

Approved: 1-9-09
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SUBJECT: RECIPROCAL RECOGNITION OF EXISTING PERSONNEL SECURITY
CLEARANCES/ACCESS AUTHORIZATIONS

1. OBJECTIVES. This Notice implements requirements established by the *Intelligence Reform and Terrorism Prevention Act of 2004* (P.L. 108-458), and Executive Order 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information*. These authorities direct actions to be taken to further the goal of expediting the granting of security clearances and access authorizations.
2. CANCELLATIONS. DOE N 251.71, *Extension of DOE N 470.3*, dated 11-27-07, and DOE N 470.3, *Reciprocal Recognition of Existing Personnel Security Clearances*, dated 7-20-06.
3. APPLICABILITY.
 - a. Departmental Elements. This Notice applies to all Departmental elements with personnel security offices that grant access authorizations for federal and contractor personnel and automatically includes those created after it is issued. (Go to www.directives.doe.gov for the current listing of Departmental elements.)
 - (1) The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees comply with their respective responsibilities under this Notice.
 - (2) In accordance with the responsibilities and authorities assigned by Executive Order 12344 and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Director of the Naval Nuclear Propulsion Program will implement and oversee all requirements and practices pertaining to this DOE Notice for activities under the Director's cognizance.
 - b. DOE Contractors. Does not apply.
 - c. Exclusions. None.
4. REQUIREMENTS.

The following sets forth the processes associated with granting DOE access authorizations to individuals who already possess a security clearance/access authorization issued by another Federal agency.

a. Verification of an Existing Security Clearance/Access Authorization.

- (1) The personnel security office must verify existing security clearances/access authorizations via a review of the appropriate database (see Attachment 1 “Checklist of Permitted Exceptions to Reciprocity.”)
- (2) The “Checklist of Permitted Exceptions to Reciprocity” must be completed in all cases in which an access authorization based on reciprocity is considered. The checklist must be maintained in the individual’s security file.

b. Granting a Reciprocal Access Authorization

- (1) If an individual’s existing security clearance/access authorization is confirmed, and no permitted exceptions to the use of reciprocity are present, the appropriate DOE access authorization must be granted.
- (2) The individual cannot be asked to complete a new security questionnaire, nor can the personnel security office review an existing security questionnaire pertaining to the individual, initiate new investigative checks or request or review existing background investigations for the individual (under certain circumstances, the personnel security office must initiate a reinvestigation immediately *after* granting the reciprocal access authorization; see Attachment 2, Scenario Chart, for more information).
- (3) Individuals possessing delegated authority to grant access to Restricted Data (42 U.S.C. 2014(y) under section 145 of the Atomic Energy Act of 1954, amended, will be guided by the procedures set forth in this Notice.

c. Permitted Exceptions to Reciprocity. There are exceptions to granting an access authorization via reciprocity.

- (1) The “Checklist of Permitted Exceptions to Reciprocity” details conditions under which agencies are not bound to reciprocally grant a security clearance/access authorization where the appropriate investigative conditions have otherwise been met.
- (2) If the answer to any question on the “Checklist of Permitted Exceptions to Reciprocity” is affirmative, processing of the access authorization request under reciprocity procedures must be discontinued and the request for access authorization will be handled in accordance with the provisions of DOE M 470.4-5. The completed checklist must be maintained in the individual’s personnel security folder.

d. Additional Considerations.

There are several other circumstances under which an investigation and/or adjudication may not be necessary in order to grant an access authorization.

These circumstances and their corresponding administrative solutions are outlined in a chart designed to be used as a work aid by DOE personnel security professionals (see Attachment 2).

5. RESPONSIBILITIES.

- a. Offices Requesting an Access Authorization for a Prospective Employee or Contractor notify the appropriate personnel security office if they have reason to believe that the individual may hold a security clearance/access authorization granted by another agency.
- b. Personnel Security Offices process access authorization requests for individuals in accordance with the provisions of this Notice.

6. CONTACT. Questions concerning this Notice should be addressed to the Office of Departmental Personnel Security at 202-586-3249.

BY ORDER OF THE SECRETARY OF ENERGY:



JEFFREY F. KUPFER
Acting Deputy Secretary

CHECKLIST OF PERMITTED EXCEPTIONS TO RECIPROCITY

(to be used whenever you make an eligibility determination for access to classified information for an individual who has a current access eligibility based upon the requisite investigation (i.e. ANACI, NACLC, SSBI, or SSBI-PR)

For the purpose of determining eligibility for access to classified information, to include highly sensitive programs (i.e. SCI, SAPs and Q), as the gaining activity/program for an individual who has current access eligibility with another Federal agency or program:

- **you cannot request the individual to complete a new security questionnaire;**
- **you cannot review existing background investigations for the individual;**
- **you cannot review existing security questionnaires for the individual;**
- **you cannot initiate any new investigative checks;**

unless one or more of the questions below can be answered in the affirmative.

	Yes	No	N/A
1. Is the existing clearance granted on an interim or temporary basis?			
2. Is the investigation upon which the existing clearance is based more than seven years old for TOP SECRET, ten years old for SECRET and fifteen years old for CONFIDENTIAL? (Sec Note 1)			
3. Is your activity (i.e. the gaining activity) aware (i.e. already in possession) of substantial information indicating that the standards of E.O. 12968 may not be satisfied?			

If the individual is being considered for access to a highly sensitive program (i.e. SCI, SAP or Q) at your activity:

4. Is the existing access eligibility determination based upon a waiver or deviation, or is access otherwise subject to conditions?			
5. If applicable , does the individual not satisfy a polygraph requirement imposed by the new program, as approved by the agency head or deputy? (See Note 2)			
6. If applicable , does the individual not satisfy a requirement imposed by the new program that prohibits any non-U.S. immediate family or non-U.S. cohabitants, as approved by the agency head or deputy? (See Note 2)			
7. For SAP access, is this the individual's initial consideration for a SAP access eligibility determination (i.e. the individual does not have a current access eligibility determination at the same or higher classification level with the same agency)? (See Notes 3, 4 & 5)			
8. For SAP access where the individual has current SAP access, has the individual failed to submit a certification of a prior security questionnaire or an updated SF 86C as required within the past year? (See Notes 3, 4 & 5)			

Items 1 and 2 and 4 through 6 above can be verified by querying OPM's Clearance Verification System (CVS), the Department of Defense's Joint Personnel Adjudication System (JPAS), or the Intelligence Community's Scattered Castles database. If you do not have on-line access to the appropriate database, or if the record is otherwise incomplete, you can fax an "Inter-Agency Clearance Verification Request" to the appropriate agency. The request form and appropriate fax numbers can be found at: <https://opmis.xsp.ore>.

Note 1 - An investigation for SAP access will be considered current if it is no more than five years old (seven years old if a periodic reinvestigation was submitted prior to expiration of the investigation and is currently pending), regardless of the classification level.

Note 2 - Under such circumstances, only additional - not duplicative - investigative or adjudicative procedures will be completed.

Note 3 - For purposes of reciprocity, all components of the Department of Defense to include the Military Departments and Defense Agencies shall be considered one agency.

Note 4 - Under such circumstances, a current SF86, an SF 86C, or pen/ink changes to an existing SF 86 can be required.

Note 5 - You can review an existing background investigation for the individual and/or request an investigative check only if the SF 86 or SF 86C contains new substantive information of security concern not previously considered in the prior SAP access eligibility determination or the last security clearance adjudication and could serve as the basis for disqualification. New substantive information will be adjudicated by a CAF in accordance with national adjudicative guidelines.

Scenarios	Example	Course of Action	Authority
Current access authorization or clearance exists.	TS-cleared employee of the State Department is transferring to DOE. Most recent investigation is less than 7 years old.	<p>Once current clearance has been verified, Q access authorization is issued without further investigative or adjudicative work; subject cannot be asked to complete any forms.</p> <p>If the supporting investigation is between for 4.5 and 5 years old, the reinvestigation process will commence immediately following the issuance of a Q.</p> <p>If the supporting investigation is greater than 5 years old, the holding agency must have initiated a reinvestigation. If not, the cognizant security office is free to request a new SF-86 and to submit an investigative request prior to reciprocally accepting the current clearance or access authorization</p>	EO 12968, section 2.4, and related OMB issuances.
Subject is a DOE employee who used to hold a Q access authorization.	Subject's Q was administratively withdrawn as part of an audit of access authorizations, and his last investigation was within the most recent 5 years.	The cognizant security office will re-approve the subject's Q access authorization once it reviews a completed SF 86C, barring the development of any derogatory information. If supporting investigation is greater than 4.5 years old, get an 86 rather than an 86C and commence reinvestigation following issuance of Q.	EO 12968, section 3.3(3)(c)

Scenarios	Example	Course of Action	Authority
The subject left a cleared position at some point less than 24 months ago, but greater than two months ago.	Subject's TS clearance was terminated when he left. His last investigation is within the most recent 5 years. Now he is coming to work as a contractor for DOE in a position which requires a Q access authorization.	The cognizant security office will 1) contact the office which held the subject's last clearance to ensure the subject left under favorable circumstances, 2) collect an SF 86C from the subject, and 3) check CVS/JPAS/SC for information pertaining to the subject. If none of these inquiries reveals derogatory information, and absent independent possession of derogatory information by the cognizant security office, the subject will be issued a Q access authorization If the supporting investigation is greater than 4.5 years old, get an 86 rather than an 86C, and begin the full reinvestigative process after issuance of the Q.	EO 12968, section 3.3(3)(d) and DOE policy determination
The subject left a cleared position less than two months ago.	Subject's TS eligibility was terminated when he left. His last investigation is within the most recent 5 years. Now he is coming to work as a contractor for DOE in a position which requires a Q access authorization.	The cognizant security office will contact the office which held the subject's last clearance to ensure the subject left under favorable circumstances. If so, and absent the possession of derogatory information by the cognizant security office, the subject will be issued a Q access authorization. If the supporting investigation is greater than 4.5 years old, get an 86 and begin the full reinvestigative process after issuance of the Q.	DOE policy determination

NOTE - For ease of reference, this chart is limited to consideration of Q access authorizations. When considering L access authorizations, substitute 10 years for references to 5 or 7, and substitute 9.5 years in place of references to 4.5 years.