



**Access Authorization – 10 CFR Part 73
Regulatory Status Updates**

July 13, 2023

Brad Baxter/NSIR/DPCP/RSB

**Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission**

Topics

- Draft Regulatory Issue Summary (RIS), “Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants” (**Status**)

- Part 53 Rulemaking Effort (**Status**)

Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants

Background:

The NRC, in collaboration with the Department of Homeland Security, identified several instances where a licensee failed to appropriately verify the claimed non-immigration status of a foreign national seeking unescorted access (UA) and/or unescorted access authorization (UAA), which resulted in individuals being granted UA/UAA at U.S. nuclear power plants [did not have visa category that permitted work in the U.S]. [**10 CFR 73.56(d)(3), “Verification of True Identity”**]

- Based on those events and NRC staff review, the NRC issued Enforcement Guidance Memorandum **(EGM) 20-001, “Enforcement Discretion Not to Cite Certain Violations of 10 CFR 73.56 Requirements” (ML19316A667)**

NRC Technical Lead: Mark Resner

Stakeholder Interactions

First draft RIS

- March 31, 2020: NRC published in Federal Register ([85 FR17770](#)) ([ML20008D562](#))
- April 28, 2020: NRC held a public meeting seeking public participation and comment

Second draft RIS

- June 13, 2022: NRC published in Federal Register ([87 FR35798](#)) ([ML22157A366](#))
- August 9, 2022: NRC held a public meeting seeking public participation and comment

Third draft RIS

- December 20, 2022: NRC published in ADAMS ([ML22354A108](#))
- January 12, 2023: NRC held a public meeting to discuss the revised RIS



Current Status/Next Steps

- **EGM 20-001** has been extended to June 30, 2024
(Rev. 3, ML23178A073)
- Staff is developing a Commission vote paper to seek the Commission's direction and approval on the recommended path forward to validate that a foreign national's claimed nonimmigration status is correct under 10 CFR 73.56(d)(3).



Part 53 Rulemaking Status

July 13, 2023

**Office of Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission**

Part 53 Rulemaking

The staff created a transformative security framework for advanced reactors that applies a graded approach to the requirements for access authorization and Fitness-For-Duty programs commensurate with the risk to public health and safety, and the common defense and security.

Security and safeguards programs addressed by 10 CFR Part 53—

- information security
- physical security
- cybersecurity
- access authorization
- Fitness-For-Duty
- material control and accounting



Part 53 Rulemaking (Cont.)

Innovative Approach and Key Messages for AA and FFD

- Providing an equivalent level of safety and security; this does not mean an equivalent set of requirements.
- Maintaining reasonable assurance that individuals are fit for duty and trustworthy and reliable.
- Leveraging operating experience from power and non-power reactors, and material licensees.
- Engaging stakeholders early to obtain diverse views, industry considerations, and other inputs to help guide the proposed rule language and guidance.



Part 53 Rulemaking (Cont.)

- The proposed rule package for Advanced Reactors was submitted to the Commission for their review and approval on **March 1, 2023**.
- The proposed rule **SECY-23-0021** and enclosures were made public on **March 7, 2023** (<https://www.nrc.gov/docs/ML2116/ML21162A093.html>)



Part 53 Milestones

Key Rulemaking Milestones @ 30K level	Activity Date(s)
Submit Draft Proposed Rule & Guidance to Commission	March 2023 (completed)
Publish Proposed Rule	TBD
Public Outreach & Generation of Final Rule Package	July 2023 - May 2024
Submit Draft Final Rule to Commission	December 2024
Publish Final Rule	July 2025

Part 53 Contact Information

Part 53 Rulemaking

Robert.Beall@nrc.gov; 301-415-3874

Regulations.gov Docket ID: NRC-2019-0062

73.120 Access Authorization Requirements

Brad.Baxter@nrc.gov; 301-287-3615

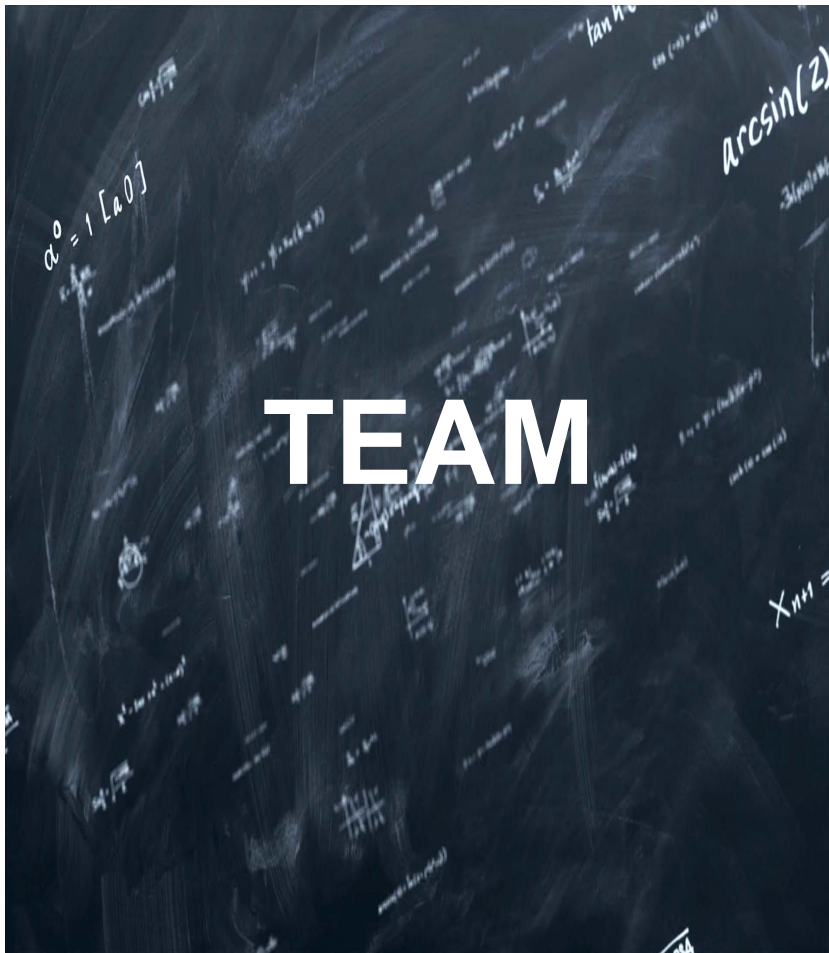
Part 26 FFD Requirements

Paul.Harris@nrc.gov; 301-287-9294

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Access Authorization and FFD Contact Information



Office of Nuclear Security and Incident Response

Mark Resner, Senior Security Specialist
(Access Authorization)

Mark.Resner@nrc.gov (301-287-3680)

Paul Harris, Senior Program Manager
(Fitness for Duty)

Paul.Harris@nrc.gov (301-287-9294)

Brad Baxter, Security Specialist
(Access Authorization)

Brad.Baxter@nrc.gov (301-287-3615)

Brian Zaleski, Specialist –
Fitness-for-Duty/Access Authorization

Brian.Zaleski@nrc.gov (301-287-0638)



Questions