

U.S. Nuclear Regulatory Commission Public Meeting Summary

September 9, 2022

Title: Public Meeting on a draft Regulatory Issue Summary (RIS) related to Clarification of Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants

Meeting Identifier: 20220770

Date of Meeting: August 9, 2022

Location: Webinar - Microsoft TEAMS

Type of Meeting: Information Meeting with a Question and Answer (Q&A) Session. The purpose of the meeting was for the NRC staff to meet directly with individuals to discuss regulatory and technical issues. Attendees had the opportunity to ask questions of the NRC staff or make comments about the issues discussed throughout the meeting, but the NRC did not actively solicit comments towards regulatory decisions at this meeting.

Purpose of the Meeting(s): The NRC Office of Nuclear Security and Incident Response (NSIR), Division of Physical and Cyber Security Policy (DPCP) staff held a public meeting on a draft RIS “2022-XX Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants” dated May 27, 2022. This draft RIS reminds licensees of the requirement in 10 CFR 73.56(d)(3), “Verification of true identity,” that prior to granting or reinstating unescorted access or certifying unescorted access authorization to non-immigrant foreign nationals for the purpose of performing work, licensees shall validate that the foreign national’s claimed non-immigration status is correct and that verifying employment eligibility is an important component of the required validation. The NRC requested public comment on this draft RIS in a June 13, 2022, Federal Register Notice (87 FR 35798). The public comment period for this draft RIS closed on August 12, 2022.

General Details: The meeting began at 10 a.m. EDT. Following introductory remarks provided by the Director of DPCP, a slide presentation on the draft RIS was provided by the DPCP technical staff. After the DPCP staff presentation, a Q&A session was held with interested stakeholders, industry representatives, and members of the public. Comments were provided by several stakeholders and the staff answered participant questions on the draft RIS. The meeting was attended by over 40 individuals, including staff from the Nuclear Energy Institute (NEI), access authorization personnel from licensee sites, law firms, and NRC headquarters and regional staff. The meeting was transcribed. The meeting ended at 11:18am EDT.

Summary of Presentations: The NRC staff slide presentation provided a regulatory history, operating experience, and Commission actions on the verification of true identity, and presented information on the draft RIS. No stakeholders or members of the public made formal presentations, but engagement with the attendees did occur during the Q&A Session.

Public Participation Themes:

- NEI reiterated its previously stated position that the NRC was reinterpreting the intent of the regulation (i.e., determining the true identity of an individual) by now requiring the

validation of a foreign national's visa. NEI asserted that this change in position is a backfit.

- A staff member from a licensee asked if verification of employment eligibility was a regulatory requirement.
- Several attendees expressed the concern that the Systematic Alien Verification of Entitlements (SAVE) database was not reliable and if use of such a database was required by the NRC to determine the validity of a foreign national's visa, then industry needed to be provided with a reliable tool to accomplish this task.
- A representative from the Breakthrough Institute raised a concern regarding the use of the term "high assurance" in the NRC's regulatory documents governing nuclear security (in general) and in the draft RIS (specifically).

Action Items/Next Steps:

- Any written comments received by the NRC in response to the June 3, 2022, Federal Register Notice will be reviewed, summarized, and responded to in a response to comments document that will be publicly available in the Agencywide Document Access and Management System (ADAMS). If appropriate, the NRC staff will revise the RIS.
- As appropriate, the NRC staff will consult with the NRC's Committee to Review Generic Requirements (CRGR) should it receive formal public comment expressing backfit concerns on the NRC staff position on 10 CFR 73.56 (d)(3) described in the draft RIS.
- DPCP staff will contact the staff member from a licensee who expressed concern about a specific instance where the reliability of the SAVE database information received on a foreign national was inconclusive on employment eligibility.

Attachments: ADAMS Accession Nos.

- [ML22214A186](#) - 08/09/2022 Notice of meeting to discuss NRC's draft Regulatory Issue Summary (RIS) related to Clarification of Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants
- [ML22157A366](#) - Draft NRC Regulatory Issue Summary 2022-XX Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants
- [ML22217A114](#) - Draft Regulatory Issue Summary on Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants, Aug 9, 2022, Public Meeting Presentation
- [ML22252A174](#) - Transcript of August 9, 2022, Public Meeting - Draft Regulatory Issue Summary on Personnel Access Authorization Requirements for Non-Immigrant Foreign Nationals Working at Nuclear Power Plants