

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
WASHINGTON, D.C. 20555-0001

April 18, 2025

**NRC REGULATORY ISSUE SUMMARY 2025-XX**  
**PERSONNEL ACCESS AUTHORIZATION REQUIREMENTS FOR NON-IMMIGRANT  
FOREIGN NATIONALS WORKING AT NUCLEAR POWER PLANTS**

**ADDRESSEES**

All holders of and applicants for a power reactor operating license under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities."

All holders of and applicants for a power reactor early site permit or combined license under 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants."

**INTENT**

The U.S. Nuclear Regulatory Commission (NRC) is issuing this regulatory issue summary (RIS) to remind licensees of the requirement in 10 CFR 73.56(d)(3), "Verification of true identity," that—prior to granting or reinstating unescorted access (UA) or certifying unescorted access authorization (UAA) 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 confirming employment eligibility is an important component of the required validation. This validation process is important to ensure that individuals to whom a licensee intends to grant UA or certify UAA to nuclear power plant protected or vital areas are trustworthy and reliable, such that they do not constitute an unreasonable risk to public health and safety or the common defense and security, including the potential to commit radiological sabotage.

As part of the validation process, licensees, applicants, and contractors or vendors must take steps to access information independent from that provided by a foreign national to ensure that the information provided to the licensee is authentic. Similarly, a licensee that accepts an access authorization program implemented by a contractor or vendor to satisfy 10 CFR 73.56(d)(3) must ensure that this validation has been performed prior to granting UA or certifying UAA.

This RIS does not transmit any new requirements and does not require any specific action or written response on the part of addressees.

**BACKGROUND INFORMATION**

In October 2017, the NRC's Office of Investigations, in collaboration with the U.S. Department of Homeland Security, Homeland Security Investigations, identified several instances where foreign nationals were granted UA or certified UAA at U.S. nuclear power plants for the purpose of performing work when they did not have the correct non-immigrant status to work at a nuclear power plant in the U.S. in accordance with 10 CFR 73.56(d)(3).

The issue of confirming the employment eligibility of a foreign national was first addressed by the NRC in RIS 2002-13, "Confirmation of Employment Eligibility" (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML021720225](#), August 27, 2002). In the 2002 RIS, the Commission stated that "it is crucial that licensees exercise greater diligence in implementing their access authorization programs." This RIS concluded that confirming a foreign national's employment eligibility was an important element of the background investigation undertaken to verify the true identity of an applicant seeking UA at a U.S. nuclear power plant.

The 2002 RIS was followed by a Commission order on January 7, 2003. NRC Order EA-02-261, "Order for Compensatory Measures Related to Access Authorization" ([ML030060360](#)), implemented the Commission's position on employment eligibility. Specifically, Section B.1.3.c in Attachment 2 to NRC Order EA-02-261 contained a requirement that: "Licensees should confirm eligibility for employment through INS [Immigration and Naturalization Service] and thereby verify and ensure, to the extent possible, the accuracy of a social security number or alien registration number."

To facilitate licensee confirmation of a foreign national's employment eligibility, on September 26, 2007, the NRC began providing licensees with access to the U.S. Citizenship and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) electronic database. Use of the USCIS SAVE database is one acceptable means of confirming a foreign national's employment eligibility as part of verifying the foreign national's true identity. There is no charge to licensees to use this service.

## SUMMARY OF ISSUE

The regulatory requirements in 10 CFR 73.56(d)(3) were first promulgated in March 2009.<sup>1</sup> Specifically, 10 CFR 73.56(d)(3) requires:

Licensees, applicants, and contractors or vendors shall verify the true identity of an individual who is applying for unescorted access or unescorted access authorization in order to ensure that the applicant is the person that he or she has claimed to be. At a minimum, licensees, applicants, and contractors or vendors shall validate that the social security number that the individual has provided is his or hers, and, in the case of foreign nationals, validate the claimed non-immigration status that the individual has provided is correct. In addition, licensees and applicants shall also determine whether the results of the fingerprinting required under § 73.57 confirm the individual's claimed identity, if such results are available.

Moreover, 10 CFR 73.56(a)(4) also specifies:

The licensee or applicant may accept, in part or whole, an access authorization program implemented by a contractor or vendor to satisfy appropriate elements of the licensee's access authorization program in accordance with the requirements of this section. Only a licensee shall grant an individual unescorted access. Licensees and applicants shall certify individuals' unescorted access authorization

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<sup>1</sup> The NRC amended 10 CFR Parts 50, 52, 72, and 73, including Appendices B and C to Part 73, through a final rule ("Power Reactor Security Requirements") published in the *Federal Register* on March 27, 2009 ([74 FR 13925](#)).

and are responsible to maintain, deny, terminate, or withdraw unescorted access authorization.

In the preamble (Statements of Consideration) to the October 26, 2006, Power Reactor Security Requirements proposed rule, the Commission made clear that the term “validation” was being used in 10 CFR 73.56(d)(3) “to indicate that licensees, applicants and [contractors or vendors] would be required to take steps to access information in addition to that provided by the individual from other reliable sources to ensure that the personal identifying information the individual has provided to the licensee is authentic” ([71 FR 62747](#)). The Commission further stated that validation could be accomplished by accessing information from a variety of reliable sources including, but not limited to, Federal Government databases. It is clear from this discussion that the Commission intended licensees, when verifying a foreign national’s true identity, to do more than just rely on documentation provided by an applicant when granting UA or certifying UAA.

Industry guidance from the Nuclear Energy Institute (NEI) in NEI-03-01, “Nuclear Power Plant Access Authorization Program,” Revision 3, Supplement 1, dated May 2009, as endorsed by NRC,<sup>2</sup> states the following:

B.1.3.c “...Licensees should confirm eligibility for employment through U.S. Citizenship and Immigration Service (CIS) and thereby verify and ensure to the extent possible, the accuracy of a social security number [sic] alien registration number...”

This discussion in the NRC-endorsed NEI guidance thus remained consistent with the NRC’s established position regarding the licensee’s obligation under 10 CFR 73.56(d)(3) to confirm a foreign national’s employment eligibility.

On November 3, 2017, NEI issued Personnel Access Data System (PADS) System Administrator Bulletin 2017-09 (Verification of Non-immigration Status). This bulletin reminded NRC licensees that, for foreign workers, they should verify the claimed non-immigration status that the individual has provided is correct as a part of the background investigation. The bulletin, however, contained some ambiguous language that is inconsistent with the Commission’s requirement to validate the authenticity of the information provided by the individual. Specifically, the bulletin included the following statement:

Since the inception of the non-immigration verification performance requirement, two methodologies have been in place to satisfy the performance requirement;

- (1) The use of the Department of Homeland Security US Citizenship and Immigration Services (DHS-USCIS) Systematic Alien Verification for Entitlements (SAVE) program, and
- (2) The licensee’s [visual] inspection of passport and Visa information identifying the status of the individual upon arrival at the licensee facility.

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<sup>2</sup> The NRC endorsed NEI-03-01 in Regulatory Guide 5.66, “Access Authorization Program for Nuclear Power Plants,” Revision 2, October 2011 ([ML112060028](#)).

Licensees are reminded that, for foreign workers, it is necessary to conduct an appropriate verification of the individual's immigration status as permitted by the USCIS, verify true identity of the individual and retain records documenting completion of both requirements.

This statement did not make it clear that the second action listed (review of any physical documentation presented by the individual) would not be sufficient without also completing the first action listed (independent validation by reviewing information from a database maintained by the Federal government). Furthermore, the NRC does not typically endorse NEI PADS administrator bulletins; consistent with this policy, the NRC did not endorse the November 3, 2017, bulletin.

With the completion of the 2009 rulemaking, the NRC rescinded NRC Order EA-02-261 by letter dated November 28, 2011 ([ML111220447](#)). The rescission letter stated that the 2009 "Power Reactor Security Requirements" rulemaking incorporated all requirements set forth in NRC Order EA-02-261. Thus, the rescission of NRC Order EA-02-261 did not remove or modify the requirement in the rule to confirm a foreign national's eligibility of employment.

The Commission has determined that confirming the employment eligibility of foreign nationals seeking UA or UAA to a nuclear power plant is necessary to ensure the integrity of a licensee's access authorization program. This position reflects the Commission's concern stated explicitly in RIS 2002-13. A visual verification of documents provided by a foreign national would not enable the licensee to verify the true identity of the individual, including employment eligibility. Relying solely on visual verification of documents does not meet the regulatory requirement in 10 CFR 73.56(d)(3) and would weaken the safety and security provided by the requirement to validate the foreign national's claimed non-immigration status as part of establishing the foreign national's true identity.

One acceptable method to comply with 10 CFR 73.56(d)(3), including the requirement to confirm employment eligibility, is for licensees, applicants and contractors or vendors to conduct a visual verification of documents and official government issued photo identification (e.g., passport, Work Authorization Document, or visa) provided by non-immigrant foreign nationals, together with use of the SAVE database. The SAVE database prompts a user to enter appropriate demographic and other information on the foreign national being considered for UA or UAA. A user typically receives a response from the SAVE database within minutes. One response might be "Non-Immigrant – Not Employment Authorized." In the event of this type of response, the foreign national cannot be granted UA or certified UAA if the purpose of granting such access is to allow the foreign national to work in the protected area. A second type of SAVE response might be "Non-Immigrant – Temporary Employment Authorized."<sup>3</sup> This response meets the access authorization requirement in 10 CFR 73.56(d)(3) to validate the non-immigration status of a foreign national. A further review of the foreign national's employment eligibility, to verify the type of work the foreign national is authorized to perform under the specific visa category, is not required to meet the regulatory requirement in 10 CFR 73.56(d)(3). Enclosure 1 to this RIS provides a step-by-step guide to assist licensees in using the SAVE system. Verification of employment eligibility using SAVE can be initiated for foreign

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<sup>3</sup> Additional information on SAVE responses (e.g., Non-Immigrant – Temporary Employment Authorized) is available to registered users and can be accessed within the SAVE response itself by clicking on the links provided: [Guide to Understanding SAVE Verification Responses](#) and on page 6 [Online Resources](#).

nationals prior to their arrival at the nuclear power plant site. Where additional verification may be warranted by USCIS, SAVE response times may vary in duration.

In instances where licensees need to manage exigent circumstances, licensees can also permit access through other means available in accordance with NRC regulations. For example, a licensee may consider whether to permit escorted access of a non-immigrant foreign national under the visitor and escort provisions in 10 CFR 73.55(g), "Access Controls," sub-paragraphs (g)(7), "Visitors," and (g)(8), "Escorts."

Consistent with the requirements in 10 CFR 73.56(a)(4) as noted above, a licensee may also accept, in part or whole, an access authorization program implemented by a contractor or vendor to satisfy appropriate elements of the licensee's access authorization program. This includes the verification of the true identity of a non-immigrant foreign national and the validation that their claimed non-immigration status is correct. Although a contractor or vendor does not have access to the USCIS SAVE database, they can perform the same employment verification using E-Verify.<sup>4</sup> Licensees would need to ensure that the contractor or vendor is performing this verification prior to granting UA or certifying UAA.

## CONCLUSION

Licensees must have an access authorization program that provides high assurance<sup>5</sup> that individuals granted UA or certified for UAA are trustworthy and reliable. Licensees may use any method that reliably confirms that a foreign national is eligible for employment at a nuclear power plant in the U.S. If, consistent with 10 CFR 73.56(a)(4), a licensee accepts a contractor or vendor's access authorization program to satisfy appropriate elements of the licensee's program, the licensee must ensure that the contractor or vendor reliably and effectively confirms a foreign national's employment eligibility as part of validating that the foreign national's claimed non-immigration status is correct. The licensee remains at all times responsible for certifying and granting, maintaining, denying, terminating, or withdrawing an individual's UA or UAA. This RIS reminds licensees of that requirement.

## BACKFITTING AND ISSUE FINALITY DISCUSSION

This RIS does not require any action or written response on the part of any licensee or applicant. Accordingly, issuance of this RIS does not constitute "backfitting" as that term is defined in 10 CFR 50.109(a)(1) and does not affect the issue finality of any approval issued under 10 CFR Part 52.

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<sup>4</sup> E-Verify is a web-based program administered by USCIS and the U.S. Social Security Administration (SSA) and is available to enrolled employers by accessing the website: <https://www.e-verify.gov>. Private sector employers in all 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and Commonwealth of Northern Mariana Islands can use E-Verify to electronically confirm the employment eligibility of their employees to work in the U.S. E-Verify electronically matches information provided on the employee's completed USCIS Form I-9, "Employment Eligibility Verification," with records available to DHS and SSA. It currently is the best available method to electronically confirm employment eligibility for private sector entities and is comparable to a licensee's use of the SAVE program.

<sup>5</sup> In Staff Requirements Memorandum (SRM)-SECY-16-0073, "Options and Recommendations for the Force-on-Force Inspection Program in Response to SRM-SECY-14-0088," the Commission stated that, "the concept of 'high assurance' of adequate protection found in our security regulations is equivalent to 'reasonable assurance' when it comes to determining what level of regulation is appropriate" ([ML16279A345](#)).

## **FEDERAL REGISTER NOTIFICATION**

The NRC published a notice of opportunity for public comment on two prior versions of this RIS. The first notice was published in the *Federal Register* ([85 FR 17770](#)) on March 31, 2020. The evaluation of public comments and NRC responses to those comments can be found in ADAMS ([ML22147A097](#)). The second notice was published in the *Federal Register* ([87 FR 35798](#)) on June 13, 2022. The evaluation of public comments and NRC responses to those comments can be found in ADAMS ([ML24212A201](#)).

A third version of this RIS dated December 20, 2022, was made publicly available in ADAMS ([ML22354A108](#)) and the NRC held a public meeting on January 12, 2023, to discuss that draft. The December 2022 draft RIS was not noticed for public comment in the *Federal Register*.

## **CONGRESSIONAL REVIEW ACT**

This RIS is not a rule as defined in the Congressional Review Act (5 U.S.C. §§ 801-808).

## **PAPERWORK REDUCTION ACT STATEMENT**

This RIS does not contain new or amended information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget (OMB), approval number 3150-0002.

### **Public Protection Notification**

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

## **CONTACT**

This RIS requires no specific action or written response. If you have any questions about this RIS, please contact the technical staff listed below or the appropriate NRC regional office.

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Note: NRC generic communications may be found on the NRC public Web site, <https://www.nrc.gov> under NRC Library/Document Collections

Enclosure:

1. Systematic Alien Verification for Entitlements (SAVE) Database Step-by-Step Instruction

**OFFICIAL RECORD COPY**

## SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) DATABASE STEP-BY-STEP INSTRUCTION

Use of the SAVE system provides one acceptable means by which licensees can validate the correct non-immigration status of foreign nationals and confirm employment eligibility.

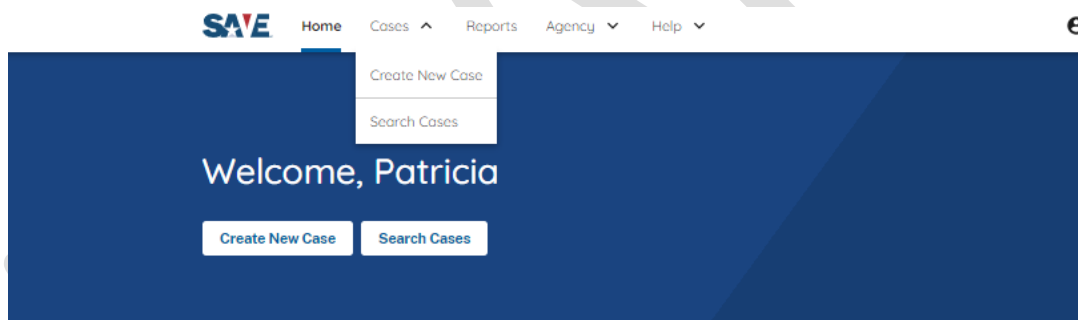
To access SAVE, the licensee should perform the following:

### **STEP ONE:**

If licensees do not already have access to SAVE, they can request an account by contacting the NRC's Access Authorization technical staff at [SAVE.AccountRequest@nrc.gov](mailto:SAVE.AccountRequest@nrc.gov). The licensee must first establish a memorandum of understanding (MOU) between the NRC and the licensee for the use of SAVE. (The NRC maintains a template to facilitate this process.) Once the MOU is signed, an account to use SAVE will be set up for the licensee.

### **STEP TWO:**

Once a licensee/user logs into the SAVE system, there are two ways to create a new verification case: 1) from the homepage there is a welcome message - under the welcome message, select the option "Create New Case," or 2) using the toolbar at the top of the screen, select the option "Cases" and choose "Create New Case" from the drop-down menu.



### **STEP THREE:**

Enter the non-immigrant foreign national's information, which includes Name (First, Last); Date of Birth; and one additional enumerator, such as the Alien Number, SEVIS (Student) Identifier, or I-94 number. Enter as much information as available and then select "Continue." If a field formatting error alert is displayed, the field will be highlighted. The formatting error must be corrected to continue.

### **STEP FOUR:**

Select Benefit(s) being requested – choose the option "Employment" and select "Continue."



### **STEP FIVE:**

A review screen will be displayed with case details. This is a summary screen based on licensee input and selection. Ensure all case details are entered accurately prior to submitting for verification. Once confirmed, select "Initiate Verification."

### **STEP SIX:**

Depending on the information that USCIS has about the applicant, a photo may be returned. The user will be prompted to compare the photo displayed in SAVE with the photo in the document provided by the applicant and make a confirmation selection using the following options:

- ☒ **Yes, this photo matches**
- ☐ **No, this photo does not match**
- ☐ **No photo available**

Select "Continue." For additional information, if you selected "Yes, the photo matches," SAVE will respond with its case result – the Initial Verification Response. If you selected "No, this photo does not match," SAVE will respond with "Institute Additional Verification." Additional verification steps will be necessary. If you selected "No photo displayed," SAVE will respond with its case result – the Initial Verification Response.

### **STEP SEVEN:**

Review the SAVE Initial Verification Response to confirm the foreign nationals claimed non-immigration status and employment eligibility.

**Applicant Status:** Non-Immigrant

**Employment Eligibility:** Employment Authorized - Temporary Employment Authorized

A non-national of the U.S. who is admitted for a specific reason and for a limited period of time. The applicant [Guide to Understanding SAVE Verification Responses](#) for additional information. Follow your agency's policy v applicant is eligible for benefits.

#### SAVE Response Details

**Case Verification Number**

0022214135531PV

**COA Code**

H1B

**Date Admitted To**

09/05/2025

**Employment Authorization Expiration Date**

08/26/2025

**Response Date**

08/02/2022

#### Agency Submitted

**Full Name**

[REDACTED]

**Date of Birth**

[REDACTED]

**Passport Number**

[REDACTED]

**Country of Issuance**

IND

**Note:** For additional help in using SAVE, from the main menu select “Help” from the toolbar at the top of the screen, then select the “Resources” option. This provides the user with links to helpful guidance, user manuals, and training.

If the SAVE database is temporarily unavailable, or a user has difficulty in interpreting a SAVE response, please contact the NRC for assistance at [SAVE.AccountRequest@nrc.gov](mailto:SAVE.AccountRequest@nrc.gov).

DRAFT

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