

## **U.S. Nuclear Regulatory Commission Public Meeting Summary**

April 28, 2020

**Title:** Clarification of Personnel Access Authorization Requirements for Non-immigrant Foreign Nationals

**Meeting Identifier: Docket:** NRC-2020-0073

**Date of Meeting:** April 28, 2020

**Location:** Skype and Telecon

**Type of Meeting:** Category 2

**Purpose of the Meeting(s):** Solicit comments on the draft RIS "Clarification of Personnel Access Authorization Requirements for Non-immigrant Foreign Nationals"

### **General Details:**

The meeting began at 10 a.m. and ended at 11:30 a.m. using skype and a dedicated, operator assisted telephone line. Following introductory remarks by the Director of NRC's Office of Nuclear Security and Incident Response (NSIR), the Nuclear Energy Institute (NEI) provided opening comments on behalf of the industry. Using skype, the staff provided a slide presentation covering the purpose of the meeting and the regulatory history of Title 10 of the *Code of Federal Regulations* (10 CFR) 73.56 (d)(3), as well as the intent of the regulation. Following the NSIR staff presentation, the U.S. Nuclear regulatory Commission's (NRCs) Director of the Office of Investigations gave his insights with respect to the relevant laws governing non-immigrant foreign nationals working at nuclear plants in the United States. At the completion of the staff's presentation, all attendees were given the opportunity to provide comments or ask questions. A member of NEI asserted that it is industry's position that NRC was reinterpreting the intent of the regulation to 10 CFR 73.56 (d)(3) to go beyond determining true identity and now determining the validity of visas. They believe this would constitute a backfit. Another member of industry voiced their concern that the Systematic Alien Verification of Entitlements (SAVE) database was not reliable and that if the NRC is going to require industry to determine the validity of visas, then industry needs to be provided with a reliable tool to accomplish that. The meeting was attended by over 100 people including members from NEI, various industry personnel, law firms, and NRC staff.

Based on the participant feedback to the staff during the meeting, the staff will do outreach to the industry participant who voiced concern about the reliability of the SAVE database to further examine the specifics of his concern. In addition, the staff will consult with the NRC's Committee to Review Generic Requirements for its determination regarding whether the NRC is reinterpreting the intent of 10 CFR 73.56 (d)(3) as expressed by the NEI participant.

It should be noted that although initially there were some technical difficulties that the staff experienced at the beginning of the meeting with the use of skype in combination with a dedicated operator assisted phone line, the staff will discuss lessons learned in that regard for conducting meetings in the future.

**Summary of Presentations:** The staff provided a slide presentation covering the purpose of the meeting and the regulatory history, as well as, the intent of the regulation. Following the NSIR staff presentation, the NRC's Director of the Office of Investigations gave his insights with respect the relevant laws governing non-immigrant foreign nationals working at nuclear plants in the United States. At the completion of the staff's presentation, all attendees where given the opportunity to provide comments or questions.

**Public Participation Themes:** A member of NEI reiterated that it is industry's position that NRC was reinterpreting the intent of the regulation to go beyond determining true identity and now determining the validity of visas. In essence, they believe this would constitute a backfit. Another member of industry voiced his concern that the Systematic Alien Verification of Entitlements (SAVE) database was not reliable and that if the NRC is going to require industry to determine the validity of visas, then industry needs to be provided with a reliable tool other than SAVE to accomplish this.

**Action Items/Next Steps:** Based on the participant feedback to the staff during the meeting, the staff will do outreach to the industry participant who voiced concern about the reliability of the SAVE database to further examine the specifics of his concern. In addition, the staff will consult with the NRC's Committee to Review Generic Requirements for its determination regarding whether the NRC is reinterpreting the intent of 10 CFR 73.56 (d)(3) as expressed by the NEI participant.

**Attachments: ADAMS** Accession Nos. ML20111A236; ML20118C189

[Open ADAMS Document Slides for Public Meeting dated 4/28/20 for Draft Regulatory Information Summary Concerning Clarification of Access Authorization Requirements for Non-Immigrant Foreign working at Nuclear Power Plant.](#)