

# Nuclear Plant Generator Operator Employee Access to NERC Transmission Owner Sites: CIP-004-6 R3 Personnel Risk Assessment

## Implementation Recommendation June 20, 2017

This document is not intended to establish new requirements under NERC's Reliability Standards, to modify the requirements in any existing reliability standards nor to provide an Interpretation under Section 7 of the Standard Processes Manual. Additionally, there may be other legitimate ways to fulfill the obligations of the requirements that are not expressed within this document. Compliance will continue to be determined based on language in the NERC Reliability Standards as they may be amended from time to time. Implementation of this guidance is not a substitute for compliance with requirements in NERC's Reliability Standards.

### Background

Personnel Risk Assessments (PRAs) that are required by the NERC CIP Reliability Standards and background checks as mandated by Nuclear Regulatory Commission (NRC) regulations have overlapping requirements and the NRC regulations are considered at least equal to those required by the CIP Standards.

This guidance is for Transmission Owners (TO) that allow unescorted access of Nuclear Plant Generator Operator (NGOP) employees to the TO's High Impact or Medium Impact sites. This guidance describes one approach to compliance that meets the intent of the requirement and mitigates risk. The standards being referenced are as follows:

- NERC CIP-004-6 Personnel and Training, Requirement R3: Personnel Risk Assessment
- NRC 10 CFR §73.56 Personnel access authorization requirements for nuclear plants
- NRC 10 CFR §73.57 Requirements for criminal history record check of individuals granted unescorted access to a nuclear power facility, non-power reactor, or access to Safeguards Information
- 10 CFR §26 Fitness for Duty Programs

## **Recommended Approach to Complying with PRA Requirements**

For the purposes of a Transmission Owner's (TO) compliance with NERC CIP-004-6, Requirement R3, the TO shall not be required to perform a separate PRA for NGOP employee(s) prior to granting unescorted access, provided that the TO has verification that the NGOP employee for whom unescorted access would be granted has successfully completed the 10 CFR background checks as evidenced by the following:

- NGOP provided Affidavit (Attachment 1)
- NGOP provided NRC Security Inspection Report for Access Authorization (public version) (Attachment 2)

**Notwithstanding the forgoing, the Transmission Owner (TO) and Nuclear Plant Generator Operator (NGOP) must continue to comply with all other applicable NERC CIP Reliability Standards.**

## **Coordination and Documentation**

The Nuclear Plant Generator Operator (NGOP) will coordinate with the Transmission Owner (TO) to provide a NRC Security Inspection Report for Access Authorization (public version) and a signed affidavit(s) that states that the individual(s) who require unescorted access to the Transmission Owner (TO) owned switchyards and associated relay houses have been granted and continue to satisfy the criteria listed above in "Recommended Approach to Complying with PRA Requirements." A sample affidavit is attached.

### **Attachment 1**

- Sample Affidavit, "Attestation of Criminal Record Check for Selected Individuals to be used for CIP-004-4/6 Access Authorization"

### **Attachment 2**

- Sample NRC Security Inspection Report for Access Authorization (public version)

**ATTACHMENT 1: Sample Affidavit**

10 CFR §73.56

10 CFR §73.57

[Letter No. (If applicable)]

[Date]

[John Doe, Position  
Transmission Owner Company  
Address Line 1  
Address Line 2]

[Nuclear Station, Units X and X  
Facility Operating License Nos. XXXX and XXXX]

**Subject:** Attestation of Criminal Record Check for Selected Individuals to be used for CIP-004-4/6  
Access Authorization

**Reference:** Nuclear Energy Institute White Paper, “Nuclear Generator Operators (NGOPs) Cyber  
Security Background Checks, “dated January [XX], 2017

Based on Access Authorization information maintained by [NGOP Name, Station]’s Access Authorization Department, this letter attests that the selected individuals identified in Attachment 1 have a need to access [Transmission Owner] controlled assets, such as switchyards and associated relay houses, and are currently deemed by [NGOP Name]’s Nuclear Access Authorization Program as trustworthy and reliable to maintain unescorted access to the protected and vital areas of [NGOP Station] in accordance with 10 CFR §73.56, 10 CFR §73.57, and 10 CFR §73.26, as required by the U.S. Nuclear Regulatory Commission (USNRC).

The [NGOP Name] Access Authorization investigations are performed in accordance with 10 CFR §73.56, 10 CFR §73.57, and 10 CFR §73.26 meet or exceed the NERC Reliability Standard requirements provided in CIP-004-6, “Cyber Security — Personnel & Training”, Requirement R3. The Access Authorization investigations performed in accordance with 10 CFR §73.56, 10 CFR §73.57, and 10 CFR §73.26 include a confirmation of the identity of the individual requesting access and an initial evaluation of the individual’s entire criminal history record and subsequent criminal history record evaluations at a frequency of either five years or three years, depending on the individual’s job function. A copy of the most recent NRC Security Inspection Report (public version), which includes inspection of the Access Authorization program, is provided as Attachment 2. The inspection report provides evidence of the NRC oversight and acceptability of the [NGOP Station] Access Authorization Program. We request that the selected individuals identified in Attachment 1 to this letter be granted unescorted access under the [Transmission Owner]’s CIP-004-6 access authorization program, or equivalent, to applicable [Transmission Owner] controlled assets, such as switchyards and associated relay houses. This attestation is provided as a

substitute for the PRA requirement in CIP-004-6 R3. [NGOP Name] recognizes that there may be additional requirements for access as determined by the [Transmission Owner] to meet the various CIP Standards (e.g., annual CIP-specific training) that must be completed prior to the granting of unescorted access under the CIP Standards.

At any time, should any individual identified in Attachment 1 to this letter no longer require access, or no longer meets any of the qualifications for access under the [NGOP Station] Access Authorization program in accordance with 10 CFR §73.56, 10 CFR §73.57, and 10CFR73.26, the [Transmission Owner] will be notified of the name of the individual and the effective date of revocation within 24 hours of said revocation. At no time will the reason for revocation be communicated from [NGOP Name] to [Transmission Owner].

In accordance with 10 CFR §73.56(m) and 10 CFR 7§3.57(f), criminal record reports and other personal information are confidential and protected from disclosure, unless an exception exists under the USNRC's regulations.

Should you have any questions concerning this letter, please contact [NGOP Contact Name], at [NGOP Contact Number].

Respectfully,

[NGOP Compliance officer or other Signee  
Position  
NGOP Name, Station]



**Attachment 2: Sample NRC Security Inspection Report (public version)**



**UNITED STATES  
 NUCLEAR REGULATORY COMMISSION**  
 REGION IV  
 1600 E. LAMAR BLVD  
 ARLINGTON, TX 76011-4511

Date of Report

Inspected Entity

**SUBJECT: SAMPLE GENERATING STATION, NRC SECURITY INSPECTION  
 REPORT**

Dear SAMPLE

On date, the U.S. Nuclear Regulatory Commission (NRC) completed a security inspection sample Generating Station. The NRC inspectors discussed the results of this inspection with sample and other members of your staff. The results of this inspection are documented in the enclosed report.

The NRC inspectors did not identify any finding or violation of more than minor significance.

This letter will be made available for public inspection and copying at LINK and at the NRC Public Document Room in accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding."

However, the enclosed report contains Security-Related Information, so the enclosed report will not be made publically available in accordance with 10 CFR 2.390(d)(1). If you choose to provide a response that contains Security-Related Information, please mark your entire response "Security-Related Information—Withhold from public disclosure under 10 CFR 2.390" in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1).

The NRC is waiving the affidavit requirements for your response in accordance with 10 CFR 2.390(b)(1)(ii).