**Section 337.1050 Relief from Fingerprinting, Identification, Criminal History Records Checks and Other Elements of Background Investigations for Designated Categories of Individuals Permitted Unescorted Access to Certain Radioactive Material**

a) Fingerprinting, and the identification and criminal history records checks required by section 149 of the Atomic Energy Act of 1954, as amended, and other elements of the background investigation are not required for the following individuals prior to granting unescorted access to category 1 or category 2 quantities of radioactive material:

1) An employee of the NRC or of the Executive Branch of the U.S. government who has undergone fingerprinting for a prior U.S. government criminal history records check;

2) A member of Congress;

3) An employee of a member of Congress or Congressional committee who has undergone fingerprinting for a prior U.S. government criminal history records check;

4) The Governor of Illinois or his or her designated State employee representative;

5) Federal, State of Illinois or local law enforcement personnel;

6) The IEMA Director and State Homeland Security Advisor or their designated State employee representatives;

7) IEMA employees conducting security inspections on behalf of the NRC under an agreement executed under section 274.i of the Atomic Energy Act of 1954;

8) Representatives of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who have been certified by the NRC;

9) Emergency response personnel who are responding to an emergency;

10) Commercial vehicle drivers for road shipments of category 1 and category 2 quantities of radioactive material;

11) Package handlers at transportation facilities such as freight terminals and railroad yards;

12) Any individual who has an active federal security clearance, provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that granted the federal security clearance or reviewed the criminal history records check shall be provided to the licensee. The licensee shall retain this documentation for a period of 3 years from the date the individual no longer requires unescorted access authorization to category 1 or category 2 quantities of radioactive material; and

13) Any individual employed by a service provider licensee that the service provider licensee has conducted the background investigation for the individual and approved the individual for unescorted access to category 1 or category 2 quantities of radioactive material. Written verification from the service provider shall be provided to the licensee. The licensee shall retain the documentation for a period of 3 years from the date the individual no longer requires unescorted access authorization to category 1 or category 2 quantities of radioactive material.

b) Fingerprinting and the identification and criminal history records checks required by Section 149 of the Atomic Energy Act of 1954, as amended, are not required for an individual who has had a favorably adjudicated U.S. Government criminal history records check within the last 5 years under a comparable U.S. Government program involving fingerprinting and an FBI identification and criminal history records check provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that reviewed the criminal history records check shall be provided to the licensee. The licensee shall retain this documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material. These programs include, but are not limited to:

1) National Agency Check;

2) Transportation Worker Identification Credentials (TWIC) under 49 CFR 1572;

3) Bureau of Alcohol, Tobacco, Firearms and Explosives background check and clearances under 27 CFR 555;

4) Health and Human Services security risk assessments for possession and use of select agents and toxins under 42 CFR 73;

5) Hazardous material security threat assessment for hazardous material endorsement to commercial driver's license under 49 CFR 1572; and

6) Customs and Border Protection's Free and Secure Trade (FAST) Program.

(Source: Amended at 42 Ill. Reg. 42 Ill. Reg. 7485, effective April 4, 2018)