

1. OBJECTIVES. In accordance with Federal statutes, Executive orders, and Departmental regulations, establishes requirements to do the following:
 - a. Ensure that individuals are processed for, granted, and maintain a DOE access authorization only when their official duties require such access.
 - b. Allow access to DOE classified matter and special nuclear materials (hereafter referred to as "SNM") only when it has been determined that such access will not endanger the common defense and security and is clearly consistent with the national interest.
 - c. Maintain the numbers and types of access authorizations at the minimum levels necessary to ensure the operational efficiency of DOE classified and SNM programs and operations.
 - d. Conduct personnel security activities in a manner that ensures:
 - (1) Timely and efficient processing of initial access authorization requests and reinvestigations;
 - (2) Consistent, objective, and fair interpretation and application of criteria and procedures in every access authorization action;
 - (3) Timely review and adjudication of investigative reports and other information related to an individual's access authorization eligibility;
 - (4) Maintenance of accurate, complete, and timely access authorization file and record information, the availability of such information to authorized users, and the protection of such information against unauthorized disclosure.
 - e. Periodically evaluate individual access authorizations to confirm eligibility for continued access and the need for access.
 - f. Ensure that DOE employees, contractors, and others involved in personnel security activities effectively and efficiently execute their personnel security related responsibilities and authorities.
 - g. Prevent the use of personnel security activities for reprisal, discrimination, or any other unauthorized purpose.

- h. Promote proactive participation in personnel security activities at the international, national, and inter-agency levels to ensure the adequate expression and consideration of DOE mission and program interests.
2. CANCELLATIONS. The Orders listed below are canceled. Cancellation of an Order does not, by itself, modify or otherwise affect any contractual obligation to comply with such an Order. Canceled Orders that are incorporated by the reference in a contract shall remain in effect until the contract is modified to delete the reference to the requirements in the canceled Orders.
- a. DOE 5631.2C, PERSONNEL SECURITY PROGRAM, of 9-15-92, except for Chapters I-IX.
- b. DOE 5631.6A, PERSONNEL SECURITY ASSURANCE PROGRAM, of 9-15-92.
3. APPLICABILITY. The provisions of this Order apply as follows:
- a. DOE Elements.
- (1) DOE Access Permittees, through the process of issuing Access Permits under Title 10, Code of Federal Regulations, Parts 725 and 1016.
- (2) Other individuals who require DOE access authorizations in order to be afforded access to DOE classified matter and/or SNM.
- b. Contractors. DOE contractors, and subcontractors at any tier, whose employees, consultants, and agents require access to DOE classified matter and/or SNM to perform work for DOE. Covered contracts shall contain a security clause or other provision that ensures compliance with the requirements of this Order. Attachment 1, the Contractor Requirements Document, sets forth requirements that are to be applied. Contractor compliance with the CRD will be required to the extent set forth in a contract. Contractors shall be directed to continue to comply with the requirements of Orders cancelled by this Order until their contracts are modified to delete the reference to the requirements of the canceled Orders.
4. REQUIREMENTS. Definitions of commonly-used terms are provided in the Safeguards and Security Definitions Guide, and selected definitions are also set forth in sections 710.5 (Subpart A) and 710.54 (Subpart B) of Title 10, Code of Federal Regulations, Part 710, hereafter referred to as "10 CFR 710."

a. Personnel Security Assurance Program (PSAP).

- (1) An individual shall not be processed under 10 CFR 710, Subpart B, to determine suitability for Federal, contractor, or other employment.
- (2) An individual shall not occupy a PSAP designated position until approval has been granted by a PSAP Approving Official.
- (3) A PSAP Implementation Plan shall be prepared for each site or facility with PSAP designated positions.

b. Personnel Security Program.

- (1) No individual shall be permitted access to classified matter and/or SNM under DOE control until that individual has been determined to be eligible for such access in accordance with the procedures in this Order, Chapters I-IX of DOE 5631.2C, 10 CFR 710, or other DOE Orders or Manuals; e.g., DOE 5631.4A, CONTROL OF CLASSIFIED VISITS. (See Attachment 2, "Access to Classified Matter Allowed by Type of DOE Access Authorization and Initial Investigation Requirements" and "Access to SNM Allowed by Type of DOE Access Authorization.")
- (2) For DOE employees and contractors, access authorizations shall be requested only for individuals selected to occupy positions which require the incumbent to have access to classified matter and/or SNM in order to perform official work for DOE.
- (3) DOE shall accept and process requests for, and grant or reinstate, only Q and L access authorizations.
- (4) Except as authorized by this Order and Chapters I-IX of DOE 5631.2C, only United States citizens are eligible for access authorization.
- (5) A request for access authorization shall be processed only when the need-for-access is clearly justified, and of the type (Q or L) required, to avoid the unnecessary expenditure of Departmental funds and resources and the unwarranted invasion of an individual's privacy.
- (6) Individuals under DOE cognizance must possess a DOE Q access authorization prior to being afforded access to any level of classified matter designated as "Top Secret," "CRYPTO," "COMSEC," or "Sensitive Compartmented Information."

- (7) An individual's DOE access authorization status shall not be a determining factor for DOE or DOE contractor employment, or used as a criteria in evaluating or deciding the award of a DOE contract.
- (8) Access authorizations shall not be processed (i.e., requested, granted, continued, reinstated, transferred, or extended) to:
 - (a) Allow the dissemination of classified matter on other than a need-for-access basis;
 - (b) Preclude the use of access controls or physical barriers to distinguish perimeters among security areas or between security and open areas;
 - (c) Alleviate responsibilities for escorting uncleared individuals within a security area;
 - (d) Establish pools of cleared employees;
 - (e) Accommodate an individual's personal convenience, expedience, gain, or advantage, or in anticipation of unspecified future classified work; or
 - (f) Determine suitability for Federal, contractor, or other employment. (NOTE: For Federal employees, the investigative reports provided to DOE for determining access authorization eligibility may also be used to determine employment suitability; however, an access authorization may not be requested specifically for the purpose of obtaining investigative reports for an employment suitability determination.)
- (9) Initial access authorization requests, reinvestigations, or other requests for an access authorization action shall not be processed:
 - (a) Unless all of the required forms have been completed, signed (when appropriate), and provided by the applicant, access authorization holder, and/or sponsor;
 - (b) If the preprinted content of the forms has been altered;
 - (c) If insufficient, incorrect, or conflicting information is provided; or
 - (d) If the forms are illegible.

- (10) As a condition of access authorization approval, individuals shall execute a consent form for investigative agencies to obtain, on behalf of DOE and during the access authorization period and for 3 years thereafter, their commercially available financial records, consumer credit reports, and travel records.
- (11) An individual shall not be granted access authorization for certain types of classified matter stipulated in Chapters I-IX of DOE 5631.2C, nor be allowed to occupy a position designated as requiring such access authorization, unless the individual:
 - (a) Files with the Secretary or designee a financial disclosure report, including information with respect to the individual's spouse and dependent children, as part of all background investigations and reinvestigations;
 - (b) Is subject to annual financial disclosure requirements, if selected by the Secretary or designee; and
 - (c) Files relevant information concerning foreign travel, as determined by the Security Policy Board under Executive Order 12968.
- (12) Except as authorized by the Director of Security Affairs, the determination to grant or reinstate access authorization shall be based on the favorable review of an investigation and report conducted for DOE by the Office of Personnel Management or the Federal Bureau of Investigation, or provided to DOE by another agency.
- (13) DOE shall take all reasonable measures to obtain existing investigative reports that may fulfill Departmental standards and specifications for the scope and extent of investigations, as established by the Secretary, for use as a basis to determine an individual's access authorization eligibility.
- (14) DOE shall, whenever possible, grant access authorizations based upon the interagency reciprocity procedures in Chapters I-IX of DOE 5631.2C.
- (15) DOE shall not submit a request for investigation to the Office of Personnel Management or Federal Bureau of Investigation if the individual (being processed by DOE) is currently being investigated by these or another agency for access authorization or security clearance purposes, unless the type of investigation, when completed, will not be sufficient for DOE's needs.

- (16) The use of interim access authorizations shall be kept to the absolute minimum and considered only when properly requested in accordance with procedures in this Order and Chapters I-IX of DOE 5631.2C.
- (17) Determinations for access to Restricted Data pursuant to section 145b, Atomic Energy Act of 1954, as amended, shall be used only for: the President and Vice-President; Federal justices, judges, and magistrates; members of Congress; and governors and lieutenant governors.
- (18) A Foreign Ownership, Control, or Influence determination shall be rendered for a covered contractor by DOE before DOE acts to grant, reinstate, continue, extend, or transfer an access authorization for the contractor's personnel.
- (19) When information contained in investigative reports, or the receipt of other reliable information, raises a question concerning an individual's access authorization eligibility, additional actions may be authorized for collecting relevant information. If the question is favorably resolved, the access authorization shall be granted, continued, or reinstated. If the question cannot be favorably resolved, the individual's access authorization shall be determined under 10 CFR 710, Subpart A.
- (20) Only DOE employees who are so authorized in writing, shall determine an individual's access authorization eligibility or render other formal determinations that affect an individual's access authorization status. (NOTE: This requirement does not preclude a contractor from having an employee execute a "Security Termination Statement" or restricting an employee's access to classified matter or SNM prior to notifying the cognizant DOE office.)
- (21) DOE employees authorized to render access authorization eligibility determinations shall receive training in decision-making prior to actually rendering such determinations.
- (22) All individuals processed for access authorizations shall be treated equally, regardless of their employment status, to preclude the appearance, inference, or practice partiality or favoritism.
- (23) Any DOE officer or employee who uses personnel security activities to coerce, restrain, threaten, intimidate, or retaliate against individuals for exercising their rights under any statute, regulation, or DOE directive shall be subject to appropriate disciplinary action.

- (24) Except as authorized by the Director of Security Affairs, individuals with access authorizations shall be periodically reinvestigated as stipulated in Chapters I-IX of DOE 5631.2C.
 - (25) DOE security officials have the authority to request updated security forms in the course of the Reinvestigation Program, or at any time when there is probable cause that the individual has engaged in an activity, or is subject to circumstances, that may affect continued access authorization eligibility.
 - (26) Except for Access Permittees who reimburse DOE for investigation costs at rates established by DOE's Chief Financial Officer, DOE assumes security investigation costs associated with processing individuals for initial access authorizations and reinvestigations. DOE's Chief Financial Officer reserves the right to designate specific Departmental programs or activities to be held responsible for the reimbursement of such costs.
 - (27) Within 2 working days of receipt of notification that an individual no longer requires access to classified matter and/or SNM, DOE will terminate the individual's access authorization.
 - (28) DOE shall maintain, as stipulated in Chapters I-IX of DOE 5631.2C, a Personnel Security File, in either paper or electronic form, for all individuals processed for access authorization.
 - (29) DOE shall maintain a data management system for the timely recording of all access authorization transactions.
 - (30) In all matters related to personnel security activities, DOE retains absolute authority. The procedures in this Order, Chapters I-IX of DOE 5631.2C, and 10 CFR 710 are not subject to collective bargaining between Federal and contractor management and labor.
- c. Deviations. Requests for deviations from the requirements in this Order and Chapters I-IX of DOE 5631.2C shall be processed in accordance with DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM. Requests for deviations from the requirements and procedures of 10 CFR 710 shall not be approved.

5. RESPONSIBILITIES AND AUTHORITIESa. Heads of Headquarters Elements.

- (1) Ensure that the PSAP is implemented for all applicable operations and/or activities for which they have programmatic responsibility.
- (2) Recommend Headquarters positions for inclusion under PSAP when those positions are not identified as PSAP designated positions under subsections 710.55(a) and (b) of 10 CFR 710, Subpart B.
- (3) Submit requests for interim access authorizations to the Director of Security Affairs, through the Director of Safeguards and Security, in accordance with Chapters I-IX of DOE 5631.2C.
- (4) Determine the access authorization requirement, if any, for each position under their cognizance occupied by a DOE employee, applicant for employment, consultant, or other agency assignee and, when appropriate, ensure that the access authorization requirement is stated in position descriptions, vacancy announcements, consultative agreements, and agreements with other agencies that provide for assignees to DOE.
- (5) Ensure that all requests for staff access authorizations are coordinated with their Servicing Personnel Office.
- (6) Approve and transmit directly to the Director of Safeguards and Security for processing, with written justification, access authorization requests (including requests for access authorization reinstatement, extension, or transfer) for the following individuals under their cognizance:
 - (a) Employees of other agencies assigned or detailed to DOE, including members of the Armed Forces and/or civilian employees of the Department of Defense and the National Aeronautics and Space Administration;
 - (b) Employees, consultants, or agents of DOE contractors and subcontractors;
 - (c) Foreign nationals (refer to Chapters I-IX of DOE 5631.2C); and
 - (d) Any other individual who will perform work for, be trained by, or represent DOE under any formal agreement, understanding, contract, or treaty.

- (7) Provide written verification of the continuing need for access authorizations by individuals under their cognizance when periodically requested to do so by the Director of Safeguards and Security.
 - (8) Provide written notification to the Director of Safeguards and Security of the following conditions affecting access authorizations for individuals under their cognizance:
 - (a) Within 2 working days for termination of an individual's access authorization.
 - (b) Within 8 working hours upon becoming aware that an individual has been hospitalized or is otherwise being treated for a mental illness or such other condition as may cause a significant defect in the individual's judgment or reliability.
 - (c) Within 2 working days of becoming aware of derogatory information of personnel security interest concerning the individual. Such information must be reliable and relevant in terms of the clearance criteria exemplified in section 710.8 of 10 CFR 710 (a copy of which may be obtained from the Director of Safeguards and Security).
 - (9) Ensure that individuals under their cognizance who have been granted, or are in process for, access authorization are aware of the reporting requirements in subparagraphs 5p and 5q below.
 - (10) Designate a staff representative(s) responsible for administering the coordinating functions required by, and the review of procurement falling within the scope of, this Order and Chapters I-IX of DOE 5631.2C. Unless such designation is made, procurement originators shall be responsible for coordinating the requirements of this Order and Chapters I-IX of DOE 5631.2C with the Director of Safeguards and Security.
- b. Director of Nonproliferation and National Security, through the Director of Security Affairs and the Director of Safeguards and Security, provides management direction and coordination in the development and implementation of the comprehensive Safeguards and Security Program.
- (1) Director of Security Affairs.
 - (a) Acts for the Secretary to authorize access to DOE classified matter and/or SNM prior to, or in lieu of, the completion of the required investigation in

accordance with section 145b of the Atomic Energy Act of 1954, as amended, when such action is determined to be clearly consistent with the national interest. (Delegation Order 0204-139, of 12-20-91.)

- (b) Acts as the Secretary's special designee to determine whether statements or evidence may be received by a Hearing Officer in accordance with subsections 710.26(l)(2) and 710.26(o)(1), (2) of 10 CFR 710.
- (c) Renders final determinations to grant or deny, or reinstate or revoke, DOE access authorizations under subsections 710.28(e) and (f) and performs other specific responsibilities under 10 CFR 710.
- (d) Promulgates and establishes safeguards and security policies, procedures, standards, and guidance for the PSAP and Personnel Security Program.
- (e) Authorizes field elements to implement, operate, and maintain Personnel Security Program activities as prescribed in this Order and Chapters I-IX of DOE 5631.2C.
- (f) Implements Headquarters Personnel Security Program activities.
- (g) Provides to the Chief Financial Officer annual estimates of the funds required to reimburse other agencies for investigations requested by DOE for access authorization and employment suitability determinations, and for the conduct of program related activities.
- (h) Authorizes field elements annually to submit requests for investigations, on a scheduled basis, directly to the Office of Personnel Management and the Federal Bureau of Investigation within a specifically allocated total dollar amount, and/or total number of investigations by type.
- (i) Approves any adjustments to field element annual investigations allocations.
- (j) Coordinates with the Office of Personnel Management and Federal Bureau of Investigation on matters related to reimbursable costs for investigations and approves such reimbursements from Departmental funds.

(2) Director of Safeguards and Security

- (a) Develops rules and directives for the PSAP and Personnel Security Program.
- (b) Performs all responsibilities specified in, and provides recommendations (as appropriate) to the Secretary or Director of Security Affairs on the disposition of cases processed under 10 CFR 710.
- (c) Approves requests to initiate access authorization processing on foreign nationals.
- (d) Reviews, evaluates, and recommends to the Director of Security Affairs approval of requests to authorize access to DOE classified matter and/or SNM prior to, or in lieu of, completion of required investigations.
- (e) Enters into Memoranda of Agreement or Understanding to allow and control access to DOE Personnel Security and Administrative Review Files, and/or access authorization data bases by representatives of DOE elements or other Federal agencies.
- (f) Establishes and manages a centralized automated information system to record all DOE access authorization transactions.
- (g) Authorizes access authorization certifications, verifications, or other related data in response to official requests or inquiries by other Federal agencies and by foreign governments with which agreements exist for DOE to provide such information.
- (h) Approves the review of Headquarters-maintained Personnel Security Files by accredited representatives of Federal investigative agencies and such other routine users as specified under Privacy Act and DOE regulations and maintains official records of such reviews.
- (i) Conducts interagency liaison with the Office of Personnel Management and the Federal Bureau of Investigation on all personnel security activities and notifies these agencies of the cancellation of requests for investigation in Headquarters cases.
- (j) Represents DOE in interagency efforts related to personnel security activities.

- (k) Initiates investigation of spouses of all individuals who marry after being processed for access authorization.
- (l) Initiates investigations and grants DOE access authorizations for Restricted Data for Department of Defense and National Aeronautics and Space Administration personnel assigned for duty with DOE or a DOE contractor, or with other Federal agencies.
- (m) Initiates investigations and grants DOE access authorizations to other Federal agency personnel when required.
- (n) Accepts properly executed security clearance certifications for Department of Defense and National Aeronautics and Space Administration personnel assigned for duty with DOE who require access to DOE classified matter and/or SNM.
- (o) Updates periodically the list of DOE "positions of a high degree of importance or sensitivity." (See Attachment 3.)
- (p) Ensures that specialized training is provided for DOE Personnel Security Specialists, program support personnel, and other DOE employees involved in the access authorization eligibility determination process.
- (q) Conducts periodic program reviews, as directed or requested, of Headquarters and field element personnel security activities to ensure uniform, fair, and objective implementation and application of the requirements in this Order, Chapters I-IX of DOE 5631.2C, and 10 CFR 710.
- (r) Serves as the sole contact with investigative agencies in determining whether sufficient personal history information can be obtained to determine an individual's access authorization eligibility.
- (s) Retains duplicate Personnel Security Files at Headquarters on selected field element officials as indicated in Chapters I-IX of DOE 5631.2C, and for all foreign nationals with a DOE access authorization.
- (t) Develops and/or approves all forms used in implementing personnel security activities.

- (u) Reviews PSAP Implementation Plans and subsequent changes for consistency with policy.
 - (v) Develops and provides training curricula and materials for implementing PSAP.
 - (w) Provides research and analysis in PSAP-related activities.
 - (x) Provides Office of Contractor Employee Protection staff with access to personnel security files and data during any investigation into reprisal complaints alleging abuses of the personnel security requirements or procedures; and notifies the Inspector General of any reprisal complaint alleging improper conduct involving any Office of Nonproliferation and National Security official.
 - (y) Executes the following personnel security management functions for DOE Headquarters, Energy Technology Centers, Power Marketing Administrations, and the Strategic Petroleum Reserve Project Office:
 - 1 Implements and administers PSAP and Personnel Security Program activities consistent with this Order, Chapters I-IX of DOE 5631.2C, and 10 CFR 710.
 - 2 Performs responsibilities in this Order assigned to Managers (except those that reflect a reporting, processing, or referral requirement to the Director of Safeguards and Security).
- c. General Counsel.
- (1) Performs responsibilities in 10 CFR 710, Subpart A, for Headquarters Administrative Review cases.
 - (2) Reviews Administrative Review cases for legal sufficiency prior to a final determination by the Director of Security Affairs when the Hearing Officer and the Director of Hearings and Appeals are of one opinion, and the Director of Security Affairs is of the opposite opinion.
- d. Chief Counsel of Field Elements perform responsibilities in 10 CFR 710, Subpart A.
- e. Director of Hearings and Appeals performs responsibilities in 10 CFR 710, Subpart A.

- f. Director of Naval Nuclear Propulsion Program implements and oversees all policy and practices pertaining to this Order and Chapters I-IX of DOE 5631.2C for activities under the Director's cognizance.
- g. Director of Contractor Employee Protection investigates reprisal complaints alleging abuses of the personnel security requirements or procedures.
- h. Headquarters Servicing Personnel Offices.
 - (1) Process and transmit to the Director of Safeguards and Security all access authorization requests received from Headquarters Departmental Elements for DOE employees and applicants for employment.
 - (2) Resolve employment suitability issues for Headquarters DOE employees and applicants for employment prior to an initial or continuing access authorization eligibility determination by the Director of Safeguards and Security.
- i. Managers of the Albuquerque, Chicago, Idaho, Nevada, Oakland, Oak Ridge, Richland, and Savannah River Operations Offices, the Rocky Flats Field Office, and the Pittsburgh and Schenectady Naval Reactors Offices for PSAP.
 - (1) Identify individuals whose official duties fall within the definition of a "PSAP Position" at a DOE site/facility under their cognizance.
 - (2) Ensure that a PSAP Implementation Plan is prepared for each site/facility with PSAP positions and provide the plan to the Director of Safeguards and Security for review and comment.
 - (3) Review and approve PSAP Implementation Plans and ensure that a PSAP is implemented at the site/facility within 30 working days of the Plan's approval.
 - (4) Approve PSAP Implementation Plan changes and notify the Director of Safeguards and Security of such changes.
 - (5) Recommend to the Director of Safeguards and Security additional positions for designation as PSAP positions as they are identified and justified.
 - (6) Process requests for individuals to occupy PSAP positions and perform other responsibilities consistent with 10 CFR 710, Subpart B.

- j. Managers of the Albuquerque, Chicago, Idaho, Nevada, Oak Ridge, Richland, and Savannah River Operations Offices, the Rocky Flats Field Office, and the Pittsburgh and Schenectady Naval Reactors Offices for the Personnel Security Program.
- (1) Ensure implementation, administration, and operation of program activities for all covered contractors, subcontractors, Access Permittees, and staff under their cognizance consistent with this Order, Chapters I-IX of DOE 5631.2C, and 10 CFR 710.
 - (2) Ensure that training complies with the requirements in Chapters I-IX of DOE 5631.2C.
 - (3) Shall, prior to submitting a request for investigation to an investigative agency for an individual under their cognizance:
 - (a) Determine the position access authorization requirements and type of investigation to be conducted;
 - (b) Ensure that justification and security forms are adequate and complete;
 - (c) Verify that requests from Management and Operating contractors are accompanied by the preemployment checks required by 48 CFR 970.2201(b)(1)(ii) and that all contractor requests are accompanied by a certification of United States citizenship (see Attachment 1);
 - (d) Establish a Personnel Security File for the individual and enter appropriate data into the DOE data management system;
 - (e) Determine whether current investigative reports exist that can be obtained by DOE for determining the individual's access authorization eligibility; and
 - (f) Determine whether the individual is being concurrently processed for an access authorization or security clearance by another agency.
 - (4) Initiate directly with the Office of Personnel Management and the Federal Bureau of Investigation requests for initial investigations, reinvestigations, supplemental/additional/upgrade investigations, and the cancellation of investigations in progress.

- (5) Implement procedures to require DOE and DOE contractor supervisors under their cognizance to provide the following:
 - (a) Verbal notification to a designated DOE personnel security official within 8 working hours of becoming aware of information that an individual who has been granted, or is in process for, a DOE access authorization has been hospitalized or is otherwise being treated for a mental illness or such other condition as may cause a significant defect in their judgment or reliability. Verbal notification shall be confirmed in writing within 2 working days.
 - (b) Written notification to a designated DOE personnel security official within 2 working days of becoming aware of derogatory information of personnel security interest concerning an individual who has been granted, or is in process for, a DOE access authorization. Such information is characterized as reliable and relevant and as creating a question as to an individual's DOE access authorization eligibility, as exemplified in section 710.8 of 10 CFR 710.
- (6) Request the Director of Safeguards and Security to approve initiation of investigations on foreign nationals under their cognizance proposed for employment in positions requiring DOE access authorization.
- (7) Refer to the Director of Safeguards and Security for processing requests for DOE access authorizations for other Federal agency personnel. Note: Access authorization processing for Local Office of Personnel Management investigators may be coordinated directly between DOE field element and the Local Office of Personnel Management supervisor. After such individuals have been granted access authorization, the field element is responsible for ensuring compliance with reinvestigation requirements and data entry/maintenance requirements to update the data management system.
- (8) Provide to the Director of Safeguards and Security for processing "Data Report on Spouse" forms completed by personnel under their cognizance who marry after having been granted, or while being processed for, DOE access authorization.
- (9) For access to Secret and/or Confidential National Security Information and/or Formerly Restricted Data involved in DOE contracts and subcontracts, accept written assurances that the facility personnel engaged in DOE work possess a final other agency security clearance for access to National Security Information.

- (10) For the purpose of granting access to Confidential Restricted Data involved in DOE contracts and subcontracts, accept written assurances that facility personnel engaged in DOE work possess a final other agency security clearance for access to National Security Information, in accordance with the stipulations in Chapters I-IX of DOE 5631.2C.
- (11) Render a favorable Foreign Ownership, Control, or Influence determination for covered contractors prior to taking a final access authorization action.
- (12) Transmit to the Director of Safeguards and Security requests for interim access authorization for approval by the Director of Security Affairs.
- (13) Delegate authorities and responsibilities in writing to all DOE employees conducting program activities covered by this Order, Chapters I-IX of DOE 5631.2C, or 10 CFR 710, and maintain a current record of the following: (Note: Written delegation may be in the form of the duties listed in an individual's official position description.)
 - (a) DOE employees authorized to grant, continue, extend, reinstate, transfer, upgrade, and/or terminate access authorizations.
 - (b) DOE and DOE support contractor employees authorized to review Personnel Security Files.
 - (c) DOE and DOE support contractor employees authorized to access data contained in the DOE data management system.
- (14) Grant, continue, extend, reinstate, transfer, upgrade, and terminate access authorizations for individuals under their cognizance in all cases except those processed under 10 CFR 710 procedures.
- (15) Render determinations, in accordance with 10 CFR 710 procedures, to:
 - (a) Suspend processing an access authorization application; or
 - (b) Grant, reinstate, deny, or revoke an access authorization when the individual does not request a hearing before a DOE Hearing Officer.
- (16) Inform individuals in writing whose access authorization eligibility has been favorably resolved following a personnel security interview or other action, when individuals request such written notification.

- (17) Effect appropriate actions and notifications when the access authorization of an individual under their cognizance is suspended, denied, revoked, reinstated, granted, or terminated under 10 CFR 710 procedures.
- (18) Accept investigations and reports on the character, associations, and loyalty of individuals made by the Office of Personnel Management, Federal Bureau of Investigation, or another Federal agency that conducts personnel security investigations, provided that such investigations meet the scope and extent of DOE standards and were completed within the most recent 10 years and updated, as a minimum, with at least a National Agency Check in the most recent 5 years. (Refer to Chapters I-IX of DOE 5631.2C for acceptable variations of this requirement.)
- (19) Ensure, to the extent practicable, that personal history information on employment forms completed by DOE employees and applicants for employment is consistent with information on existing or new personnel security forms. The comparability review shall be completed prior to forwarding personnel security forms to an investigative agency or effecting other personnel security actions.
- (20) Maintain and protect Personnel Security Files containing copies of investigative reports and other relevant data on individuals processed for access authorization.
- (21) Approve and maintain records of the review of Personnel Security Files by authorized other agency personnel and other routine users under DOE implementing regulations of the Privacy Act.
- (22) Ensure that all access authorization transactions effected for individuals under their cognizance are accurately recorded in the data management system.
- (23) Ensure that investigative reports on DOE employees and applicants for employment under their cognizance are reviewed and adjudicated by the appropriate Servicing Personnel Office for employment suitability issues prior to access authorization eligibility determinations.
- (24) Arrange with other office managers to provide operational and/or administrative support services or assistance when the location of an individual or facility justifies such an arrangement as a practical matter of convenience, economy, or benefit to DOE.
- (25) Request Director of Safeguards and Security approval for the use of locally-generated forms in personnel security activities.

- (26) Ensure that all individuals under their cognizance performing personnel security activities are aware of the policy that prohibits reprisal or discrimination against any individual who has made a protected disclosure or engaged in protected activities.

k. PSAP Approving Officials.

- (1) Participate in the DOE personnel security review process to determine an individual's eligibility (for incumbents and applicants) to occupy a PSAP position.
- (2) Approve placement/continuation for individuals in or applying for PSAP positions and advise appropriate management.
- (3) Ensure implementation of PSAP education and training.
- (4) Provide, for the purpose of limiting access, immediate notification to the appropriate management official of a personnel security action that results in the suspension of access authorization in a PSAP position.

l. Managers of DOE Organizations and Contractors Having PSAP Positions.

- (1) Prepare a PSAP Implementation Plan and manage PSAP activities consistent with 10 CFR 710, Subpart B, which includes the identification of PSAP positions at sites/facilities under their cognizance.
- (2) Conduct a drug testing program for incumbents in, and applicants for, PSAP positions in accordance with 10 CFR 707.
- (3) Ensure that supervisory reviews and medical assessments are conducted and make recommendations on PSAP applicants and employees pursuant to initial and annual reviews, and at any other time as appropriate.
- (4) Immediately notify the PSAP Approving Official of information that represents a security concern regarding a PSAP designated employee.

m. Site Occupational Medical Directors.

- (1) Conduct annual medical examinations of PSAP designated employees and initial medical examinations of applicants for PSAP positions as provided for in DOE medical standards for management.

- (2) Review and take appropriate action regarding referrals for unusual conduct of PSAP designated employees.
- (3) Recommend to the appropriate management official and PSAP Approving Official the temporary reassignment to non-PSAP duties of a PSAP designated employee in the event that the Site Occupational Medical Director becomes aware of a condition or circumstance that may affect the employee's judgment or reliability (see Section 710.8 of 10 CFR 710).
- (4) Advise the appropriate management official and PSAP Approving Official of any security concern regarding a PSAP designated employee.
- (5) Evaluate and recommend the return to work of PSAP designated employees following periods of sick leave of 5 or more consecutive workdays.

n. Supervisors and Selecting Officials of Individuals in PSAP Positions.

- (1) Conduct supervisory reviews under section 710.57 of 10 CFR 710.
- (2) Ensure that individuals seeking or occupying PSAP positions are informed of their program responsibilities and have executed the appropriate PSAP releases, acknowledgments, and waivers to facilitate the collection and dissemination of information and the performance of drug testing and medical examinations.
- (3) Notify the appropriate management official immediately of a security concern relating to a PSAP designated employee.
- (4) Refer PSAP designated employees exhibiting unusual conduct to the Site Occupational Medical Director for review and appropriate action.
- (5) Approve the return to work of a PSAP designated employee who has been on sick leave for 5 or more consecutive workdays upon receipt of a written recommendation to return to work from the Site Occupational Medical Director.

o. DOE Contractors and Subcontractors, and Access Permittees.

- (1) DOE Contractors and Subcontractors shall follow requirements in Attachment 1, "Contractor Requirements Document."

- (2) DOE Access Permittees for the Personnel Security Program shall implement and administer effective and efficient program procedures to ensure compliance with the requirements of 10 CFR 725 and 1016 and this Order.

p. Individuals Assigned to a PSAP Designated Position.

- (1) Execute PSAP releases, acknowledgments, and waivers to facilitate the collection and dissemination of information and the performance of drug testing and medical examinations.
- (2) Notify the Site Occupational Medical Director immediately of a physical or mental condition requiring medication or treatment.
- (3) Report in person, prior to returning for work, to the Site Occupational Medical Director following periods of sick leave of 5 or more consecutive workdays.
- (4) Comply with the requirements listed below in subparagraph 5q.

q. Individuals Applying For or Granted DOE Access Authorizations for the Personnel Security Program.

- (1) Provide full, frank, and truthful answers to relevant and material questions, and when requested, furnish or authorize others to furnish information that DOE deems pertinent to the access authorization eligibility process. This obligation applies when completing security forms, during the course of a personnel security background investigation or reinvestigation, and at any processing stage including but not limited to letters of interrogatory, personnel security interviews, DOE-sponsored mental evaluations, and other authorized DOE investigative activities. An individual may elect not to cooperate; however, such refusal may prevent DOE from granting or continuing access authorization. In this event, any access authorization in effect may be terminated or, for applicants, further processing may be suspended (refer to subsection 710.6[a] of 10 CFR 710).
- (2) Notify the cognizant DOE personnel security office within 5 working days of all arrests, criminal charges (including charges that are dismissed), or detentions by Federal, State, or other law enforcement authorities for any violations of the law, other than traffic violations for which a fine of \$250 or less was imposed, within or outside of the United States.

- (3) Provide to the cognizant DOE personnel security office a completed DOE F 5631.34, "Data Report on Spouse," in accordance with the requirements of Chapters I-IX of DOE 5631.2C.
 - (4) Notify the cognizant DOE personnel security office within 5 working days of any of the following:
 - (a) Personal or business-related filing for bankruptcy.
 - (b) Garnishment of wages.
 - (c) Legal action effected for name change.
 - (d) Change in citizenship status.
 - (e) Employment by, representation of, or other business-related association with, a foreign or foreign-owned interest.
 - (f) Continuing contact with foreign nationals (i.e., any contacts which are more than casual in nature, whether in a business or social setting).
 - (5) Notify the cognizant DOE security office or the facility security officer, as appropriate, immediately after any approach or contact by an individual seeking unauthorized access to classified matter or SNM. If such an approach or contact is made while on foreign travel, notification should be made to a Department of State official at the local United States Embassy or Consulate with a request that the Department of State report the incident to the DOE Director of Safeguards and Security.
6. CONTACT. Contact the Personnel Security Policy Program Manager at (301) 903-6637 for assistance.

BY ORDER OF THE SECRETARY OF ENERGY

ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

CONTRACTOR REQUIREMENTS DOCUMENT

PERSONNEL SECURITY ACTIVITIES

1. **PURPOSE.** This document prescribes requirements, restrictions, and other procedures necessary for DOE contractors to:
 - a. Prevent the unauthorized disclosure of classified matter;
 - b. Protect special nuclear materials (hereafter referred to as "SNM");
 - c. Control authorized disclosure of classified matter released by DOE and other Federal agencies.
2. **AUTHORITY.**
 - a. The Atomic Energy Act of 1954, as amended, provides the statutory basis for DOE's Personnel Security Assurance and Personnel Security Programs which encompass sets of activities for determining an individual's eligibility for access to Restricted Data and SNM.
 - b. Provisions of Executive Orders 10865, 12829, 12958, and 12968 establish DOE authority to determine an individual's eligibility for access to other classified matter and to promulgate requirements for contractors to protect classified matter.
3. **INTERPRETATION.** Requests for interpretations of the provisions of this document shall be forwarded to the senior DOE Personnel Security Program manager or official at the DOE office responsible for processing the contractor's access authorization requests (hereafter referred to as the "cognizant DOE office").
4. **DEVIATIONS.** Written requests for deviations from these requirements shall be forwarded through established channels to the senior DOE Personnel Security Program manager or official at the cognizant DOE office. Deviations from requirements or procedures contained in the Code of Federal Regulations shall not be approved.
5. **GENERAL REQUIREMENTS.**
 - a. DOE shall not accept requests for access authorization for contractor employees until the contractor has been awarded a contract by DOE. The contract shall stipulate that contractor employees require DOE access authorization to perform work for the Department.

- b. Pending a Foreign Ownership, Control, or Influence determination, DOE shall accept and process contractor requests for access authorizations; however, a favorable determination must be rendered before DOE acts to grant, reinstate, continue, extend, or transfer (as appropriate) an access authorization for the contractor's personnel.
- c. Requests for access authorization shall be submitted to DOE only after a contractor determination that the access authorization is essential for the individual to perform tasks or services stipulated in contract provisions.
- d. Access authorizations shall not be requested or continued to:
 - (1) Allow the dissemination of classified matter on other than a need-for-access basis;
 - (2) Preclude the use of access controls or physical barriers to distinguish perimeters among security areas or between security and open areas;
 - (3) Determine an individual's suitability for employment;
 - (4) Alleviate responsibilities for escorting uncleared individuals within a security area;
 - (5) Establish cleared pools of employees; and
 - (6) Accommodate an individual's personal convenience, expedience, gain, or advantage, or in anticipation of unspecified classified work.
- e. Access authorizations shall be requested or continued only when absolutely required, and of the type required (Q or L), to avoid the unnecessary expenditure of DOE funds and resources and the unwarranted invasion of an individual's privacy.
- f. An employee shall not be permitted access to DOE classified matter or SNM until the contractor is notified in writing that DOE has granted the appropriate type of access authorization.
- g. Except as authorized by DOE, only United States citizens are eligible for DOE access authorizations (see paragraph 10 below).
- h. Only authorized DOE employees shall determine an individual's access authorization eligibility or render other formal access authorization determinations for DOE.
- i. Access authorizations shall be requested only for employees selected to occupy positions that require the incumbents to have access to classified matter and/or SNM to work for DOE.

- j. Employees with access authorizations shall be subject to periodic reinvestigations whenever DOE determines there is probable cause that the employee has engaged in an activity or is subject to circumstances that may affect continued access authorization eligibility.
 - k. In all matters relating to DOE personnel security activities, DOE retains absolute authority. The provisions of DOE O 472.1, Chapters I-IX of DOE 5631.2C, and Title 10, Code of Federal Regulations, Part 710 (hereafter referred to as "10 CFR 710") are not subject to collective bargaining between contractor management and labor.
 - l. An individual's DOE access authorization status shall not be a determining factor for employment or used as a criterion in evaluating the award of a DOE contract or subcontract.
 - m. Unless otherwise stipulated, DOE assumes security investigation costs associated with processing contractor employees, or applicants for employment, for initial access authorization and reinvestigation.
 - n. Contractor management officials and other employees shall not use DOE personnel security requirements or procedures to coerce, restrain, threaten, intimidate, or retaliate against individuals for exercising their rights under any statute, regulation, or directive.
 - o. Numbers and types of DOE access authorizations shall be kept to the minimum necessary to ensure operational efficiency. Within 2 working days after an employee no longer requires access to classified matter or SNM, the contractor shall request that the cognizant DOE office terminate the employee's access authorization.
6. ACCESS AUTHORIZATION DETERMINATION REQUIREMENTS. When the duties of a position require the incumbent to access DOE classified matter and/or SNM, the contractor shall process the selectee for either a DOE Q or L access authorization. The type of access authorization to be requested will depend upon the type (Restricted Data, Formerly Restricted Data, or National Security Information) and level (Top Secret, Secret, or Confidential) of classified matter and/or category of SNM (I, II, III, or IV) to which the incumbent requires access.
- a. For Access to Classified Matter.
 - (1) Q Access Authorization.
 - (a) Top Secret, Secret, and Confidential Restricted Data.
 - (b) Top Secret, Secret, and Confidential Formerly Restricted Data.

- (c) Top Secret, Secret, and Confidential National Security Information.
 - (d) Any type or level of classified matter designated as "COMSEC," "CRYPTO," or "Sensitive Compartmented Information (SCI)."
 - (2) L Access Authorization.
 - (a) Confidential Restricted Data.
 - (b) Secret and Confidential Formerly Restricted Data.
 - (c) Secret and Confidential National Security Information.
 - b. For Access to SNM. Reference DOE M 5632.1C-1, Page II-3. (NOTE: An access authorization granted for access to SNM also allows access to the appropriate types/levels of classified matter on a need-to-know basis.)
 - (1) Category I. Q access authorization. (NOTE: Hands-on access or transportation of Category I quantities may require additional measures such as Personnel Security Assurance or Personnel Assurance Program participation and/or enhanced material surveillance procedures to further reduce the probability of an insider act.)
 - (2) Category II with Credible Rollup to Category I. Q access authorization.
 - (3) Categories II and III. L access authorization unless special circumstances determined by a site vulnerability assessment require Q access authorization to minimize risk. Access authorization requirements shall be documented in the Site Safeguards and Security Plan.
 - (4) Category IV. None unless special circumstances determined by a site vulnerability assessment require an access authorization to minimize risk. Access authorization requirements shall be documented in the Site Safeguards and Security Plan.
7. PRE-EMPLOYMENT AND PRE-PROCESSING REQUIREMENTS.
- a. Contractors shall include the following statement in advertisements for positions that require the selectees to be processed for DOE access authorization: "Applicants selected will be subject to a government background investigation and must meet eligibility requirements for access to classified matter." The statement may be modified, when appropriate, to reflect access to SNM and/or that additional reviews and/or testing procedures are required for selectees to Personnel Security Assurance or Personnel Assurance Program positions.

- b. Applicants or employees selected for a position requiring DOE access authorization shall provide evidence of United States citizenship to the contractor. A request for DOE access authorization shall not be granted until the contractor has certified the individual's United States citizenship. Acceptable evidence of citizenship consists of the following:
- (1) For individuals born in the United States, a birth certificate is the primary and preferred means of citizenship verification. Acceptable certificates must show that the birth record was filed shortly after birth and it must be certified with the registrar's signature. It must bear the raised, impressed, or multi-colored seal of the registrar's office. The only exception is if a state or other jurisdiction does not issue such seals as a matter of policy. Uncertified copies of birth certificates are not acceptable. A delayed birth certificate is one created when a record was filed more than one year after the date of birth. Such a certificate is acceptable if it shows that the report of birth was supported by acceptable secondary evidence of birth. Secondary evidence may include baptismal or circumcision certificates, hospital birth records, or affidavits of persons having personal knowledge about the facts of the birth. Other documentary evidence can be early census, school, or family records, newspaper files, or insurance papers. All documents submitted as evidence shall be original or certified.
 - (2) If the individual claims citizenship by naturalization, a certificate of naturalization that reflects the individual's name is required.
 - (3) If the individual claims citizenship was acquired by birth abroad to a United States citizen, one of the following shall be presented:
 - (a) A Certificate of Citizenship issued by the Immigration and Naturalization Service.
 - (b) A Report of Birth Abroad of a Citizen of the United States of America (Form FS-240).
 - (c) A Certificate of Birth (Form FS-545 or DS-1350).
 - (4) A United States passport, current or expired.
 - (5) A Record of Military Processing - Armed Forces of the United States (DD Form 1966), provided it reflects United States citizenship.

- c. DOE Management and Operating Contractors. (Reference 48 CFR 970.2201[b][1][ii]).
- (1) When a DOE access authorization will be required for an applicant for employment or employee, the contractor shall conduct the following checks to establish the individual's job qualifications and suitability before submitting the access authorization request to DOE:
 - (a) A credit check.
 - (b) Verification of high school degree/diploma or degree/diploma granted by an institution of higher learning within the past 5 years.
 - (c) Contacts with listed personal references.
 - (d) Contacts with listed employers for the past 3 years (excluding employment of less than 60 days duration, part-time employments, and craft/union employments).
 - (e) Local law enforcement checks when such checks are not prohibited by state or local law, statute, or regulation and when the individual has resided in the jurisdiction where the contractor is located.
 - (2) A certification shall be provided to DOE with the individual's security forms and certification of United States citizenship that specifies:
 - (a) The date each check was conducted;
 - (b) The entity that provided information;
 - (c) A synopsis of the information provided by each contact; and
 - (d) A statement that all information available concerning the individual has been favorably reviewed adjudicated in accordance with the contractor's personnel policies.
 - (3) An applicant hired specifically for a position that requires a DOE access authorization shall not be placed in that position prior to the access authorization being granted by DOE unless an exception has been obtained from the Head of the Contracting Activity or designee.
 - (4) The contractor is not required to conduct the checks stipulated in subparagraph 7c(1) above for individuals who hold a DOE access authorization or a security clearance

granted by another Federal agency, for Federal employees (including members of the Armed Forces) detailed or assigned to the contractor, or for their employees who were previously granted access authorizations or security clearances at the contractor's request that were subsequently terminated if the individuals have been continuously employed by the contractor since the access authorizations or security clearances were terminated.

- d. The contractor shall ensure that an employee, or applicant for employment, is not processed for access authorization or security clearance by more than one agency at a time. For example, if an employee requires both a DOE Q access authorization and a Department of Defense Top Secret security clearance, the request for Q access authorization shall first be submitted to DOE. After DOE has granted Q access authorization, the contractor should then request the Department of Defense Top Secret security clearance for the individual, noting the date DOE granted Q access authorization and the individual's DOE File Number. Upon Department of Defense request, DOE will certify the individual's access authorization status or make the individual's DOE personnel security file available for review by Department of Defense investigators. The scope and extent of the investigation used as a basis for determining Q access authorization eligibility is the same as that required for determining Top Secret security clearance eligibility. These procedures ensure the judicious use of resources and funds.

8. PROCESSING REQUESTS FOR ACCESS AUTHORIZATION.

- a. Contractors shall request access authorizations through established channels to the cognizant DOE office. Requests shall contain the following documentation (additional documentation may be required by the cognizant DOE office):
 - (1) A cover letter or form (provided by the cognizant DOE office) that contains a request for Q or L access authorization and justification for processing the individual for access authorization (or continuing the individual's access authorization). The justification shall describe in detail (without revealing classified information) the duties of the position and the level of classified information and/or category of SNM to be accessed.

NOTE: General statements such as "Access authorization is required to perform contractual duties," or "Access authorization is required in support of Contract Number _____," are unacceptable, as is a statement that corporate policy requires all employees to be processed for DOE access authorization. The following represents an acceptable

justification: "Mr. /Ms. _____ is a Computer Systems Engineer with ABC, Inc., and involved in systems analysis and development in support of XE-50. The duties require access to plans and operations concerning the Tritium Recovery Facility for the MHGTR, which are classified as Secret Restricted Data."

- (2) A certification of the individual's evidence of United States citizenship.
 - (3) Required security forms, usually a Standard Form 86, fingerprint cards, and a DOE Security Acknowledgment. **NOTE:** Security forms and instructions will be provided by the cognizant DOE office. Individuals requiring access to "Sensitive Compartmented Information," "CRYPTO" information, Weapon Data, or Special Access Programs may be required to file Financial Disclosure Reports, copies of which shall be provided by the cognizant DOE office.
 - (4) For DOE Management and Operating contractors, a certification that pre-processing checks have been conducted as indicated in subparagraph 7c(2) above.
 - (5) If the individual holds an access authorization or security clearance granted by another Federal agency, a copy of that agency's notification letter.
- b. The contractor shall review the Part 1 of the Standard Form 86 to ensure completeness. The Part 2 of the Standard Form 86 shall be completed by the individual in private and provided to the contractor in a sealed envelope for processing to DOE with the Part 1 and other documentation. Contractors may not access the Part 2 unless written permission for such access has been provided by the individual. **NOTE:** The contractor may designate one or more employees to be responsible for reviewing the Part 2 solely to ensure that it is completed correctly and signed. These employees shall not disclose the Part 2 information to which they are provided access.
- c. Paper or electronic copies of the individual's completed security forms may be retained by the contractor if the individual provides written permission for such retention. The written permission shall be retained with the copies of the security forms.
- d. The cognizant DOE office, upon receipt of the contractor's request for DOE access authorization, shall schedule the appropriate type of investigation, review the completed investigation reports, and notify the contractor in writing when DOE access authorization has been granted, reinstated, extended, or transferred.

- e. Contractor management shall assist in the timely processing of access authorization requests by cooperating with investigative agency or DOE requests for access to the individual's employment or personnel information (such requests shall be accompanied by an appropriate release signed by the individual), ensuring the availability of the individual for the conduct of personal interviews by investigative agency or DOE personnel security staff, and ensuring that other employees are made available to provide background information for investigations or reinvestigations.
- f. DOE prime contractor shall be responsible for approving and processing to DOE all subcontractor, consultant, or agent requests for DOE access authorization. Such requests shall be kept to a minimum in accordance with DOE policies.

9. REQUESTS FOR INTERIM ACCESS AUTHORIZATION.

- a. The contractor may request that an individual being processed for Q access authorization be processed for interim access authorization (IAA) when the following can be justified.
 - (1) Serious delay of or interference in a DOE program may be experienced unless the named individual is granted access prior to the completion of authorization procedures.
 - (2) The services of a qualified person with an active DOE Q access authorization cannot be obtained.
- b. The request for IAA shall accompany the documentation required in subparagraph 8a above.
- c. Individuals who require IAA may be asked to voluntarily participate in the DOE Accelerated Access Authorization Program, which involves psychological, illegal drug, and counterintelligence polygraph testing at the Accelerated Access Authorization Program Center, Albuquerque, New Mexico. Transportation and per diem costs for such processing shall be the contractor's responsibility. Additional information concerning the Accelerated Access Authorization Program is available from the cognizant DOE office.
- d. If IAA is approved, the contractor shall be notified in writing by the cognizant DOE office. While possessing an IAA, the individual's access shall be confined to that classified matter necessary for the individual to perform contractual duties.
- e. If an individual's IAA approval is withdrawn by DOE, the contractor shall be notified in writing and shall ensure that the individual is precluded from access to classified matter.

- f. Withdrawal of an IAA is not a denial or revocation of access authorization and is not appealable during this stage of the processing.
- g. The contractor shall not request IAA for individuals requiring L access authorizations or for non-United States citizens.
- h. When DOE grants final Q access authorization, the IAA shall be withdrawn and the contractor shall be so notified in writing.

10. REQUESTS FOR ACCESS AUTHORIZATIONS FOR FOREIGN NATIONALS.

- a. Requests for DOE access authorization for foreign nationals shall be processed in accordance with the guidance provided by the cognizant DOE office.
- b. Such requests shall be made, and granted, only when the contractor provides clear evidence that the applicant has talents or skills not possessed to a comparable degree by an available United States citizen and is essential to the Department's mission.
- c. The request shall not be processed by DOE if sufficient information cannot be obtained by a background investigation to determine the individual's access authorization eligibility.
- d. Foreign nationals granted DOE access authorization may not be provided access to the following types of classified matter:
 - (1) Top Secret, "COMSEC," or "CRYPTO" information.
 - (2) Information that has not been determined releasable by a United States Government Designated Disclosure Authority to the country of which the individual is a citizen.
 - (3) Intelligence information.
 - (4) NATO Information (however, a foreign national of a NATO member nation may be authorized access to NATO Information provided that:
 - (a) A NATO Security Clearance Certificate is obtained by DOE from the individual's home country; and
 - (b) NATO access is limited to performance on a specific NATO contract).
 - (5) Information for which foreign disclosure has been prohibited in whole or in part.

- (6) Information provided to the United States government in confidence by a third party government and classified information furnished by a third party government.

11. REPORTING AND OTHER REQUIREMENTS.

- a. Contractor Reporting Requirements. Verbal notification shall be provided by the contractor through established channels to the cognizant DOE office of the following conditions affecting an employee's DOE access authorization status. Verbal notification shall be confirmed in writing within 2 working days as follows:
 - (1) When an applicant for employment declines the offer of employment or fails to report for duty.
 - (2) When the need for access shall be terminated in accordance with the requirements of subparagraph 11c below.
 - (3) Within 8 working hours of becoming aware that an individual under their cognizance has been hospitalized or is otherwise being treated for a mental illness or such other condition that may cause a significant defect in judgment or reliability.
 - (4) When made aware of derogatory information of personnel security interest. Such information must be characterized as reliable and relevant and create a question as to an individual's DOE access authorization eligibility as exemplified in section 710.8 of 10 CFR 710 (see the reverse of DOE F 5631.18).
 - (5) When an employee becomes employed by or a representative of a foreign or foreign-owned interest, engages in a business-related association with a foreign or foreign-owned interest, or when the employee's status regarding the aforementioned is materially changed.
 - (6) When a foreign national under their cognizance becomes a United States citizen through naturalization or affects some other change in citizenship.
 - (7) When an employee's access to DOE classified matter or SNM is withdrawn or restricted by the contractor without explicit direction by DOE.
 - (8) An effort by any individual, regardless of nationality, to obtain unauthorized access to classified matter or SNM, or to compromise or exploit an employee.

- b. Individual Reporting Requirements. Contractors shall inform individuals under their cognizance applying for or granted DOE access authorization that they are personally responsible for the following:
- (1) Providing full, frank, and truthful answers to relevant and material questions, and when requested, furnishing or authorize others to furnish information that DOE deems pertinent to the access authorization eligibility. This applies when completing security forms, during the course of a personnel security investigation or reinvestigation, and at any stage of access authorization processing including but not limited to letters of interrogatory, personnel security interviews, DOE-sponsored mental evaluations, and other authorized DOE investigative activities. An individual may elect not to cooperate; however, such refusal may prevent DOE from granting or continuing access authorization. In this event, any access authorization then in effect may be terminated or further processing may be suspended.
 - (2) Notifying DOE within 5 working days of all arrests, criminal charges (including charges that are dismissed), or detentions by Federal, State, or other law enforcement authorities for any violations of the law, other than traffic violations for which a fine of \$250 or less was imposed, within or outside of the United States. Notification shall be made by the individual directly to the cognizant DOE office personnel security office.
 - (3) Providing a completed DOE F 5631.34, "Data Report on Spouse," directly to the cognizant DOE office personnel security office within 45 days of marriage to an individual who does not currently hold DOE access authorization. These DOE forms shall be provided by the cognizant DOE office.
 - (4) Providing written notification to the cognizant DOE office personnel security office within 5 working days, of any of the following:
 - (a) Personal or business-related filing for bankruptcy.
 - (b) Garnishment of wages.
 - (c) Legal action effected for name change.
 - (d) Change in citizenship.
 - (e) Employment by, representation of, or other business-related association with a foreign or foreign-owned interest.

- (f) Continuing contact with foreign nationals (i.e., any contacts which are more than casual in nature, whether in a business or social setting).
 - (5) Notifying the cognizant DOE security office or the facility security officer, as appropriate, immediately after any approach or contact by an individual seeking unauthorized access to classified matter or SNM. If such an approach or contact is made while on foreign travel, notification should be made to a Department of State official at the local United States Embassy or Consulate with a request that the Department of State report the incident to DOE Director of Safeguards and Security.
- c. Requests for Access Authorization Termination. Contractors shall request the cognizant DOE office(s) to terminate an employee's DOE access authorization and provide a DOE F 5631.29, "Security Termination Statement," completed and signed by the employee as follows:
- (1) Employment by the contractor is terminated.
 - (2) Access authorization is no longer required.
 - (3) The individual is on a leave of absence or on extended leave and will not require access for 90 consecutive calendar days. Upon request, this interval may be adjusted at the discretion of the cognizant DOE office.
 - (4) Access to classified matter or SNM is no longer required due to termination of employment or transfer to a position not requiring such access. An exception may be authorized by the cognizant DOE office upon certification by the contractor that the individual shall be reemployed or reassigned with access within 3 months and that DOE shall be kept informed of the individual's status.
 - (5) The individual leaves for foreign travel, employment, assignment, education, or residence of more than 3 months not involving official United States government business.
- (NOTE: The purpose of the DOE F 5631.29 is to ensure that the individual is aware of continuing responsibilities to protect classified matter after termination of access authorization. The cognizant DOE office shall be requested to terminate an employee's access authorization even though a completed and signed DOE F 5631.29 cannot be immediately provided.)
- d. Reinstatement of an employee's DOE access authorization shall be requested of the cognizant DOE office when the contractor is aware that the employee previously was granted DOE access authorization. The cognizant DOE office shall advise the contractor whether the individual must complete updated security forms.

- e. Upgrading of an employee's DOE access authorization (from L to Q) shall be requested of the cognizant DOE office in accordance with the new access requirements required by the duties of the position (reference paragraph 6 above). The written request for upgrading shall be accompanied by appropriate security forms and a revised justification for access authorization statement.
- f. Downgrading of an employee's DOE access authorization (from Q to L) shall be requested of the cognizant DOE office in accordance with the new access requirements required by the duties of the position (reference paragraph 6 above). The written request for downgrading shall also reflect a revised justification for access authorization statement.
- g. Extension of a DOE access authorization is the process that allows an employee to hold concurrent active access authorizations under the cognizance of two or more DOE offices. A contractor's DOE access authorization is associated with a specific contractual agreement with DOE. If the contractor is awarded another DOE contract requiring classified work or tasks by a second DOE office, a separate access authorization is required for an employee who will be performing work or tasks under the new contract. If an employee already has a DOE access authorization, the employee cannot have access to classified matter under the new contract until DOE access authorization has been formally extended to the new cognizant DOE office. The request for an extension of an employee's access authorization shall be sent to the new cognizant DOE office with a written justification for access authorization statement and shall reference the employee's full name and Social Security Account Number and, if known, DOE Personnel Security File number, and type/date of access authorization granted. The new cognizant DOE office shall advise the contractor if additional security forms are required to effect the extension. When the extension action is effected, the new cognizant DOE office shall provide written notification to the contractor. Under the extension process, an employee's access authorization can be terminated under one contract and be maintained in an active status under another contract(s). All cognizant DOE offices shall be notified by the contractor when the employee no longer requires access authorization under any DOE contracts.
- h. Transfer of a DOE access authorization simultaneously allows an employee's access authorization to be terminated at one cognizant DOE office and granted at another. The process is used when a contractor desires to transfer an employee's access authorization from one DOE contract to another DOE contract awarded by a separate cognizant DOE office. The request for transfer of access authorization shall be made to the new cognizant DOE office with a written justification for access authorization statement and shall reference the employee's full name and Social Security Account

Number, and, if known, DOE Personnel Security File number, and type/date of access authorization granted. The new cognizant DOE office shall advise the contractor if additional security forms are required. When the transfer is effected, the new cognizant DOE office shall provide written notification to the contractor. The contractor shall be responsible for ensuring that the cognizant DOE office that originally granted the employee's access authorization is notified in writing to terminate the employee's access authorization.

i. Access Authorization Suspension, Revocation, and Denial.

- (1) The cognizant DOE office shall be responsible for notifying the contractor in writing when an employee's DOE access authorization is suspended. Upon receipt of such notification, the contractor shall ensure that the employee is precluded from access to classified matter and/or categories of SNM requiring access authorization. If so directed, the contractor shall retrieve from the employee any identification reflecting active DOE access authorization. The cognizant DOE office shall be responsible for written notification to other DOE offices or agencies where the employee has been approved/certified for access to classified matter. When a DOE final determination is rendered, the contractor shall be notified in writing whether the employee's access authorization has been reinstated or revoked.
- (2) The cognizant DOE office shall notify the contractor in writing when an employee or applicant for employment has been denied DOE access authorization. Upon receipt of such notification, the contractor shall ensure that the employee or applicant for employment is precluded from access to classified matter and/or categories of SNM requiring access authorization.
- (3) Suspension, denial, or revocation of a DOE access authorization does not preclude the contractor from assigning or transferring an employee or applicant for employment to duties that do not require a DOE access authorization.

j. Records Maintenance.

- (1) The contractor shall maintain a current record reflecting for each facility, by contract number, all employees granted access to classified matter or SNM. The listing shall include the employee's name, DOE file number, and the date the contractor was notified by DOE that the employee's DOE access authorization was granted, reinstated, extended, or transferred.

- (2) The contractor shall maintain copies of correspondence to and from the cognizant DOE office(s) that reflect for each employee the request for access authorization, notification from DOE that access authorization action was effected, and notification to terminate access authorization. Such copies shall be maintained for a period of 2 years after the contractor has requested DOE to terminate the employee's access authorization, at which time they may be destroyed.

k. Recertification and Reinvestigation.

- (1) The contractor shall comply with periodic DOE requests to recertify its employees' DOE access authorization status. The contractor shall be furnished with a listing by the cognizant DOE office of employees who hold DOE access authorization, requested to annotate the listing with any corrections or adjustments, and return the listing in a timely manner. Specific guidance shall be provided by the cognizant DOE office.
- (2) The contractor shall assist DOE in periodic reinvestigations in accordance with guidance provided by the cognizant DOE office.

12. PERSONNEL SECURITY ASSURANCE PROGRAM REQUIREMENTS. Contractors shall prepare a Personnel Security Assurance Program (PSAP) Implementation Plan when their site, facility, or operations are identified as having PSAP Positions and implement the provisions of the PSAP Implementation Plan within 30 working days of its approval. The PSAP Implementation Plan, prepared in accordance with requirements in 10 CFR 710, Subpart B and DOE O 472.1, shall reflect the PSAP requirements to which the contractor has agreed.

ACCESS TO CLASSIFIED MATTER
ALLOWED BY TYPE OF DOE ACCESS AUTHORIZATION
AND INITIAL INVESTIGATION REQUIREMENTS

(See below for Special Nuclear Materials)

Types of Classified Matter and Classification Levels			
Type of DOE Access Authorization	Restricted Data	Formerly Restricted Data	National Security Information
Q* Allows Access to These Levels of Classified Matter	Top Secret Secret Confidential	Top Secret Secret Confidential	Top Secret Secret Confidential
L** Allows Access to These Levels of Classified Matter	----- Confidential	Secret Confidential	Secret Confidential

*For an initial DOE Q access authorization, an Office of Personnel Management Single-Scope Background Investigation or Federal Bureau of Investigation Background Investigation (for "Positions of a High Degree of Importance or Sensitivity") is required. Completed investigations by other agencies can be obtained and used by DOE as an adjudicative basis for a Q access authorization if the scope and extent of the investigation meets DOE specifications.

**For initial DOE L access authorization, an Office of Personnel Management: Limited Background Investigation is required for DOE employees and applicants for employment; at least a National Agency Check with Credit is required for other agency employees; and, a National Agency Check with Credit is required for DOE and other agency contractor and subcontractor employees and Access Permittees. A more extensive investigation can, of course, be used as a basis for adjudicating an individual's eligibility for L access authorization.

The type of investigation scheduled with the Office of Personnel Management may be upgraded at the discretion of DOE personnel security officials when information provided by the individual on the security forms, or from other sources, reflects the need to obtain more detailed information than is normally provided as the result of a Limited Background Investigation or National Agency Check with Credit.

DOE will not normally request a concurrent investigation for an individual who is already being investigated by an agency for personnel security purposes unless the resultant reports of investigation will not be sufficient in scope and extent to use as a basis for determining the individual's eligibility for a DOE access authorization.

ACCESS TO SPECIAL NUCLEAR MATERIALS
ALLOWED BY TYPE OF DOE ACCESS AUTHORIZATION

(See above for Classified Matter)

SPECIAL NUCLEAR MATERIALS CATEGORY	TYPE OF DOE AUTHORIZATION REQUIRED	REMARKS
I	Q	Hands-on access or transportation of Category I quantities may require additional measures such as Personnel Security Assurance Program or Personnel Assurance Program participation and/or enhanced material surveillance procedures to further reduce the probability of inside acts.
II with credible roll up to I	Q	
II and III	L	Unless special circumstances determined by site vulnerability assessment require Q access authorization to minimize risk. Document in Site Safeguards and Security Plan.
IV	None	Unless special circumstances determined by site vulnerability assessment require access authorization to mitigate risk. Document in Site Safeguards and Security Plan.

(Reference: Page II-3, DOE M 5632.1C-1, of 7-15-94)

POSITIONS OF A HIGH DEGREE OF IMPORTANCE OR SENSITIVITY

When an individual is selected to occupy one of the Federal positions listed below, his/her security forms shall be submitted to the Federal Bureau of Investigation for the conduct of a background investigation. The resultant reports of investigation shall be reviewed by DOE to determine employment suitability and eligibility for access authorization.

In instances where an individual will occupy a position in DOE requiring confirmation by the United States Senate, a Federal Bureau of Investigation background investigation will be scheduled by The White House staff prior to the individual's name being sent to the United States Senate for confirmation hearings. After an individual has been confirmed by the United States Senate, DOE will obtain a copy of the Federal Bureau of Investigation reports of investigation. This listing shall be periodically updated and reissued as circumstances warrant.

A. DOE HEADQUARTERS

<u>Position</u>	<u>Headquarters Routing Symbol</u>
The Secretary of Energy	S
The Deputy Secretary	DS
The Under Secretary	US
Assistant Secretary for Congressional and Intergovernmental Affairs	CI-1
Assistant Secretary for Defense Programs	DP-1
Deputy Assistant Secretary for Military Application and Stockpile Support	DP-20
Assistant Secretary for Environment, Safety and Health	EH-1
Assistant Secretary for Environmental Management	EM-1
General Counsel	GC-1
Assistant Secretary for Human Resources and Administration	HR-1
Inspector General	IG-1
Director of Nuclear Energy	NE-1
Director of Nonproliferation and National Security	NN-1
Director of Energy Intelligence	NN-30
Director of Security Affairs	NN-50
Assistant Secretary for Policy	PO-1

B. DOE FIELD ELEMENTS

1. Manager, Albuquerque Operations Office
 - a. Assistant Manager, Office of National Defense Programs
 - b. Director, Amarillo Area Office
 - c. Director, Kansas City Area Office
 - d. Director, Kirtland Area Office
 - e. Director, Los Alamos Area Office
2. Manager, Chicago Operations Office
3. Manager, Idaho Operations Office
4. Manager, Nevada Operations Office
5. Manager, Oakland Operations Office
6.
 - a. Manager, Oak Ridge Operations Office
 - b. Assistant Manager for Defense Programs
7. Manager, Ohio Field Office
8. Manager, Pittsburgh Naval Reactors Office
9. Manager, Richland Operations Office
10. Manager, Rocky Flats Field Office
11. Manager, Savannah River Operations Office
12. Manager, Schenectady Naval Reactors Office

REFERENCES

1. Title 5, United States Code, 552a, "Privacy Act of 1974," which establishes the legal requirements for collecting and retaining information on individuals.
2. Title 21, United States Code, 802, "Controlled Substances Act of 1970," which defines illegal drugs.
3. Title 42, United States Code, 2011, et seq., "Atomic Energy Act of 1954, as amended," which provides statutory authority for establishing and implementing a Department of Energy (DOE) security program for controlling access to Restricted Data and special nuclear materials.
4. Title 5, Code of Federal Regulations, 732, "Personnel Security," which implements Executive Order 10450 throughout the Federal agencies and departments.
5. Title 5, Code of Federal Regulations, 736, "Personnel Investigations," which deals primarily with the conduct of investigations by the Office of Personnel Management.
6. Title 10, Code of Federal Regulations, 707, "Substance Abuse Programs at DOE Sites," which establishes procedures for drug testing in DOE.
7. Title 10, Code of Federal Regulations, 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material," which establishes procedures for determining an individual's eligibility for DOE access authorization (Subpart A) or for occupying a DOE Personnel Security Assurance Program designated position (Subpart B).
8. Title 10, Code of Federal Regulations, 725, "Permits for Access to Restricted Data," which establishes procedures and standards for the issuance of Access Permits.
9. Title 10, Code of Federal Regulations, 1008, Subpart B, Privacy Act, "Records Maintained on Individuals," which establishes the procedures to implement the provisions of the Privacy Act of 1974 within DOE.
10. Title 10, Code of Federal Regulations, 1016, "Safeguarding of Restricted Data," which establishes requirements for the safeguarding of Secret and Confidential Restricted Data received or developed under an access permit.
11. Title 48, Code of Federal Regulations, 970.2201, "Basic Labor Policies," which establishes employment standards for management and operating contractors, including preemployment check requirements.

12. Title 53, Code of Federal Regulations, 11970, "Department of Health and Human Services: Mandatory Guidelines for Federal Workplace Drug Testing Programs," of 4-11-88, which contains requirements for conducting drug testing.
13. Executive Order 10450, "Security Requirements for Government Employees," of 4-29-53, as amended, which establishes the requirement for determining that all Federal employees be loyal, reliable, trustworthy, and of good conduct and character.
14. Executive Order 10865, "Safeguarding Classified Information Within Industry," of 2-20-65, as amended, which establishes the basis for the industrial security program for civilian personnel.
15. Executive Order 12564, "Drug-Free Federal Workplace," of 9-15-86, which establishes the requirement to conduct drug testing of Federal employees in sensitive positions.
16. Executive Order 12829, "National Industrial Security Program," of 1-6-93, which establishes a program to safeguard Federal Government classified information released to its contractors, licensees, and grantees.
17. Executive Order 12958, "Classified National Security Information," of 4-17-95 which establishes a uniform system for safeguarding National Security Information.
18. Executive Order 12968, "Access to Classified Information," of 8-2-95, which establishes a uniform Federal personnel security program for employees who will be considered for initial or continuing access to classified information.
19. National Security Directive 63, "Single Scope Background Investigations," of 10-21-91, which establishes the scope and extent of the investigation used as a basis in the Federal Government to determine an individual's eligibility for a Top Secret security clearance and/or eligibility for access to Sensitive Compartmented Information.
20. Director of Central Intelligence Directive (DCID) No. 1/14, "Minimum Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information," of 11-27-84, which establishes the minimum personnel security standards and procedures governing eligibility for access to Sensitive Compartmented Information.
21. Department of Defense "National Industrial Security Program Operating Manual (NISPOM)," of October 1994, issued pursuant to Executive Order 12829, which establishes minimum security requirements for the protection of classified matter by Government contractors. This document replaces the Department of Defense "Industrial Security Manual for Safeguarding Classified Information," of January 1991.

22. Department of Energy Delegation Order No. 0204-139, of 12-20-91, which authorizes the Director of Security Affairs to make determinations of eligibility (in accordance with section 4.2[a][1] of Executive Order 12356, which has been superseded by Executive Order 12958), prescribe such regulations or Orders as deemed necessary to protect Restricted Data, and make determinations pursuant to section 145b of the Atomic Energy Act of 1954, as amended.
23. DOE 1700.1, FREEDOM OF INFORMATION PROGRAM, of 11-19-79, which establishes procedures for processing requests made to DOE under the Freedom of Information Act.
24. DOE 1800.1A, PRIVACY ACT, of 8-31-84, which establishes DOE implementation guidelines for the Privacy Act of 1974.
25. DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM, which establishes the policy and responsibilities for the DOE Safeguards and Security Program, and the accompanying Manual, DOE M 5632.1C-1, SAFEGUARDS AND SECURITY PROGRAM MANUAL, which establish the policies, requirements, and procedures for the protection and control of DOE safeguards and security interests, including DOE access authorization requirements for access to Categories I, II, III, and IV of special nuclear material.
26. DOE Integrated Security System (DISS) "User System Reference Manual," of November 1994, which establishes for system users the system requirements, operations, and data input procedures for the Central Personnel Clearance Index (CPCI) and other system components.
27. Office of Safeguards and Security "Adjudicative Guidelines for Determining Eligibility for Access to Classified Matter and/or Special Nuclear Material," of April 1994, which establishes guidelines for DOE personnel security officials in evaluating information of security concern in personnel security cases.
28. Office of Safeguards and Security "Implementation Guidance for Title 10, Code of Federal Regulations, Part 710, Subpart A (10 CFR 710)," of September 1994, which provides supplemental instructions and guidance for DOE personnel security officials in the processing of personnel security cases under DOE Administrative Review procedures.