**Section 337.1030 Background Investigations**

a) Initial Investigation

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 shall complete a background investigation of the individual seeking unescorted access authorization. The scope of the investigation shall encompass at least the 7 years preceding the date of the background investigation or since the individual's 18th birthday, whichever is shorter. The background investigation shall include, at a minimum:

1) Fingerprinting and an FBI identification and criminal history records check in accordance with Section 337.1040;

2) Verification of True Identity. Licensees shall 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 shall review official identification documents (e.g., driver's license; passport; government identification and/or certificate of birth issued by the state, province or country of birth) and compare the documents to personal information provided by the individual to identify any discrepancy in the information. Licensees shall document the type, expiration and identification number of the identification document or maintain a photocopy of identifying documents on file in accordance with Section 337.1060. Licensees shall certify in writing that the identification was properly reviewed and shall maintain the certification and all related documents for review upon inspection;

3) Employment History Verification. Licensees shall complete an employment history verification, including military history. Licensees shall verify the individual's employment with each previous employer for the most recent 7 years before the date of application or since the individual's 18th birthday, whichever is shorter;

4) Verification of Education. Licensees shall verify that the individual participated in the education process during the claimed period; and

5) Character and Reputation Determination. Licensees shall 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 this Subpart shall be limited to whether the individual has been and continues to be trustworthy and reliable.

b) The licensee shall, to the extent possible, obtain independent information to corroborate that provided by the individual (e.g., seek references not supplied by the individual).

c) 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 (no less than 10 business days after the request) or if the licensee is unable to reach the entity, the licensee shall document the refusal, unwillingness or inability in the record of investigation and attempt to obtain the information from an alternate source.

d) Grandfathering

1) Individuals who were previously determined to be trustworthy and reliable for unescorted access to category 1 or category 2 quantities of radioactive material under the Fingerprint Orders may continue to have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. These individuals shall be subject to the reinvestigation requirement.

2) Individuals who have been determined to be trustworthy and reliable under the provisions of a security order 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 shall document that the individual was determined to be trustworthy and reliable under the provisions of a security order. These individuals shall be subject to the reinvestigation requirement.

AGENCY NOTE: Security order, in this context, refers to any order that was issued by the NRC or an amendment to a license issued by IEMA that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information – modified handling or risk significant material.

e) Reinvestigations

Licensees shall conduct a reinvestigation every 10 years for any individual with unescorted access to category 1 or category 2 quantities of radioactive material. The reinvestigation shall consist of fingerprinting and an FBI identification and criminal history records check in accordance with Section 337.1040. The reinvestigations shall be completed within 10 years after the date that these elements were last completed.

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