

**4731.8020 BACKGROUND INVESTIGATIONS.****Subpart 1. Initial investigation.**

A. Before allowing an individual unescorted access to category 1 or category 2 quantities of radioactive material or to the devices that contain the material, licensees must complete a background investigation of the individual seeking unescorted access authorization. The scope of the investigation must encompass at least the seven years preceding the date of the background investigation or since the individual's 18th birthday, whichever is shorter. The background investigation must include, at a minimum:

(1) fingerprinting and an FBI identification and criminal history records check under part 4731.8025;

(2) verification of true identity. Licensees must verify the true identity of the individual who is applying for unescorted access authorization to ensure that the applicant is who he or she claims to be. A licensee must review official identification documents such as driver's license, passport, government identification, and certificate of birth issued by the state, province, or country of birth and compare the documents to personal information data provided by the individual to identify any discrepancy in the information. Licensees must document the type, expiration, and identification number of the identification document, or maintain a photocopy of identifying documents on file in accordance with part 4731.8035. Licensees must certify in writing that the identification was properly reviewed and must maintain the certification and all related documents for review upon inspection;

(3) employment history verification. Licensees must complete an employment history verification, including military history. Licensees must verify the individual's employment with each previous employer for the most recent seven years before the date of application;

(4) verification of education. Licensees must verify that the individual participated in the education process during the claimed period;

(5) character and reputation determination. Licensees must complete reference checks to determine the character and reputation of the individual who has applied for unescorted access authorization. Unless other references are not available, reference checks may not be conducted with any person who is known to be a close member of the individual's family including, but not limited to, the individual's spouse, parents, siblings, or children, or any individual who resides in the individual's permanent household. Reference checks under parts 4731.8010 to 4731.8040 must be limited to whether the individual has been and continues to be trustworthy and reliable;

(6) the licensee must also, to the extent possible, obtain independent information to corroborate that provided by the individual, such as seeking references not supplied by the individual; and

B. If a previous employer, educational institution, or any other entity with which the individual claims to have been engaged fails to provide information or indicates an inability or unwillingness to provide information within a time frame deemed appropriate by the licensee, but at least after ten business days of the request, or if the licensee is unable to reach the entity, the licensee must document the refusal, unwillingness, or inability in the record of investigation; and attempt to obtain the information from an alternate source.

**Subp. 2. Grandfathering.**

A. Individuals who have been determined to be trustworthy and reliable for unescorted access to category 1 or category 2 quantities of radioactive material under a Fingerprint Order may continue to have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. These individuals must be subject to the reinvestigation requirement under subpart 3.

B. Individuals who have been determined to be trustworthy and reliable under the provisions of Code of Federal Regulations, title 10, part 73, or the security orders for access to safeguards information, safeguards information-modified handling, or risk-significant material may have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. The licensee must document that the individual was determined to be trustworthy and reliable under the provisions of Code of Federal Regulations, title 10, part 73, or a security order. Security order, in this context, refers to any order that was issued by the NRC that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information-modified handling, or risk-significant material such as special nuclear material or large quantities of uranium hexafluoride. These individuals must be subject to the reinvestigation requirement under subpart 3.

**Subp. 3. Reinvestigations.** Licensees must conduct a reinvestigation every ten years for any individual with unescorted access to category 1 or category 2 quantities of radioactive material. The reinvestigation must consist of fingerprinting and an FBI identification and criminal history records check in accordance with part 4731.8025. The reinvestigations must be completed within ten years of the date on which these elements were last completed.

**Statutory Authority:** *MS s 144.1201; 144.1202; 144.1203; 144.1204; 144.1205*

**History:** *40 SR 145*

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