

### UNESCORTED ACCESS AT COMMERCIAL NUCLEAR POWER PLANTS, SELECTED FUEL CYCLE FACILITIES, OR INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS

Effective Date: 01/28/2019

#### 1240-01 PURPOSE

This inspection manual chapter describes the basis for the determination of suitability for employees and contractors of the Nuclear Regulatory Commission (NRC) to obtain unescorted access to protected and vital areas at commercial nuclear power plants, selected fuel cycle facilities, or independent spent fuel storage installations.

Additionally, this inspection manual chapter describes the maintenance, implementation, and distribution of the list of NRC employees and contractors who have been identified as requiring unescorted access to protected and vital areas at commercial nuclear power plants, selected fuel cycle facilities, or independent spent fuel storage installations.

#### 1240-02 OBJECTIVE

To provide assurance that NRC employees and contractors requiring unescorted access to protected and vital areas are trustworthy, reliable, and fit for duty, such that they do not constitute an unreasonable risk to the health and safety of the public, or the common defense and security, including the potential to commit radiological sabotage.

#### 1240-03 APPLICABILITY

The process discussed in this inspection manual chapter is applicable to NRC employees and contractors gaining unescorted access to commercial nuclear power plants, selected fuel cycle facilities, or independent spent fuel storage installations.

#### 1240-04 RESPONSIBILITIES AND AUTHORITIES

##### 04.01 Regional Administrator

- a. Designate a Regional Office Site Access Coordinator.
- b. Maintain overall responsibility for oversight of requests for unescorted access to NRC-licensed facilities in the region for NRC employees and contractors.

- 04.02 Director, Division of Facilities and Security (DFS), Office of Administration
- a. Certify that background investigation requirements have been met for NRC contractor inspectors, and that DFS has no security objection to their interim or continuing unescorted access.
  - b. Coordinate security clearances for NRC employees, including temporary waivers for new employees. See NRC Management Directive (MD) 12.3, NRC "Personnel Security Program."
- 04.03 Branch Chief, Reactor Inspection Branch, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulation
- a. Designate Lead Site Access Coordinator.
  - b. Maintain overall responsibility for oversight of the process and program for the development and maintenance of the Site Access List.
  - c. Coordinate with NRC contractor inspectors and DFS to obtain required input for regional notification when requesting unescorted access.
- 04.04 Lead / Headquarters Site Access Coordinators
- a. Overall responsibility for implementation and maintenance of the Site Access List.
  - b. Add or remove headquarters personnel, contractors, and other federal agency personnel from the Site Access List in accordance with process in Attachment 1.
- 04.05 Regional Office Site Access Coordinators
- a. Implementation and maintenance of Regional use and distribution of the Site Access List.
  - b. Add or remove regional personnel from the Site Access List in accordance with process in Attachment 1.
- 04.06 Regional and Headquarters Branch Chiefs
- a. Identify NRC employees and contractors who require unescorted access to protected and vital areas of applicable nuclear facility licensees.
  - b. Determine the level of access required (protected and/or vital areas), and ensure that the NRC employee or contractor meets the necessary criteria.

#### 1240-05 REQUIREMENTS

The NRC Site Access List will include all NRC employees and contractors who require continued unescorted access to commercial nuclear power plants, selected fuel cycle facilities, or independent spent fuel storage installations. Inclusion of personnel on the list is based on a determination of suitability for unescorted access as discussed in this inspection manual

chapter. Implementation and maintenance of the Site Access List will be performed in accordance with Attachment 1.

Title 10 of the *Code of Federal Regulations* (10 CFR), contains requirements for licensees to verify the trustworthiness and reliability of personnel prior to granting unescorted access to protected or vital areas.

10 CFR 50.70 states that power reactor licensees shall provide any NRC resident inspector, or other NRC inspector identified by the Regional Administrator as likely to inspect the facility, immediate unfettered access following proper identification. 10 CFR 70.55 and 10 CFR 72.82 contain similar requirements for fuel cycle facilities and independent spent fuel storage installations, respectively.

The NRC determination of suitability for unescorted access of NRC employees and contractors is based on the elements contained in this inspection manual chapter which represent equivalency to 10 CFR requirements for the granting of unescorted access.

Generally, the purpose of the Site Access List and the licensee's security program is to limit access to authorized individuals who have demonstrated a job related need for access to nuclear facilities. NRC representatives (staff, contractors, etc.) must cooperate with licensee facilities to ensure maximum possible conformance with site security plans and procedures.

#### 05.01 Background Investigation

10 CFR 73.56(d) states that in order to grant an individual unescorted access to the protected area or vital area of a nuclear power plant, licensees shall ensure that the individual has been subject to a background investigation that verified the individual's true identity, character and reputation, and developed information concerning employment history, education history, credit history, criminal history, and military service.

For NRC employees and contractors, an Office of Personnel Management (OPM) background investigation for a Federal Government-issued security clearance (e.g. Q, L, LH, TS, or S security clearance) is an equivalent background investigation to the requirements of 10 CFR 73.56.

In accordance with Section 145b of the Atomic Energy Act, DFS investigates the background of new NRC employees. The completion of the DFS background investigation provides a basis for a temporary waiver of a security clearance and allows interim approval for unescorted access for the employee while OPM conducts an investigation to provide the basis for granting a security clearance.

NRC contractors that do not possess a valid security clearance receive unescorted access authorization in accordance with one of the provisions of MD 12.3, section I.D.2 as stipulated in the contractual language for the NRC Contractor. Based on the results of the selected provision, DFS determines contractor eligibility for interim or final approval for unescorted access. Additionally, the IT I or II SGI designation indicates that a contractor can have access to safeguards information as long as he or she has the need-to-know

## 05.02 Behavior Observation

10 CFR 73.56(f) states that licensee access authorization programs must include a behavioral observation program 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.

Licensee concerns of aberrant behavior regarding NRC employees or contractors should be reported to the applicable Regional Administrator, Deputy Regional Administrator, or Office of Inspector General, in accordance with MD 8.17, Licensee Complaints Against NRC Employees. Timely reporting of concerns is important so that steps necessary to reassess the reported individual's certification for unescorted access can be implemented to resolve the concern.

Additionally, in accordance with 10 CFR 26.77(c), if a licensee or other entity has a reasonable belief that an NRC employee or NRC contractor may be under the influence of any substance, or is otherwise unfit for duty, the licensee or other entity may not deny access but shall escort the individual. In any such instance, the licensee or other entity shall immediately notify the appropriate Regional Administrator.

## 05.03 Self-Reporting of Legal Actions

10 CFR 73.56(g) states that any individual who has applied for or is maintaining unescorted access shall promptly report any legal actions taken by a law enforcement authority or court of law that could result in incarceration or a court order.

NRC employees and contractors are required to abide by the security reporting requirements specified in MD 12.3. These specifications include the requirement to report legal actions to DFS within 5 days of an event.

## 05.04 Radiation Protection Training

10 CFR 19.12 states that individuals who are likely to receive annual occupational doses greater than 100 mrem shall receive instruction related to radiation and/or radioactive material. This requirement is satisfied for NRC and contractor inspectors by their initial site access training and required 5-year site access refresher training in generic physical security and radiation protection.

## 05.05 Fitness for Duty Program

10 CFR Part 26, "Fitness for Duty Programs", requires personnel granted unescorted access to nuclear facilities to be subject to either the licensee's fitness for duty (FFD) program, or an FFD program formally reviewed and approved by the licensee which meets the requirements of 10 CFR Part 26. NRC employees are not subject to 10 CFR Part 26 requirements; however, NRC employees are covered under the NRC's FFD chemical testing program. For NRC contractors, FFD is included in the stipulations of contract for services, inter-agency agreement, memorandum of understanding, or other vehicle. Additionally, 10 CFR 26(j)(4) may also apply to NRC contractors.

## 05.06 Identification and Verification of Site Access Certification

The NRC employee's Homeland Security Presidential Directive 12 (HSPD-12) Personal Identity Verification (PIV) Card is the method of proper identification. Regional Administrator designation of NRC personnel likely to inspect a facility is through inclusion on the NRC's Site Access List.

Other NRC representatives and contractors will present official identification (e.g., NRC HSPD-12 PIV Card or similar Federal Government CAC Card) and be processed into the facility in the same manner as an NRC employee.

### 1240-06 REFERENCES

10 CFR 19.12(b)(3)

10 CFR 26.4

10 CFR 26.77(c)

10 CFR 50.70(b)(3)

10 CFR 70.55

10 CFR 72.82

10 CFR 73.55(g)(6)

10 CFR 73.56

NRC Management Directive 8.17, "Licensee Complaints Against NRC Employees"

NRC Management Directive 12.3, "NRC Personnel Security Program"

Section 145b of the Atomic Energy Act

END

Attachment 1: Site Access Authorization Process

Attachment 2: Revision History for IMC 1240

## SITE ACCESS LIST MAINTENANCE AND IMPLEMENTATION

### A. Purpose

To provide for the completion, updating, maintenance, and distribution of the list of NRC staff and contractors who require unescorted access to commercial nuclear power plants, selected fuel cycle facilities, or independent spent fuel storage installations.

This process is consistent with the inspection and badging requirements outlined in 10 CFR and in accordance with Management Directive 12.3 addressing unescorted site access at nuclear facilities.

Individuals who do not require unescorted access to NRC licensee facilities are not required to complete site access training and will not appear on this list.

### B. Site Access Authorization

1. The Site Access List spreadsheet provides the name, NRC badge number (or other recognized Federal Government Agency badge number), clearance, authorized access for employees/contractors requiring unescorted access, and training expiration date for all NRC employees and contractors that have been certified for access to NRC licensed facilities.
2. Regional Office Site Access Coordinators are the contact points for all site access authorizations. The coordinator or designee provides all reactor, independent spent fuel installations, and fuel cycle facility licensees with read only access to the Site Access List (spreadsheet) via Microsoft Box (Box). In addition, NRC staff, as appropriate, may have read only access to the spreadsheet.
3. NRC staff and contractors who require unescorted access to nuclear facilities are responsible for ensuring their NRC site access training is maintained current. Staff should notify their respective Regional Office Site Access Coordinator or Headquarters Site Access Coordinator when refresher training is complete or when site access is no longer required. Individuals who fail to complete their training by the expiration date will be deleted from the spreadsheet until completion of training.
4. Regional Office Site Access Coordinators will email their respective licensee site access points of contact alerting them of any immediate updates to the spreadsheet (e.g., the removal of an individual's name due to an adverse action, the addition of an individual's name that recently completed site access authorization training, etc.). The email will state that the individual's name was removed from or added to the site access authorization list on the effective date of the change. Red strike through text denotes the removal of an individual's name. Any additions to the site access list will be highlighted in yellow.
5. NRC representatives shall adhere to 10 CFR 50.70 and the licensee's access requirements. Inspectors and others will present official identification (e.g. NRC's HSPD-12 PIV Card or similar Federal Government CAC card) and be processed

into the facility. NRC representatives shall attend any orientation training required by licensee procedures.

6. If, for some reason, an NRC representative visits a site, but is not included on the Site Access List for unescorted access because his/her training is not current, he/she is required to complete any general employee training which the licensee requires and will require an escort while onsite.
7. NRC representatives who are not identified as having completed NRC site access training shall be escorted while in the protected or vital area.
8. When NRC personnel move from one NRC office to another, the Regional Office Site Access Coordinators of the losing organization will notify the Regional Office Site Access Coordinators of the gaining organization. Both Regional Office Site Access Coordinators will coordinate the update of the Site Access List to ensure that the transferee is reflected under the correct organizational tab of the spreadsheet.
9. Each Headquarters and Regional Office Site Access Coordinator will annually validate the NRC personnel for their office or region have completed site access refresher training prior to completion due date. Any personnel who have not completed site access refresher training will be removed from the Site Access List and they and their immediate supervisor will be notified of the change.

Revision History for IMC 1240

Commitment Tracking Number	Accession Number Issue Date Change Notice	Description of Change	Description of Training Required and Completion Date	Comment Resolution and Closed Feedback Form Accession Number (Pre-Decisional, Non-Public Information)
	07/01/79 CN 79-015	Initial issuance		
	09/18/81 CN 81-023	Periodic update		
	ML043560087 12/01/04 CN 04-027	(Unescorted Access At Power Reactors) has been revised to focus on only unescorted access (not escorted access) to protected and vital areas of nuclear power plants. The revised IMC identifies requirements that NRC and contractor inspectors must meet for unescorted access, and the legal bases for the requirements.	N/A	N/A
	ML18346A027 01/28/19 CN 19-003	Complete rewrite to accommodate changes to guidance and Site Access Authorization Standardization Project	None	ML18346A006