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(E) The licensee shall retain all fingerprint and criminal history records (including data indicating no record) received from the FBI, or a copy of these records if the individual's file has been transferred, on an individual for three years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.

120.062: Access Authorization Program Review

(A) Each licensee shall be responsible for the continuing effectiveness of the access authorization program. Each licensee shall ensure that access authorization programs are reviewed to confirm compliance with the requirements of 105 CMR 120.056 through 120.062 and that comprehensive actions are taken to correct any noncompliance that is identified. The review program shall evaluate all program performance objectives and requirements. Each licensee shall periodically (at least annually) review the access program content and implementation.

(B) The results of the reviews, along with any recommendations, must be documented. Each review 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, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.

(C) Review records must be maintained for three years.

PHYSICAL PROTECTION REQUIREMENTS DURING USE

120.063: Security Program

(A) Applicability.

(1) Each licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material shall establish, implement, and maintain a security program in accordance with the requirements of 105 CMR 120.063 through 120.071.

(2) An applicant for a new license and each licensee that would become newly subject to the requirements of 105 CMR 120.063 through 120.071 upon application for modification of its license shall implement the requirements of 105 CMR 120.063 through 120.071, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.

(3) Any licensee that has not previously implemented the Security Orders or been subject to 105 CMR 120.063 through 120.071 shall provide written notification to the Agency as specified in 105 CMR 120.054 at least 90 days before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.

(B) General Performance Objective. Each licensee shall establish, implement, and maintain a security program that is designed to monitor and, without delay, detect, assess, and respond to an actual or attempted unauthorized access to category 1 or category 2 quantities of radioactive material.

(C) Program Features. Each licensee's security program must include the program features, as appropriate, described in 105 CMR 120.064 through 120.070.

120.064: General Security Program Requirements

(A) Security Plan.

(1) Each licensee identified in 105 CMR 120.063(A) shall develop a written security plan specific to its facilities and operations. The purpose of the security plan is to establish the licensee's overall security strategy to ensure the integrated and effective functioning of the security program required by 105 CMR 120.063 through 120.071. The security plan must, at a minimum:

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- (a) Describe the measures and strategies used to implement the requirements of 105 CMR 120.063 through 120.071; and
 - (b) Identify the security resources, equipment, and technology used to satisfy the requirements of 105 CMR 120.063 through 120.071.
- (2) The security plan must be reviewed and approved by the individual with overall responsibility for the security program.
 - (3) A licensee shall revise its security plan as necessary to ensure the effective implementation of Agency requirements. The licensee shall ensure that:
 - (a) The revision has been reviewed and approved by the individual with overall responsibility for the security program; and
 - (b) The affected individuals are instructed on the revised plan before the changes are implemented.
 - (4) The licensee shall retain a copy of the current security plan as a record for three years after the security plan is no longer required. If any portion of the plan is superseded, the licensee shall retain the superseded material for three years after the record is superseded.
- (B) Implementing Procedures.
- (1) The licensee shall develop and maintain written procedures that document how the requirements of 105 CMR 120.063 through 120.071 and the security plan will be met.
 - (2) The implementing procedures and revisions to these procedures must be approved in writing by the individual with overall responsibility for the security program.
 - (3) The licensee shall retain a copy of the current procedure as a record for three years after the procedure is no longer needed. Superseded portions of the procedure must be retained for three years after the record is superseded.
- (C) Training.
- (1) Each licensee shall conduct training to ensure that those individuals implementing the security program possess and maintain the knowledge, skills, and abilities to carry out their assigned duties and responsibilities effectively. The training must include instruction in:
 - (a) The licensee's security program and procedures to secure category 1 or category 2 quantities of radioactive material, and in the purposes and functions of the security measures employed;
 - (b) The responsibility to report promptly to the licensee any condition that causes or may cause a violation of Agency requirements;
 - (c) The responsibility of the licensee to report promptly to the local law enforcement agency and licensee any actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material; and
 - (d) The appropriate response to security alarms.
 - (2) In determining those individuals who shall be trained on the security program, the licensee shall consider each individual's assigned activities during authorized use and response to potential situations involving actual or attempted theft, diversion, or sabotage of category 1 or category 2 quantities of radioactive material. The extent of the training must be commensurate with the individual's potential involvement in the security of category 1 or category 2 quantities of radioactive material.
 - (3) Refresher training must be provided at a frequency not to exceed 12 months and when significant changes have been made to the security program. This training must include:
 - (a) Review of the training requirements of 105 CMR 120.064(C) and any changes made to the security program since the last training;
 - (b) Reports on any relevant security issues, problems, and lessons learned;
 - (c) Relevant results of Agency inspections; and
 - (d) Relevant results of the licensee's program review and testing and maintenance.
 - (4) The licensee shall maintain records of the initial and refresher training for three years from the date of the training. The training records must include dates of the training, topics covered, a list of licensee personnel in attendance, and related information.
- (D) Protection of Information.
- (1) Licensees authorized to possess category 1 or category 2 quantities of radioactive material shall limit access to and unauthorized disclosure of their security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.

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- (2) Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan, ~~and~~ implementing procedures, **and the list of individuals that have been approved for unescorted access.**
- (3) Before granting an individual access to the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access,** licensees shall:
- Evaluate an individual's need to know the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access;** and
 - If the individual has not been authorized for unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling, the licensee must complete a background investigation to determine the individual's trustworthiness and reliability. A trustworthiness and reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in 105 CMR 120.058(A)(2) through (7).
- (4) Licensees need not subject the following individuals to the background investigation elements for protection of information:
- The categories of individuals listed in 105 CMR 120.060(A)(1) through (13); or
 - Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in 105 CMR 120.058(A)(2) through (7), has been provided by the security service provider.
- (5) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access.**
- (6) Licensees shall maintain a list of persons currently approved for access to the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access.** When a licensee determines that a person no longer needs access to the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access,** or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than seven working days, and take prompt measures to ensure that the individual is unable to obtain the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access.**
- (7) When not in use, the licensee shall store its security plan, ~~and~~ implementing procedures, **and the list of individuals that have been approved for unescorted access** in a manner to prevent unauthorized access. Information stored in nonremovable electronic form must be password protected.
- (8) The licensee shall retain as a record for three years after the document is no longer needed:
- A copy of the information protection procedures; and
 - The list of individuals approved for access to the security plan, ~~or~~ implementing procedures, **or the list of individuals that have been approved for unescorted access.**

120.065: LLEA Coordination

- (A) A licensee subject to 105 CMR 120.063 through 120.071 shall coordinate, to the extent practicable, with an LLEA for responding to threats to the licensee's facility, including any necessary armed response. The information provided to the LLEA must include:
- A description of the facilities and the category 1 and category 2 quantities of radioactive materials along with a description of the licensee's security measures that have been implemented to comply with 105 CMR 120.063 through 120.071; and
 - A notification that the licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of material.
- (B) The licensee shall notify the Agency within three business days if:
- The LLEA has not responded to the request for coordination within 60 days of the coordination request; or
 - The LLEA notifies the licensee that the LLEA does not plan to participate in coordination activities.