

March 10, 2016

**VIA ELECTRONIC MAIL**

John Lubinski  
Director  
Division of Engineering  
Office of Nuclear Reactor Regulation  
US Nuclear Regulatory Commission  
john.lubinski@nrc.gov

**Re: Nuclear Regulatory Commission Employee Access**

Dear Mr. Lubinski:

Pursuant to previous discussions with representatives from the Nuclear Regulatory Commission (“NRC”), the North American Electric Reliability Corporation (“NERC”) is aware that certain licensees of nuclear facilities subject to both NRC and NERC jurisdiction have expressed concerns with providing NRC employee(s) unescorted physical access to portions of a nuclear plant containing NERC-jurisdictional components. NERC understands that the concerns stem from uncertainty as to the applicability of NERC’s cybersecurity Critical Infrastructure Protection (“CIP”) Reliability Standard CIP-004, Requirement R3 related to performing Personnel Risk Assessments (“PRA”) prior to granting individuals unescorted physical access to BES Cyber Systems, as that term is defined in the *Glossary of Terms Used in NERC Reliability Standards*. This letter is to inform the NRC of NERC’s position on this issue so that you can inform licensees subject to your jurisdiction of NERC’s position.

For purposes of a licensee’s compliance with Reliability Standard CIP-004, Requirement R3, the licensee shall not be required to perform a PRA for NRC employee(s) prior to granting unescorted access per CIP-004-6 Requirement R3, nor shall the licensee be required to maintain records of PRA details for those NRC employees, provided that the licensee has verified that the NRC employee for which unescorted access would be granted (i) holds valid, current NRC credentials, (ii) holds an “L” or “Q” level clearance, and (iii) has successfully undergone an NRC background check. Consistent with Federal Energy Regulatory Commission precedent, the NRC background checks for NRC inspectors are at least equal to those required by the CIP standards and, in turn, may be accepted in lieu of a separate PRA.

Notwithstanding the forgoing, the licensee must continue to comply with all other applicable requirements of Reliability Standard CIP-004. Under Requirements R1, R2, R4, and R5 of CIP-004, licensees must do the following, among other things:

- Provide the NRC employee for which unescorted access would be granted security awareness material every three months (CIP-004, Requirement R1).

- Provide the NRC employee for which unescorted access would be granted applicable site-specific or company-specific training prior to granting the NRC employee unescorted physical access (and repeat the training on a 15-month basis for continued authorization for unescorted access) (CIP-004, Requirement R2).
- Verify, prior to granting unescorted physical access to any NRC employee, that the NRC employee for which unescorted access would be granted is performing an official NRC activity pursuant to the NRC's statutory authority (CIP-004, Requirement R4).
- Maintain records of access authorization (CIP-004, Requirement R4).
- Review the authorization for NRC employees for which unescorted access has been granted every calendar quarter (CIP-004, Requirement R4).
- Revoke access authorization, within the specified time period, for NRC employees that were granted unescorted access but longer meet the criteria for such access (CIP-004, Requirement R5).

Should the licensee have any questions or concerns for NERC, please direct them to contact NERC. If the NRC has any questions regarding this matter, please feel free to contact me.

Very truly yours,




---

Valerie Agnew  
 NERC Senior Director of Reliability Assurance  
 North American Electric Reliability Corporation  
 3353 Peachtree Road NE, Suite 600 – North Tower  
 Atlanta, GA 30326  
 404-446-9691  
 valerie.agnew@nerc.net

CC: Scott Mix, NERC Senior CIP Technical Manager  
 Tobias Whitney, NERC Manager of CIP Compliance  
 Shama Elstein, NERC Senior Counsel  
 Tania Martinez Navedo, NRC Electrical Engineer  
 Ngola Otto, NRC Electrical Engineer  
 Norman St. Amour, NRC Senior Attorney