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## INSPECTION MANUAL CHAPTER 1240

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### UNESCORTED ACCESS AT COMMERCIAL NUCLEAR POWER PLANTS, SELECTED FUEL CYCLE FACILITIES, INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS OR NON-POWER PRODUCTION AND UTILIZATION FACILITIES

Effective Date: 10/16/2023

#### 1240-01 PURPOSE

This inspection manual chapter describes the basis and process for determining the suitability of employees, and contractors of the Nuclear Regulatory Commission (NRC) and other Federal agency support personnel, to obtain unescorted access to protected and vital areas at commercial nuclear power plants, selected fuel cycle facilities, independent spent fuel storage installations, or non-power production and utilization facilities.

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

#### 1240-02 OBJECTIVE

To provide assurance that NRC employees and contractors, and representatives from other Federal agencies who require unescorted access to protected and vital areas at commercial nuclear power plants, selected fuel cycle facilities, independent spent fuel storage installations, or non-power production and utilization facilities, 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, contractors, and representatives from other Federal agencies, who desire unescorted access to commercial nuclear power plants, selected fuel cycle facilities, independent spent fuel storage installations, or non-power production and utilization facilities.

#### 1240-04 RESPONSIBILITIES AND AUTHORITIES

##### 04.01 Regional Administrator

- a. Designate a Regional Office Site Access Coordinator.
- b. Maintain overall responsibility for the 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 Assessment Branch, Division of Reactor Oversight, Office of Nuclear Reactor Regulation

- a. Designate an NRC Headquarters 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. In conjunction with DFS, coordinate with the sponsors of NRC contract inspectors and other NRC inspection support assets such as Special Operations Forces (SOF) personnel to obtain information needed to obtain unescorted site access.

04.04 Lead / Headquarters Site Access Coordinators

- a. Overall responsibility for implementation and maintenance of the Site Access List.
- b. Add, remove, or update the status of headquarters personnel, contractors, and other Federal agency personnel on the Site Access List in accordance with the process described in attachment 1.

04.05 Regional Office Site Access Coordinators

- a. Implements and maintains the Site Access List for their assigned region.
- b. Add or remove regional personnel from the Site Access List in accordance with the process described in attachment 1.

04.06 Regional and Headquarters Branch Chiefs

- a. Identify NRC employees, NRC contractors and representatives from other Federal agencies such as SOF personnel, 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.
- c. In coordination with DFS, recommend temporary or permanent changes to the unescorted access status of NRC employees and contract inspectors on the Site Access List.

## 1240-05 REQUIREMENTS

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.

Title 10 CFR 50.70 states that each applicant for or holder of a license, including a construction permit or an early site permit, 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, in part, on the elements contained in this inspection manual chapter which represent equivalency to 10 CFR requirements for the granting of unescorted access. This is an ongoing and continuous vetting process and access requirements may be granted or removed based upon a variety of factors, e.g., changes in occupational status or non-voluntary clearance downgrades.

The NRC Site Access List will include all NRC employees, contractors, and representatives from other Federal agencies, who require 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, in part, 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.

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

For NRC employees, contractors, and representatives from other Federal agencies, a background investigation performed by the Defense Counterintelligence and Security Agency (DCSA) 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 DCSA conducts an investigation that provides 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 H 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 they have a 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, NRC contractors and representatives from other Federal agencies, should be reported to the applicable Regional Administrator, Deputy Regional Administrator, or Office of the 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, NRC contractor, or representative from another Federal agency, 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, contractors, and representatives from other Federal agencies, are required to abide by the security reporting requirements specified in MD 12.3. These specifications include the requirement to report certain legal actions to DFS within 5 days of an event.

Regional management should discuss with the NRR/DRO Director any removal of a person from site access authorization due to self-reporting (or internal reporting) of a legal action.

#### 05.04 Radiation Protection Training and Site Dose Tracking Data Forms

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 contract inspectors and other NRC support personnel, by their initial site access training and required 5-year site access refresher training in generic physical security and radiation protection.

NRC inspectors, contract inspectors and other NRC support personnel, typically provide their social security numbers (SSNs) at licensee sites for the purpose of completing NRC Form 4, "Cumulative Occupational Dose History," and NRC Form 5, "Occupational Dose Record for a Monitoring Period." Information collected in both NRC forms is utilized in the NRC "Radiation Exposure Information and Reporting System" (REIRS), which is registered with the federal government as System of Records NRC-27 ("System of Records, NRC-27." *Federal Register, Vol. 75, No. 181, [20 September 2010] 57354-57355* and is subject to the Privacy Act of 1974, as amended, and all subsequent cybersecurity requirements to protect Personally Identifiable Information (PII) as defined by the National Institute of Standards and Technology (NIST) publication 800-122. Individuals who do not wish to supply their SSNs, may use the badge number on the NRC employee's Homeland Security Presidential Directive 12 (HSPD-12) Personal Identity Verification (PIV) Card or similar Federal Government Common Access Card (CAC) for other Federal employees.

#### 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 a 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, and support personnel from other Federal agencies, FFD is included in the stipulations of contract for services, interagency agreement, memorandum of understanding, or other agreement. Accordingly, the requirements outlined in 10 CFR 26(j) may also apply to NRC contractors.

#### 05.06 Identification and Verification of Site Access Certification

In accordance with Office of Management and Budget Memorandum M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," May 22, 2007, the NRC has minimized the use of SSNs as a personal identifier. Accordingly, the NRC employee's NRC HSPD-12 PIV Card is the method of proper identification to obtain access at an NRC licensed facility. Regional Administrator designation of NRC personnel likely to inspect a facility is through inclusion on the NRC's Site Access List.

Consistent with Office of Management and Budget Memorandum M-07-16, other NRC representatives such as NRC contract inspectors will present official identification (e.g., NRC HSPD-12 PIV Card or similar CAC) and be processed into the facility in the same manner as an NRC employee. Even if requested by the licensee, an NRC inspector, contractor, or support staff that is on the NRC's site access letter is not required to share their SSN for site access and can decline such requests for information.

#### 1240-06 REFERENCES

10 CFR 19.12(b)(3), "Instruction to workers"

10 CFR 26.4, "FFD program applicability to categories of individuals"

10 CFR 26.77(c), "Management actions regarding possible impairment"

10 CFR 50.70(b)(3), "Inspections"

10 CFR 70.55, "Inspections"

10 CFR 72.82, "Inspections and tests"

10 CFR 73.55(g)(6), "Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage"

10 CFR 73.56, "Personnel access authorization requirements for nuclear power plants"

NRC MD 8.17, "Licensee Complaints Against NRC Employees"

NRC MD 12.3, "NRC Personnel Security Program"

Section 145b of the Atomic Energy Act

Office of Management and Budget Memorandum M-07-16, "Safeguarding Against and Responding to the Breach of Personally Identifiable Information," May 22, 2007

END

Attachments:

Attachment 1: Site Access Authorization Process

Attachment 2: Revision History for IMC 1240

## Attachment 1: Site Access List Maintenance and Implementation

### A. Purpose

To provide for the completion, updating, maintenance, and distribution of the list of NRC staff, NRC contractors, and other NRC support personnel such as representatives from other Federal agencies, 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), authorized clearance level, and training expiration date for all NRC employees, contractors and NRC support personnel that have been certified for access to NRC licensed facilities. Distribution of the list is restricted to individuals with a need-to-know such as licensee site access points of contact and NRC staff that maintain the list.

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 the Box software program or other OCIO approved software program that is designed to share the list with the licensee site access points of contact.

2. In addition, NRC staff, as appropriate, may have read-only access to the spreadsheet.
3. NRC staff, contractors, and other NRC support personnel 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. Office Site Access Coordinators will email their respective licensee site access points of contact to alert 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 and the effective date of the change. Red strike through text will denote 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 an NRC representative visits a site but is not included on the Site Access List for unescorted access because their training is not current, they are required to complete any general employee training which the licensee requires, and they will require an escort to enter the Licensee's protected or vital areas until such training is satisfactorily completed.
7. When NRC personnel move from one NRC office to another, the Office Site Access Coordinators of the losing organization will notify the Office Site Access Coordinators of the gaining organization. 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.
8. Each Headquarters and Regional Office Site Access Coordinator will annually validate that 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 that individual and their immediate supervisor will be notified of the change.



Attachment 2: 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
	ML23171B128 10/16/23 CN 23-030	Expanded the scope of the document to include non-power production and utilization facilities. Updated to reflect organizational changes, and expectations regarding identification and verification for obtaining site access. Added guidance in section 05.04 and 05.06 about use of social security numbers at licensee facilities. Reformatted to reflect the NRC style guide.	None	ML23186A210