

U.S. NUCLEAR REGULATORY COMMISSION

DRAFT REGULATORY GUIDE DG-5090

Proposed Revision 3 to Regulatory Guide 5.66



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ACCESS AUTHORIZATION PROGRAM FOR NUCLEAR POWER PLANTS

A. INTRODUCTION

Purpose

This regulatory guide (RG) describes a method that the staff of the U.S. Nuclear Regulatory Commission (NRC) considers acceptable for use by licensees under Parts 50, 52 and 53 of Title 10 of the *Code of Federal Regulations* (10 CFR) to establish, maintain, and implement the an access authorization program for commercial nuclear plants under the provisions of 10 CFR 73.56, “Personnel Access Authorization Requirements for Nuclear Power Plants” (10 CFR 73.56) (Ref. 1), and applicable provisions of 10 CFR Part 26, “Fitness for Duty Programs” (Ref. 2).

This RG continues to endorse the methodology described in Nuclear Energy Institute (NEI) report NEI 03-01, Revision 3, “Nuclear Power Plant Access Authorization Program,” September 2008 (Ref. 3) (ML13177A260), with clarifications.

Applicability

This RG provides guidance for power reactor applicants and licensees under 10 CFR Part 50, “Domestic Licensing of Production and Utilization Facilities” (Ref. 4), under 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants” (Ref. 5), and under 10 CFR Part 53, “Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants” (Ref. 6).

Applicable Rules and Regulations

- 10 CFR Part 52 governs the issuance of early site permits, standard design certifications, combined licenses, standard design approvals, and manufacturing licenses for nuclear power facilities.
 - 10 CFR 52.79(a)(35) states, in part, that an applicant for a combined license shall submit a physical security plan describing how the applicant will meet the requirements of 10 CFR Part 73.

This RG is being issued in draft form to involve the public in the development of regulatory guidance in this area. It has not received final staff review or approval and does not represent an NRC final staff position. Public comments are being solicited on this DG and its associated regulatory analysis. Comments should be accompanied by appropriate supporting data. Comments may be submitted through the Federal-rulemaking Web site, <https://www.regulations.gov/>, by searching for draft regulatory guide DG-5090.

Electronic copies of this DG, previous versions of DGs, and other recently issued guides are available through the NRC’s public Web site under the Regulatory Guides document collection of the NRC Library at <https://nrcweb.nrc.gov/reading-rm/doc-collections/reg-guides/>. The DG is also available through the NRC’s Agencywide Documents Access and Management System (ADAMS) at <https://www.nrc.gov/reading-rm/adams.html>, under Accession No. ML21145A433. The regulatory analysis may be found in ADAMS under Accession No. ML26113A051.

- 10 CFR Part 73, “Physical Protection of Plants and Materials,” requires licensees to establish and maintain a physical protection system that will have capabilities for the protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used.
 - 10 CFR 73.55, “Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,” requires certain power reactor licensees to implement a physical protection program under the requirements specified therein.
 - 10 CFR 73.55(b)(9) requires that FFD program requirements contain elements that are needed to support a licensee’s insider mitigation program (IMP).
 - 10 CFR 73.56 requires certain power reactor licensees to establish, implement, and maintain an access authorization program under the requirements of this section.
 - 10 CFR 73.57, “Requirements for criminal history records checks of individuals granted unescorted access to a nuclear power facility, a non-power reactor, or access to Safeguards Information,” requires licensees to fingerprint each individual who is permitted unescorted access (UA) to the nuclear power facility or the nonpower reactor facility, or access to safeguards information, and to review and use the information received from the Federal Bureau of Investigation (FBI) to determine whether to grant UA/access.
 - 10 CFR 73.100, “Technology-inclusive requirements for physical protection of licensed activities at commercial nuclear plants against radiological sabotage,” provides a regulatory framework for certain power reactor licensees to implement a physical protection program, as an alternative to the requirements of 10 CFR 73.55.
 - 10 CFR 73.120, “Access authorization program for commercial nuclear plants,” provides a framework for certain power reactor licensees to implement an access authorization program, as an alternative to the requirements of 10 CFR 73.56.
- 10 CFR Part 26, “Fitness for Duty Programs” (Ref. 4), requires licensees to implement a fitness for duty (FFD) program that meets specific performance objectives discussed in 10 CFR 26.23, “Performance objectives,” which include the following:
 - Provide reasonable assurance that individuals are trustworthy and reliable, as demonstrated by the avoidance of substance abuse.
 - Provide reasonable assurance that that individuals are not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way adversely affects their ability to safely and competently perform their duties.
 - Provide reasonable measures for the early detection of individuals who are not fit to perform the duties that require them to be subject to the FFD program.
 - Provide reasonable assurance that workplaces are free from the presence and effects of illegal drugs and alcohol.

Related Guidance

- NUREG-0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” provides guidance to the NRC staff on performing safety reviews of construction permit or operating license applications (including requests for amendments) under 10 CFR Part 50, “Domestic Licensing of Production and Utilization Facilities,” and of early site permit, design certification, combined license, standard design approval, or manufacturing license applications under 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants” (including requests for amendments). Specifically, NUREG-0800 provides the following:
 - Section 13.6.4, “Access Authorization for Operational Program” (Ref. 7), identifies guidance describing applicable components of an access program, including the evaluation criteria for granting and maintaining UA authorization and for certifying and maintaining UA. The standards also provide details on reinstatement of access authorization, requirements for contractor/vendor (C/V) performance and trustworthiness and reliability, audits and corrective actions, protection of information, and required sharing of information between licensees and licensee C/Vs supporting a licensee access authorization program.
- RG 5.77, “Insider Mitigation Program,” describes an approach that the staff of the NRC considers acceptable for an IMP for nuclear power reactors that contain protected or vital areas. 10 CFR 73.55(b)(9) requires licensees to establish, maintain, and implement an IMP.
- RG 5.95, “Access Authorization Program for Commercial Nuclear Plants,” dated March 2026, describes a method that the NRC considers acceptable for licensees to establish, maintain, and implement an access authorization program for certain commercial nuclear plants licensed under the provisions of 10 CFR Part 53, “Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants”.

Purpose of Regulatory Guides

The NRC issues RGs to describe methods that are acceptable to the staff for implementing specific parts of the agency’s regulations, to explain techniques that the staff uses in evaluating specific issues or postulated events, and to describe information that the staff needs in its review of applications for permits and licenses. Regulatory guides are not NRC regulations and compliance with them is not required. Methods and solutions that differ from those set forth in RGs are acceptable if supported by a basis for the issuance or continuance of a permit or license by the Commission.

Paperwork Reduction Act

This RG provides voluntary guidance for implementing the mandatory information collections in 10 CFR Parts 26, 50, 52, 53, and 73 that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.). These information collections were approved by the Office of Management and Budget (OMB), under control numbers 3150-0146, 3150-0011, 3150-0151, 3150-0274, and 3150-0002, respectively.

Send comments regarding this information collection to Infocollects.Resource@nrc.gov, and to the OMB reviewer at: OMB Office of Information and Regulatory Affairs (3150-0146, 3150-0011, 3150-0151, 3150-0274, and 3150-0002), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street, NW, Washington, DC, 20503.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

B. DISCUSSION

Reason for Revision

The NRC staff is proposing revision 3 to RG 5.66 to address changes to regulatory requirements made following the publication of Executive Order (EO) 14300, “Ordering the Reform of the Nuclear Regulatory Commission” (Ref. 8). The executive order was issued on May 23, 2025, directing the NRC to revise its regulations and guidance documents to facilitate nuclear technology deployment. Specifically, Section 5(g) of the EO directed the NRC, in part, to revise its reactor security rules and requirements to reduce unnecessary burdens and be responsive to credible risks. As part of these efforts, the NRC has reviewed and revised its regulations under 10 CFR Part 73 (among other parts) and associated guidance, including this RG.

Background

The NRC has prepared revision 3 to this guide to provide additional information to the public as it relates to the NRC’s revision of access authorization program requirements under 10 CFR 73.56 and associated requirements for criminal history records checks under 10 CFR 73.57. Revision 3 of this guide supports the agency’s objectives of providing appropriate relief from regulatory burden in response to EO 14300 and enabling the licensing of new technologies by providing greater flexibility within NRC program. The NRC’s access authorization program requirements are intended to provide reasonable assurance that individuals granted unescorted access and those certified for unescorted access authorization are trustworthy and reliable and do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.

An access authorization program, as required by 10 CFR 73.56, consists of a background investigation with periodic reinvestigations, a psychological assessment with periodic reassessments for enumerated critical personnel, a behavior observation program that includes self-reporting requirements, and determinations of trustworthiness and reliability for contractors that support licensees in meeting these rule requirements. The background investigation is designed to identify past actions that are indicative of an individual’s current trustworthiness and reliability and is supported by a periodic reinvestigation designed to maintain the required high assurance standard during continued unescorted access or unescorted access authorization. The psychological assessment is designed to evaluate the possible impact of any noted psychological characteristics that may have a bearing on trustworthiness and reliability and is additionally supported by periodic reassessments for particular categories of employees. Behavior observation is designed to detect behavioral changes that, if left unattended, could lead to acts detrimental to public health and safety or the common defense and security. In addition, an employee self-reporting requirement supports behavior observation.

The Nuclear Energy Institute (NEI) prepared NEI 03-01, “Nuclear Power Plant Access Authorization Program,” Revision 3, issued May 2009, as the industry standards (hereafter referred to as “the Standards”). As discussed in Revision 2 of this guide, the NRC determined that the standards outlined in NEI 03-01, Revision 3, meet the intent and substance of the associated regulations in 10 CFR 73.56 and 10 CFR 73.57. The standards discussed in NEI 03-01, Revision 3, describe the components of these elements and include evaluation criteria for granting and maintaining unescorted access and for certifying and maintaining unescorted access authorization. The standards also provide details for reinstatement of access and authorization, requirements for contractor and vendor performance and trustworthiness and reliability, audits and corrective actions, protection of information, and required

sharing of information between licensees and licensee contractors and vendors supporting a licensee access authorization program.

Since its initial endorsement of NEI 03-01, Revision 3 (as documented in the previous revision to this regulatory guide), the NRC issued revisions to its regulatory requirements pursuant to the direction of EO 14300. The NRC staff acknowledges that some of these revisions resulted in certain provisions of NEI 03-01, Revision 3, being more restrictive than the associated regulatory requirements. The NRC staff has addressed this consideration via condition C.2, as discussed in this guide.

Among the changes to NRC regulatory requirements made pursuant to the direction of EO 14300, the NRC has revised identity verification requirements under 10 CFR 73.56(d)(3) to remove prescriptive elements from the regulation. Some formerly codified requirements have been transitioned to guidance via the inclusion of condition C.2 within this guide. This guidance also includes additional clarifying information regarding acceptable methods for meeting the identity verification requirements, which aligns with the guidance addressed in NRC Regulatory Information Summary (RIS) 2026-01, “Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants,” published in the Federal Register on February 9, 2026. RIS 2026-01 also includes additional guidance for licensees electing to use the Systematic Alien Verification for Entitlements (SAVE) electronic database to support validation activities.

Consideration of International Standards

The International Atomic Energy Agency (IAEA) works with member states and other partners to promote the safe, secure, and peaceful use of nuclear technologies. The IAEA develops Safety Requirements and Safety Guides for protecting people and the environment from harmful effects of ionizing radiation. This system of safety fundamentals, safety requirements, safety guides, and other relevant reports reflects an international perspective on what constitutes a high level of safety. To inform its development of this RG, the NRC considered IAEA Safety Requirements and Safety Guides pursuant to the Commission’s International Policy Statement (Ref. 9) and Management Directive and Handbook 6.6, “Regulatory Guides” (Ref. 10).

The NRC staff did not identify any IAEA Safety Requirements or Guides with information related to the topic of this RG.

Documents Discussed in Staff Regulatory Guidance

This RG endorses the use of one or more codes or standards developed by external organizations, and other third party guidance documents. These codes, standards and third party guidance documents may contain references to other codes, standards or third party guidance documents (“secondary references”). If a secondary reference has itself been incorporated by reference into NRC regulations as a requirement, then licensees and applicants must comply with that standard as set forth in the regulation. If the secondary reference has been endorsed in a RG as an acceptable approach for meeting an NRC requirement, then the standard constitutes a method acceptable to the NRC staff for meeting that regulatory requirement as described in the specific RG. If the secondary reference has neither been incorporated by reference into NRC regulations nor endorsed in a RG, then the secondary reference is neither a legally-binding requirement nor a “generic” NRC approved acceptable approach for meeting an NRC requirement. However, licensees and applicants may consider and use the information in the secondary reference, if appropriately justified, consistent with current regulatory practice, and consistent with applicable NRC requirements.

C. STAFF REGULATORY GUIDANCE

The NRC staff considers conformance with the provisions of NEI 03-01 an acceptable approach to meet the applicable requirements in 10 CFR 73.56, 10 CFR 73.57, and 10 CFR Part 26 that relate to granting and maintaining unescorted access and to certifying and maintaining unescorted access authorization, subject to the following conditions:

1. Documentation of Commitment in a Licensee Physical Security Plan

Licensees who adopt this regulatory guide, and the applicable standards from the endorsed version of NEI 03-01, Revision 3, should include the following statement in their physical security plans:

All elements of Regulatory Guide 5.66, Revision 3, have been implemented to satisfy the requirements of 10 CFR 73.56, 10 CFR 73.57, and 10 CFR Part 26 related to unescorted access and unescorted access authorization.

2. Consideration of Less Restrictive Requirements Under Revised NRC Regulations

The NRC staff acknowledges that certain provisions of NEI 03-01, Revision 3, are more restrictive than the requirements in 10 CFR Part 73 and Part 26, which have been revised to streamline and modernize access authorization processes in response to the direction Executive Order 14300, "Ordering the Reform of the Nuclear Regulatory Commission." In such instances, licensees may conform to the less restrictive provisions of the revised regulations, provided that all applicable regulatory requirements are met. The NRC staff considers this approach acceptable for demonstrating compliance with the applicable requirements in 10 CFR 73 and Part 26 during the interim period prior to the NRC's potential endorsement of a revised version of NEI 03-01, should one be submitted for NRC review.

For example, Section 9.b of NEI 03-01 indicates that all personnel granted unescorted access (UA) or certified for unescorted access authorization (UAA) should have a reinvestigation completed at intervals not to exceed 5 years. However, under the NRC's updated requirements, a licensee that participates in a U.S. Government criminal records monitoring and notification program may complete reinvestigations at intervals of up to 10 years.

3. True Identity Verification

10 CFR 73.56(d)(3), "Verification of true identity," requires licensees to verify the true identity of any individual who is applying for UA or UAA in order to ensure that the applicant is the person that he or she has claimed to be.

As part of the process of verifying the true identity of an individual, licensees, applicants, and contractors or vendors should either (1) validate that the social security number provided by the individual is his or hers or, (2) in the case of foreign nationals, validate that the claimed non-immigration status that the individual has provided is correct.

As part of the validation process, licensees, applicants, and contractors or vendors should take steps to access information from reliable sources, independent from that provided by the individual requesting UA or UAA, to ensure that the information provided to the licensee is

authentic. Similarly, a licensee that accepts an access authorization program implemented by a contractor or vendor to satisfy the requirements of 10 CFR 73.56(d)(3) should ensure that this validation has been performed prior to granting UA or certifying UAA for an individual. Even when delegating aspects of the process, the licensee retains full responsibility for granting, certifying, maintaining, denying, terminating, or withdrawing an individual's UA or UAA.

Licensees, applicants, and contractors or vendors should—at a minimum—validate the information provided by the individual through the cross-referencing of background investigation information developed in person or digitally. This should include the review of a valid official form of photo identification issued by a local, State, or Federal government agency, containing biographical data and physical characteristics of the individual requesting unescorted access; and the comparison of the information contained in that photo identification to information from other reliable sources.

In the case of non-immigrant foreign nationals, where the accumulation of information from other reliable sources may be limited, validation of the individual's claimed non-immigration status could entail one of the following:

- Licensees may elect to access information from a database maintained by the U.S. Federal Government, such as the Systematic Alien Verification for Entitlements (SAVE) electronic database, which is administered by U.S. Citizenship and Immigration Services (USCIS), to ensure that the information contained therein aligns with the information included in any documentation provided by the individual to the licensee. (Contractors and vendors do not have access to the SAVE database but can perform the same level of validation using E-Verify, which is a web-based program administered by USCIS and the U.S. Social Security Administration.)
- Licensees may elect to conduct a check of the authenticity of the documents provided by the individual to ensure that documents presented are not forgeries and that there are no potential alterations. Such checks should be performed by a subject matter expert with appropriate qualifications, training, and/or experience.

4. Guidance for licensees implementing 10 CFR 73.120 access authorization programs

A commercial nuclear plant that demonstrates that no achievable target sets exist in accordance with either 10 CFR 73.55(f) or 10 CFR 73.100(b)(5), and that does not credit any active measures (e.g., operator action, mitigative action, detection, assessment, armed response) in making that demonstration, is required to implement an access authorization program in accordance with the requirements of 10 CFR 73.120 (rather than the requirements of 10 CFR 73.56).

Regulatory Guide 5.95 provides alternative guidance for licensees implementing an access authorization program in accordance with the requirements of 10 CFR 73.120.

D. IMPLEMENTATION

Licensees generally are not required to comply with the guidance in this regulatory guide. If the NRC proposes to use this regulatory guide in an action that would constitute backfitting, as that term is defined in 10 CFR 50.109, "Backfitting," or 10 CFR 53.1590, "Backfitting," as applicable, and as described in NRC Management Directive 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests" (Ref. 11); affect the issue finality of an approval issued under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants" or 10 CFR Part 53, "Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants"; or constitute forward fitting, as that term is defined in Management Directive 8.4, then the NRC staff will apply the applicable policy in Management Directive 8.4 to justify the action. If a licensee believes that the NRC is using this regulatory guide in a manner inconsistent with the discussion in this Implementation section, then the licensee may inform the NRC staff in accordance with Management Directive 8.4.

REFERENCES¹

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- 1 U.S. Code of Federal Regulations (CFR), “Physical Protection of Plants and Materials,” Part 73, Chapter I, Title 10, “Energy.”
 - 2 CFR, “Domestic Licensing of Production and Utilization Facilities,” Part 26, Chapter I, Title 10, “Energy.”
 - 3 Nuclear Energy Institute (NEI) 03-01, “Nuclear Power Plant Access Authorization Program,” Revision 3, Washington, DC, July 2008, (ML13177A260).
 - 4 CFR, “Domestic Licensing of Production and Utilization Facilities,” Part 50, Chapter I, Title 10, “Energy.”
 - 5 CFR, “Licenses, Certifications, and Approvals for Nuclear Power Plants,” Part 52, Chapter I, Title 10, “Energy.”
 - 6 CFR, “Risk-Informed, Technology-Inclusive Regulatory Framework for Commercial Nuclear Plants,” Part 53, Chapter I, Title 10, “Energy.”
 - 7 U.S. Nuclear Regulatory Commission (NRC), NUREG-0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” Section 13.6.4, “Access Authorization—Operational Program,” Washington, DC.
 - 8 Executive Order (EO) 14300, “Ordering the Reform of the Nuclear Regulatory Commission,” Federal Register, dated May 23, 2025, Vol. 90, No. 102: pp. 22587-22590 (90 FR 22587), Washington, DC.
 - 9 NRC, “Nuclear Regulatory Commission International Policy Statement,” Federal Register, Vol. 79, No. 132, July 10, 2014, pp. 39415-39418.
 - 10 NRC, Management Directive 6.6, “Regulatory Guides,” Washington, DC
 - 11 NRC Management Directive 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests,” Washington DC.

¹ Publicly available NRC-published documents and documents submitted to the NRC for review/endorsement are available electronically through the NRC Library on the NRC’s public website at <https://www.nrc.gov/reading-rm/doc-collections/>. The documents can also be viewed online or printed for a fee in the NRC’s Public Document Room (PDR) at 11555 Rockville Pike, Rockville, MD; the mailing address is USNRC PDR, Washington, DC 20555; telephone 301-415-4737 or (800) 397-4209; fax (301) 415-3548; and email pdr.resource@nrc.gov.