by a licensed psychiatrist or psychologist, under paragraph (e)(4)(i) of this section.</p>   |
| <p>(e)(4) The psychological assessment must include a clinical interview —</p> <ul style="list-style-type: none"> <li>(i) If an individual's scores on the psychological test in paragraph (e)(3) of this section identify indications of disturbances in personality or psychopathology that may have implications for an individual's trustworthiness and reliability; or</li> <li>(ii) If the individual is a member of the population who performs job functions that are critical to the safe and secure operation of the licensee's facility.</li> </ul>  |
| <p>(f) Behavioral observation.</p> <p>(1) Licensee and applicant access authorization programs must include a behavioral observation element that is designed to detect behaviors or activities that may constitute an unreasonable risk to the health and safety of the public and common defense and security, including a potential threat to commit radiological sabotage.</p> <p>(2) Each person subject to the behavior observation requirements of this section shall be responsible for communicating to the licensee or applicant, observed behaviors of individuals subject to the requirements of this section, that may adversely affect the safety or security of the licensee's facility, or that may constitute an unreasonable risk to the public health an safety or the common defense and security. If an individual is identified to the licensee or applicant as required in this pragraph, the licensee or applicant shall ensure that the licensee or applicant's reviewing official is formally made aware of the identification. The licensee or applicant's reviewing official shall re-assess the individual's unescorted access or unescorted access authorization status based on its re-assessment of the</p> |

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| <p>worker's trustworthiness and reliability. The elements of the reassessment shall be determined by the reviewing official based on his or her accumulated information of the individual. If the reviewing official has a reason to believe that the reported individual's trustworthiness or reliability is questionable, the reviewing official shall either administratively withdraw or terminate the individual's unescorted access unescorted access or unescorted access authorization while completing the re-evaluation or an investigation.</p>  |
| <p>(f)(1) The licensees, applicants and contractors or vendors specified in paragraph (a) of this section shall ensure that the individuals specified in paragraph (b)(1) and, if applicable, (b)(2) of this section are subject to behavioral observation.</p>   |
| <p>(f)(2) The individuals specified in paragraph (b)(1) and, if applicable, (b)(2) of this section shall observe the behavior of other individuals.<br/>The licensees, applicants, and contractors or vendors specified in paragraph (a) of this section shall ensure that individuals who are subject to this section also successfully complete initial behavioral observation training and re-qualification behavior observation training as required in (f)(2)(ii).</p>   |
| <p>(f)(2)(i) Behavioral observation training (1) must be completed before the licensee grants unescorted access or certifies unescorted access authorization status or an applicant certifies unescorted access authorization, as defined in paragraph (h)(5) of this section, (2) must be current before the licensee grants unescorted access update or reinstatement or licensee or applicant certifies unescorted access authorization update or reinstatement as defined in paragraph (h)(6), or (h)(7) of this section, and (3) must be maintained current for an individual during any period of time an individual maintains unescorted access or unescorted access authorization status.</p> |
| <p>(f)(2)(ii) Individuals shall complete refresher training on a nominal 12-month frequency, or more frequently where the need is indicated. Individuals may take and pass a comprehensive examination that meets the requirements of paragraph (f)(2)(iii) of this section in lieu of completing annual refresher training;</p>  |
| <p>(f)(2)(iii) Individuals shall demonstrate the successful completion of behavioral observation training by passing a comprehensive examination that addresses the knowledge and abilities necessary to detect behavior or activities that have the potential to constitute an unreasonable risk to the health and safety of the public and common defense and security, including a potential threat to commit radiological sabotage. Remedial training and re-testing are required for individuals who fail to satisfactorily complete the examination.</p>  |
| <p>(f)(2)(iv) Initial and refresher training may be delivered using a variety of media (including, but not limited to, classroom lectures, required reading, video, or computer-based training systems). The licensee, applicant, or contractor or vendor shall monitor the completion of training.</p>   |

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| <p>(f)(3) Individuals who are subject to an access authorization program under this section shall at a minimum, report any concerns arising from behavioral observation, including, but not limited to, concerns related to any questionable behavior patterns or activities of others to the reviewing official or may report to his or her supervisor, or other, management personnel designated in their site procedures, procedures. The recipient of the report shall, if other than the reviewing official, promptly convey the report to the reviewing official, who shall determine whether to maintain, administratively withdraw, or unfavorably terminate the reported individual's unescorted access or unescorted access authorization status. If, the reviewing official determines from the information provided that there is cause for additional action, the reviewing official may inform the supervisor of the reported individual.</p> <p>.</p>  |
| <p>(g) Legal Actions. Any individual who has applied for unescorted access or unescorted access authorization or is maintaining unescorted access or unescorted access authorization under this section shall promptly report to the reviewing official and may report to his or her supervisor, or other management personnel designated in their site procedures any legal action(s) taken by a law enforcement authority or court of law to which the individual has been subject that could result in incarceration or a court order or that requires a court appearance, including but not limited to an arrest, an indictment, the filing of charges, or a conviction, but excluding minor civil actions or misdemeanors such as parking violations or speeding tickets. The recipient of the report shall, if other than the reviewing official, promptly convey the report to the reviewing official. On the day that the report is received, the reviewing official shall evaluate the circumstances related to the reported legal action(s) and re-determine the reported individual's unescorted access or unescorted access authorization status.</p> |
| <p>(c)(1) Deleted</p>   |
| <p>(h) Granting unescorted access and certifying unescorted access authorization. The licensees and applicants specified in paragraph (a) of this section shall implement the requirements of this paragraph for granting an initial, update, or reinstatement of unescorted access or certifying an initial, update, and reinstatement of unescorted access authorization.</p> <p>Licensees, applicants, or contractors or vendors may maintain the results and collected supporting data of their access authorization program elements for no more that 30 days. Additionally, the licensees, applicants, or contractors or vendors may maintain the results and collected supporting data of their access authorization program elements for more than 30 days if an individual participates the licensees', applicants', a licensee approved, a, applicant approved behavior observation program.</p>  |
| <p>(h)(1) Accepting unescorted access authorization from other access authorization programs. Licensees who are seeking to grant unescorted access or certify unescorted access authorization licensees or applicants who are seeking to certify unescorted access authorization to an individual who is subject to another Commission-approved access</p>  |



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| <p>authorization program or another access authorization program that complies with this section may rely on the those access authorization programs or access authorization program elements to comply with the requirements of this section. However, the licensee who is seeking to grant unescorted access or the licensee or applicant who is seeing to certify unescorted access authorization shall ensure that the program elements to be accepted have been maintained consistent with the requirements of this section by the other access authorization program. At the discretion of the licensee or applicant, an individual may maintain his or her unescorted access authorization status if he or she continues to be subject to a licensee's behavior observation program or licensee approved behavior observation program.</p> |
| <p>(h)(2) Information sharing. To meet the requirements of this section, licensees, applicants, and contractors or vendors may rely upon the information that other licensees, applicants, and contractors or vendors who are subject to this section have (1) gathered about individuals who have previously applied for unescorted access or unescorted access authorization and (2) developed about individuals during periods in which the individuals maintained unescorted access or unescorted access authorization status.</p>  |
| <p>(h)(3) Requirements applicable to all unescorted access and unescorted access authorization categories. Before granting unescorted access or certifying unescorted access authorization status to individuals in any category, licensee, applicants, and contractors or vendors shall ensure that:</p>   |
| <p>(h)(3)(i) The individual's signed consent to conduct a background investigation, if necessary, has been obtained and the individual's true identity has been verified, in accordance with paragraphs (d)(2) and (d)(3) of this section, respectively;</p>  |
| <p>(h)(3)(ii) The individual has been informed, in writing, of his or her responsibilities to report legal actions under paragraph (g) of this section.</p>   |
| <p>(h)(3)(iii) For access authorization or unescorted access authorization status where the period of interruption 30 or fewer days: Individuals who last held unescorted access or unescorted access authorization that was terminated under favorable conditions within the past 30 days, shall meet the following requirements (1) licensees or applicant shall: verify the true identity of the individual who is applying for unescorted access or unescorted access authorization and (2) require the individual to complete a self-disclosure since last unescorted access or unescorted access authorization status and provide the disclosure to the licensee or applicant. The licensee or applicant shall review the self-disclosure and take action as appropriate based on the information provided.</p>                             |
| <p>(h)(4) Interruptions in unescorted access or unescorted access authorization. For individuals who have previously held unescorted access or unescorted access authorization under this section but whose unescorted access or unescorted access authorization has since been terminated under favorable conditions, the licensee, applicant or contractor or vendor shall implement the requirements for initial unescorted access or unescorted access authorization in paragraph (h)(5) of this section, updated access authorization or unescorted access authorization in paragraph (h)(6) of this section, or reinstatement of unescorted access or unescorted access authorization in paragraph (h)(7) of this section,</p>  |

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based upon the total number of days that the individual's unescorted access or unescorted access authorization status has been interrupted. The interrupted period is the number of days between the day after the individual's last period of access authorization or unescorted access authorization was favorably terminated and the day upon which the licensee grants unescorted access or certifies unescorted access authorization or the licensee certifies unescorted access authorization status to the individual. If potentially disqualifying information is disclosed or discovered about an individual, licensees, applicants, and their contractors or vendors shall take additional actions, as specified in the licensee's or applicant's access authorization program as defined in their Physical Security Plans, in order for the licensee to grant unescorted access or certify unescorted access authorization or applicant to certify unescorted access authorization or permit the individual to maintain his or her unescorted access or unescorted access authorization.

(h)(5) Initial unescorted access or unescorted access authorization. Before granting unescorted access or certifying unescorted access authorization to an individual who has never held unescorted access or unescorted access authorization status or whose unescorted access or unescorted access authorization status has been interrupted for a period of 3 years or more, the licensee, applicant, or contractor or vendor shall, at a minimum, ensure that:

(1) consent has been obtained from the individual to conduct a background investigation in accordance with paragraph (d)(1) of this section, a personal history form or questionnaire has been completed by the individual in accordance with paragraph (d)(2) of this section, and verification of identity has been conducted in accordance with paragraph (d)(3) of this section;

(2) an employment history evaluation has been completed in accordance with paragraph (d)(4) of this section. The period of the employment history that the individual shall disclose, and the licensee, applicant, or contractor or vendor shall evaluate, must be the past 3 years or since the individual's eighteenth birthday, whichever is shorter. For the 1-year period immediately proceeding the date upon which the individual applies for unescorted access or unescorted access authorization, the licensee, applicant or contractor or vendor shall ensure that the employment history evaluation is conducted with every employer, regardless of the length of employment. For the remaining 2-year period, the licensee, applicant, or contractor or vendor shall ensure that the employment history evaluation is conducted with the employer by whom the individual claims to have been employed the longest within each calendar month, if the individual claims employment during the given calendar month;

(3) a credit history evaluation has been conducted in accordance with (d)(5) of this section;

(4) the individual's character and reputation have been ascertained, in accordance with paragraph (d)(6) of this section;

(5) the individual's criminal history record has been obtained and reviewed or updated, in accordance with paragraphs (d)(7) and (i)(1)(v) of this section, as applicable;

(6) a psychological assessment or reassessment of the individual has been completed in accordance with the requirements of paragraphs (e) or (i)(1)(v) of this section, as applicable; and

(7) training has been completed in accordance with (f)(2) of this section and drug screening has been completed in accordance with 10 CFR part 26 as required.

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| <p>(h)(6) Updated unescorted access and unescorted access authorization. Before granting unescorted access or certifying unescorted access authorization status to an individual whose unescorted access or unescorted access authorization status has been interrupted for more than 365 days but fewer than 3 years and whose last period of unescorted access or unescorted access authorization status was terminated under favorable conditions, the licensee, applicant or contractor or vendor shall ensure that:</p> <p>(1) signed consent has been obtained from the individual to conduct a background investigation in accordance with paragraph (d)(1) of this section, a personal history form or questionnaire has been completed by the individual in accordance with paragraph (d)(2) of this section, and verification of identity has been conducted in accordance with paragraph (d)(3) of this section;</p> <p>(2) an employment history evaluation has been completed in accordance with paragraph (d)(4) of this section. The period of the employment history that the individual shall disclose, and the licensee, applicant, or contractor or vendor shall evaluate, must be the period since the individual's unescorted access or unescorted access authorization status was last terminated, up to and including the day the individual applies for updated unescorted access authorization. For the 1-year period immediately preceding the date upon which the individual applies for unescorted access authorization, the licensee, applicant, or contractor or vendor shall ensure that the employment history evaluation is conducted with every employer, regardless of the length of employment. For the remaining period since the individual's unescorted access or unescorted access authorization status was last terminated, the licensee, applicant or contractor or vendor shall ensure that the employment history evaluation is conducted with the employer by whom the individual claims to have been employed the longest within each calendar month, if the individual claims employment during the given calendar month;</p> <p>(3) the individual's character and reputation have been ascertained, in accordance with paragraph (d)(6) of this section;</p> <p>(4) a credit history evaluation has been conducted in accordance with paragraph (d)(5) of this section;</p> <p>(5) the individual's criminal history record has been obtained and reviewed or updated, in accordance with paragraphs (d)(7) and (i)(1)(v) of this section, as applicable;</p> <p>(6) a psychological assessment or reassessment of the individual has been completed in accordance with the requirements of paragraphs (e) or (i)(1)(v) of this section, as applicable; and</p> <p>(7) training has been completed in accordance with paragraph (f)(2) of this section and drug screening has been completed in accordance with 10 CFR part 26 as required.</p> |
| <p>(h)(7) Reinstatement of unescorted access or recertification of unescorted access authorization (31 to 365 days). Prior to reinstatement of unescorted access to an individual whose unescorted access or unescorted access authorization status has been interrupted for a period of more than 30 days but no more than 365 days and whose last period of unescorted access or unescorted access authorization was terminated under favorable conditions, the licensee or applicant, contractor or vendor shall ensure that (1) consent has been obtained from the individual to conduct a background investigation in accordance with (d)(1) of this section, a personal history form or questionnaire has been completed by the individual in accordance with (d)(2) of this section, verification of identity</p>   |

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has been conducted in accordance with (d)(3) of this section and (2) training has been completed in accordance with (f)(2) of this section.

However, within 5 business days after reinstatement, drug screening of the individual shall be completed in accordance with 10 CFR Part 26. In the event the drug screening of the individual is not completed within this 5 business days, the licensee or applicant shall administratively withdraw unescorted access within that 5 business days.

Additionally, within that 5 business days, the licensee or applicant, contractor or vendor shall complete the individual's employment history evaluation in accordance with the requirements of paragraph (d)(4) of this section. However, if the employment history evaluation is not completed within 5 business days of reinstatement due to circumstances that are outside of the licensee's or applicant's, contractor's or vendor's control and the licensee or applicant, contractor or vendor is not aware of any potentially disqualifying information regarding the individual within the past 5 years, the licensee may extend the individual's unescorted access or licensee an additional 5 business days. If the employment history evaluation is not completed within this extended 5 business days, the licensee shall complete the employment history evaluation in accordance with paragraph (d)(4) of this section. In the event the employment evaluation of the individual is not completed within this extended 5 business days, the licensee shall administratively withdraw unescorted access within that 5 business days until the employment history evaluation is completed.

For re-certification of unescorted access authorization, prior to re-certification of unescorted access authorization status of an individual, the licensee or applicant shall complete all the elements stated above including drug screening and employment evaluation.

(h)(8) Determination basis. The licensee's or applicant's reviewing official shall determine whether to grant or certify, deny, unfavorably terminate, maintain, or administratively withdraw an individual's unescorted access or unescorted access authorization status, based on an evaluation of all pertinent information that has been gathered about the individual as a result of any application for unescorted access or unescorted access authorization or developed during or following any period during which the individual maintained unescorted access or unescorted access authorization.

The licensee's or applicant's reviewing official shall not determine whether to grant unescorted access or certify unescorted access authorization status to an individual or to maintain an individual's unescorted access or unescorted access authorization status until all of the required information has been provided to the reviewing official and he or she has determined that the accumulated information supports a determination of trustworthiness and reliability. However, the reviewing official may determine that access shall be denied or terminated based on disqualifying information even if all information required by this section has not been provided.

(h)(9) Unescorted access for NRC-certified personnel. The licensees and applicants specified in paragraph (a) of this section shall grant unescorted access to all individuals who have been certified by the Nuclear Regulatory Commission as suitable for such access.

(h)(10) Access prohibited. Licensees shall not permit an individual, who is identified as having an access-denied status in the information-sharing mechanism required under

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| <p>paragraph (o)(6) of this section, or has an access authorization status other than favorably terminated, to enter any nuclear power plant protected area or vital area, under escort or otherwise, or take actions by electronic means that could impact the licensee's or applicant's operational safety, security, or emergency response capabilities, under supervision or otherwise, except if, upon review and evaluation, the reviewing official determines that such access is warranted. Licensees and applicants shall develop reinstatement review procedures for assessing individuals whose access has been denied or unfavorably terminated. If a licensee is aware of information about an individual that characterizes the individual who is under consideration for escorted access as untrustworthy or unreliable, the licensee or applicant's reviewing official shall determine whether to allow escorted access to that individual.</p>  |
| <p>(i) Maintaining unescorted access or unescorted access authorization</p>  |
| <p>(i)(1) Individuals may maintain unescorted access or unescorted access authorization status under the following conditions:</p> <p>(i)(1)(i) The individual remains subject to a behavioral observation program that complies with the requirements of paragraph (f) of this section;</p> <p>(i)(1)(ii) The individual successfully completes behavioral observation refresher training or testing on the nominal 12-month frequency required in paragraph (f)(2)(ii) of this section;</p>  |
| <p>(i)(1)(iii) The individual complies with the licensee's, applicant's, or contractor's or vendor's access authorization program policies and procedures to which he or she is subject, including the legal actions reporting responsibility specified in paragraph (g) of this section;</p>  |
| <p>(i)(1)(iv) The individual is subject to an annual supervisory review conducted in accordance with the requirements of the licensee's or applicant's behavior observation program; however, if the supervisor does not have the frequent interaction with the individual throughout the review period needed to form an informed and reasonable opinion regarding the individual's behavior, trustworthiness, and reliability, the individual is also subject to a supervisory interview in accordance with the requirements of the licensee's or applicant's behavior observation program;</p>  |
| <p>(i)(1)(v) The licensee, applicant, or contractor or vendor determines that the individual continues to be trustworthy and reliable. This determination must be made as follows:</p> <p>(A) The licensee, applicant, or contractor or vendor shall complete a criminal history update and credit history re-evaluation of the individual within 5 years of the date on which these elements were last completed, or more frequently, based on job assignment. The licensee, applicant, or contractor or vendor shall complete a psychological reassessment within 5 years of the date on which this element was last completed for individuals who perform the following job duties or those individuals who perform job duties, that are critical to the safety and security of the nuclear power plan (as specified in physical security plan):</p> <p>I. Any individuals who have extensive knowledge in defensive strategies and designing and/or implementation of the plant's defense strategies</p> <p>II. Any individuals who have a position to grant an individual unescorted access or certify an individual unescorted access authorization</p> <p>III. Any individuals assigned a duty to search for contraband (weapons, explosives, incendiary devices)</p> |

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| <p>IV. Any individuals who manage and maintain security computer systems and networks</p>   |
| <p>V. Any individuals who have secures plant network or have extensive knowledge of plant network and have administrative control over the plant networks</p>   |
| <p>(B) The reviewing official shall complete an evaluation of the information obtained from the criminal history update and credit history reevaluation, psychological re-assessment, and the supervisory interview required under paragraph (i)(1)(iv) of this section (reinvestigation) within 30 calendar days of initiating any one of these elements; of initiating the review of either of the criminal history update or the credit history re-evaluation;</p> <p>(C) The results of the criminal history update, credit history re-evaluation, psychological re-assessment, if required and the supervisory review and interview, if required, required under paragraph (i)(1)(iv) of this section must support a determination of the individual's continued trustworthiness and reliability; and</p> <p>(D) If the criminal history update, credit history re-evaluation, psychological re-assessment, if required, and supervisory review and interview, if applicable, have not been completed and the information evaluated by the reviewing official within the time frame specified under paragraph (i)(1)(iv) of this section (5 years or earlier of the initial completion of these elements or the most recent update, re-evaluation, and re-assessment under this paragraph), or within the time period specified in the licensee's or applicant's Physical Security Plans, the licensee or applicant, shall administratively withdraw the individual's unescorted access or unescorted access authorization until these requirements have been met.</p> |
| <p>(i)(2) If an individual who has unescorted access or unescorted access authorization status is not subject to an access authorization program that meets the requirements of this part for more than 30 continuous days, then the licensee or applicant shall terminate the individual's unescorted access authorization or unescorted access authorization status and the individual shall meet the requirements in this section, as applicable, to regain unescorted access or unescorted access authorization.</p>  |
| <p>(j) Access to vital areas. Each licensee or applicant who is subject to this section shall establish, implement, and maintain a list of individuals who are authorized to have unescorted access to specific nuclear power plant vital areas to assist in limiting access to those vital areas during non-emergency conditions. The list must include only those individuals who have a continued need for access to those specific vital areas in order to perform their duties and responsibilities. The list must be approved by a cognizant licensee or applicant manager or supervisor who is responsible for directing the work activities of the individual who is granted unescorted access to each vital area, and updated and re-approved no less frequently than every 31 days.</p>   |
| <p>(k) Trustworthiness and reliability of background screeners and access authorization program personnel. Licensees, applicants, and contractor or vendors shall ensure that any individuals who collect, process, or have access to personal information that is used to make unescorted access or unescorted access authorization determinations under this section have been determined to be trustworthy and reliable.</p>   |
| <p>(k)(1) Background screeners. Licensees, applicants, and the contractors or vendors who</p>   |

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| <p>rely on individuals who are not directly under their control to collect and process information that will be used by a reviewing official to make unescorted access or unescorted access authorization determinations shall ensure that an trustworthiness and reliability evaluation of such individuals has been completed to support a determination that such individuals are trustworthy and reliable. At a minimum, the following checks are required:</p> <p>(k)(1)(i) Verification of the individual's true identity;</p>  |
| <p>(k)(1)(ii) A local criminal history review and evaluation based on information obtained from an appropriate State court or agency or the county, borough or parish court agency in which the individual is a permanent resident;</p>   |
| <p>(k)(1)(iii) A credit history review and evaluation;</p>  |
| <p>(k)(1)(iv) An employment history review and evaluation covering the past 3 years; and</p>  |
| <p>(k)(1)(v) An evaluation of character and reputation.</p>   |
| <p>(k)(2) Access authorization program personnel. Licensees, applicants, and contractors or vendors shall ensure that any individual who evaluates personal information for the purpose of processing applications for unescorted access or unescorted access authorization, including but not limited to a psychologist or psychiatrist who conducts psychological assessments under paragraph (e) of this section; has access to the files, records, and personal information associated with individuals who have applied for unescorted access or unescorted access authorization or is responsible for managing any databases that contain such files, records, and personal information has been determined to be trustworthy and reliable, as follows:</p> <p>(i) The individual is subject to an access authorization program that meets requirements of this section; or</p> <p>(ii) The licensee, applicant, and contractor or vendor determines that the individual is trustworthy and reliable based upon an evaluation that meets the requirements of paragraphs (d)(1) through (d)(6) and (e) of this section and either a local criminal history review and evaluation as specified in paragraph (k)(1)(ii) or a criminal history check that meets the requirements of paragraph (d)(7) of this section.</p> |
| <p>(l) Review procedures. Each licensee and applicant implementing an access authorization program under this section shall include a procedure for the review, at the request of the affected individual, of a denial or unfavorable termination of unescorted access or unescorted access authorization that may adversely affect employment. The procedure must require that the individual is informed of the grounds for the denial or unfavorable termination and allow the individual an opportunity to provide additional relevant information and an opportunity for an objective review of the information upon which the denial or unfavorable termination of unescorted access or unescorted access authorization was based. The procedure must provide for an impartial and independent internal management review. Licensees and applicants shall not grant unescorted access or certify unescorted access authorization, or permit the individual to maintain unescorted access or unescorted access authorization during the review process.</p>  |
| <p>(m) Protection of information. Each licensee, applicant, or contractor or vendor who is subject to this section who collects personal information about an individual for the purpose</p>  |

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| <p>of complying with this section shall establish and maintain a system of files and procedures to protect the personal information.</p>   |
| <p>(m)(1) Licensees, applicants and contractors or vendors shall obtain a signed consent from the subject individual that authorizes the disclosure of the personal information collected and maintained under this section before disclosing the personal information, except for disclosures to the following individuals:</p> <p>(m)(1)(i) The subject individual or his or her representative, when the individual has designated the representative in writing for specified unescorted access authorization matters;</p> <p>(m)(1)(ii) NRC representatives;</p> <p>(m)(1)(iii) Appropriate law enforcement officials under court order;</p> <p>(m)(1)(iv) A licensee's, applicant's, or contractor's or vendor's representatives who have a need to have access to the information in performing assigned duties, including determinations of trustworthiness and reliability and audits of access authorization programs;</p> <p>(m)(1)(v) The presiding officer in a judicial or administrative proceeding that is initiated by the subject individual;</p> <p>(m)(1)(vi) Persons deciding matters under the review procedures in paragraph (k) of this section; and</p> <p>(m)(1)(vii) Other persons pursuant to court order.</p> |
| <p>(m)(2) Personal information that is collected under this section must be disclosed to other licensees and applicants, or their authorized representatives, such as contractors or vendors, who are legitimately seeking the information for unescorted access or unescorted access authorization determinations under this section and who have obtained signed consent to release this information from the subject individual.</p>  |
| <p>(m)(3) Upon receipt of a written request by the subject individual or his or her designated representative, when the individual has designated the representative in writing, the licensee, applicant, or contractor or vendor possessing such information shall promptly provide copies of all information pertaining to a denial or unfavorable termination of the individual's unescorted access or unescorted access authorization. The licensee or applicant may redact the information to be released to the extent that personal privacy information, including the name of the source of the information is withheld.</p>   |
| <p>(m)(4) A licensee's, applicant's, or contract's or vendor's contracts with any individual or organization who collects and maintains personal information that is relevant to an unescorted access or unescorted access authorization determination must require that such records be held in confidence, except as provided in paragraphs (m)(1) through (m)(3) of this section.</p>   |
| <p>(m)(5) Licensees, applicants, or the contractors or vendors who collect and maintain personal information under this section, and any individual or organization who collects and maintains personal information on behalf of a licensee, applicant, or the contractors or vendor, shall establish, implement, and maintain a system and procedures for the secure storage and handling of the personal information collected.</p>  |



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| <p>(m)(6) This section does not authorize the licensee, applicant, or contractor or vendor to withhold evidence of criminal conduct from law enforcement officials.</p>   |
| <p>(n) Audits and corrective action. Each licensee and applicant who is subject to this section shall be responsible for the continuing effectiveness of the access authorization program, including access authorization program elements that are provided by the contractors or vendors, and the access authorization programs of any the contractors or vendors that are accepted by the licensee or applicant. Each licensee, applicant, and contractor or vendor who is subject to this section shall ensure that access authorization programs and program elements are audited to confirm compliance with the requirements of this section and those comprehensive actions are taken to correct any non-conformance that is identified.</p> |
| <p>(n)(1) Each licensee and applicant that is subject to this section shall ensure that its entire access authorization program is audited as needed, but no less frequently than nominally every 24 months. Licensees, applicants and contractors or vendors are responsible for determining the appropriate frequency, scope, and depth of additional auditing activities within the nominal 24-month period based on the review of program performance indicators, such as the frequency, nature, and severity of discovered problems, personnel or procedural changes, and previous audit findings.</p>   |
| <p>(n)(2) Access authorization program services that are provided to a licensee or applicant by contractor or vendor personnel who are off site or are not under the direct daily supervision or observation of the licensee's or applicant's personnel must be audited on a nominal 12-month frequency. In addition, any access authorization program services that are provided to contractors or vendors by subcontractor personnel who are off site or are not under the direct daily supervision or observation of the contractor's or vendor's personnel must be audited on a nominal 12-month frequency.</p>   |
| <p>(n)(3) Licensee's and applicant's contracts with contractors or vendors must reserve the licensee's or applicant's right to audit the contractors or vendors and the contractor's or vendor's subcontractors providing access authorization program services at any time, including at unannounced times, as well as to review all information and documentation that is reasonably relevant to the performance of the program.</p>  |
| <p>(n)(4) Licensee's and applicant's contracts with the contractors or vendors, and contractors' or vendors' contracts with subcontractors, must also require that the licensee or applicant shall be provided access to and be permitted to take away copies of any documents or data that may be needed to assure that the contractor or vendor and its subcontractors are performing their functions properly and that staff and procedures meet applicable requirements.</p>  |
| <p>(n)(5) Audits must focus on the effectiveness of the access authorization program or program element(s), as appropriate. At least one member of the licensee or applicant audit team shall be a person who is knowledgeable of and practiced with meeting the performance objectives and requirements of the access authorization program or program elements being audited. The individuals performing the audit of the access authorization</p>  |

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| <p>program or program element(s) shall be independent from both the subject access authorization programs' management and from personnel who are directly responsible for implementing the access authorization program or program elements being audited. For the contractors or vendors who audit their contractor or vendors, audit team member must include at least one person who is knowledgeable of and practiced with meeting the authorization program performance objectives and requirements within the scope of work the contractors or vendors performs.</p>  |
| <p>(n)(6) The results of the audits, along with any recommendations, must be documented and reported to senior management having responsibility in the area audited and to management responsible for the access authorization program. Each audit report must identify conditions that are adverse to the proper performance of the access authorization program, the cause of the condition(s), and, when appropriate, recommended corrective actions, and corrective actions taken. The licensee, applicant, or contractor or vendor shall review the audit findings and take any additional corrective actions, to include re-auditing of the deficient areas where indicated, to preclude, within reason, repetition of the condition. The resolution of the audit findings and corrective actions must be documented.</p> |
| <p>(n)(7) Licensees and applicants may jointly conduct audits, or may accept audits of the contractors or vendors that were conducted by other licensees and applicants who are subject to this section, if the audit addresses the services obtained from the contractor or vendor by each of the sharing licensees and applicants. The contractors or vendors may jointly conduct audits, or may accept audits of its subcontractors that were conducted by other licensees, applicants, or contractors or vendors who are subject to this section, if the audit addresses the services obtained from the subcontractor by each of the sharing licensees, applicants, and the contractors or vendors.</p>   |
| <p>(n)(7)(i) Licensees, applicants, and contractors or vendors shall review audit records and reports to identify any areas that were not covered by the shared or accepted audit and ensure that authorization program elements and services upon which the licensee, applicant, or contractor or vendor relies are audited, if the program elements and services were not addressed in the shared audit.</p>  |
| <p>(n)(7)(ii) Sharing licensees and applicants need not re-audit the same contractor or vendor for the same period of time. Sharing contractors or vendors need not re-audit the same subcontractor for the same period of time.</p>  |
| <p>(n)(7)(iii) Each sharing licensee, applicant, and contractor or vendor shall maintain a copy of the shared audit, including findings, recommendations, and corrective actions.</p>   |
| <p>(o) Records. Each licensee, applicant, and contractor or vendor who is subject to this section shall maintain the records that are required by the regulations in this section for the period specified by the appropriate regulation. If a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility's license, certificate, or other regulatory approval.</p>   |
| <p>(o)(1) All records may be stored and archived electronically, provided that the method used to create the electronic records meets the following criteria:</p>   |

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| <p>(i) Provides an accurate representation of the original records;</p> <p>(ii) Prevents unauthorized access to the records;</p> <p>(iii) Prevents the alteration of any archived information and/or data once it has been committed to storage; and</p> <p>(iv) Permits easy retrieval and re-creation of the original records.</p>  |
| <p>(o)(2) Each licensee and applicant who is subject to this section shall retain the following records:</p> <p>(i) Records of the information that must be collected under paragraphs (d) and (e) of this section that results in the granting of unescorted access authorization for at least 5 years after the licensee or applicant terminates or denies an individual's unescorted access or unescorted access authorization or until the completion of all related legal proceedings, whichever is later;</p> <p>(ii) Records pertaining to denial or unfavorable termination of unescorted access or unescorted access authorization and related management actions for at least 5 years after the licensee or applicant terminates or denies an individual's unescorted access or unescorted access authorization or until the completion of all related legal proceedings, whichever is later; and</p> <p>(iii) Documentation of the granting and termination of unescorted access or unescorted access authorization for at least 5 years after the licensee or applicant terminates or denies an individual's unescorted access or unescorted access authorization or until the completion of all related legal proceedings, whichever is later.</p> <p>The contractors or vendors may maintain the records that are or were pertinent to granting, denying, or terminating unescorted access or unescorted access authorization that they collected for licensees or applicant. If the contractors or vendors maintain the records on behalf of a licensee or an applicant, they shall follow the record retention requirement specified in this section. Upon termination of a contract between the contractor and vendor and a licensee or applicant, the contractor or vendor shall provide the licensee or applicant with all records collected for the licensee or applicant under this chapter.</p> |
| <p>(o)(3) Each licensee, applicant, and contractor or vendor who is subject to this section shall retain the following records for at least 3 years or until the completion of all related legal proceedings, whichever is later:</p> <p>(i) Records of behavioral observation training conducted under paragraph (f)(2) of this section; and</p> <p>(ii) Records of audits, audit findings, and corrective actions taken under paragraph (n) of this section.</p>  |
| <p>(o)(4) Licensees, applicants, and contractors or vendors shall retain written agreements for the provision of services under this section for the life of the agreement or until completion of all legal proceedings related to a denial or unfavorable termination of unescorted access or unescorted access authorization that involved those services, whichever is later.</p>  |
| <p>(o)(5) Licensees, applicants, and contractors or vendors shall retain records of the background checks psychological assessments, supervisory reviews, and behavior observation program actions related to access authorization program personnel, conducted under paragraphs (d) and (e) of this section, for the length of the individual's employment by or contractual relationship with the licensee, applicant, or the contractor or vendor, or</p>  |

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| <p>until the completion of any legal proceedings relating to the actions of such access authorization program personnel, whichever is later.</p>   |
| <p>(o)(6) Licensees, applicants, and the contractors or vendors who have been authorized to add or manipulate data in an information sharing mechanism shall ensure that data linked to the information about individuals who have applied for unescorted access or unescorted access authorization, which is specified in the licensee's or applicant's access authorization program documents, are retained in an information-sharing mechanism. If the shared information used for determining an individual's trustworthiness and reliability changes or new or additional information is developed about the individual, the licensees, applicants, and the contractors or vendors that acquire this information shall correct or augment the data contained in the information-sharing mechanism. If the changed, additional or developed information has implications for adversely affecting an individual's trustworthiness and reliability, the licensee, applicant, or the contractor or vendor who discovered or obtained the new, additional or changed information, shall, on the day of discovery, inform the reviewing official of any licensee or applicant access authorization program under which the individual is maintaining his or her unescorted access or unescorted access authorization status of the updated information. The reviewing official shall evaluate the information and take appropriate actions, which may include denial or unfavorable termination of the individual's unescorted access authorization. If the information-sharing mechanism is unavailable and a notification of change or updated information is required, licensees, applicants, and the contractor or vendor shall take manual actions to ensure that the information is shared, and update the data in the information-sharing mechanism as soon as reasonably possible. Records maintained in the database must be available for NRC review.</p> |
| <p>(o)(7) If a licensee or applicant administratively withdraws an individual's unescorted access or unescorted access authorization status caused by a delay in completing any portion of the background investigation or for a licensee or applicant initiated evaluation, or re-evaluation that is not under the individual's control, the licensee or applicant shall record this administrative action to withdraw the individual's unescorted access or unescorted access authorization in the information sharing mechanism. However, licensees and applicants shall not document this administrative withdrawal as denial or unfavorable termination and shall not respond to a suitable inquiry conducted under the provisions of 10 CFR Part 26, a background investigation conducted under the provisions of this section, or any other inquiry or investigation as denial nor unfavorable termination. Immediately upon favorable completion of the background investigation element that caused the administrative withdrawal, the licensee or applicant shall ensure that any matter that could link the individual to the administrative action is eliminated from the subject individual's access authorization or personnel record and other records, except if a review of the information obtained or developed causes the reviewing official to unfavorably terminate or deny the individual's unescorted access.</p>  |