



Department of Energy
Washington, DC 20585

April 18, 2008

MEMORANDUM FOR INGRID KOLB
DIRECTOR
OFFICE OF MANAGEMENT

THROUGH: KEVIN HAGERTY 
DIRECTOR
OFFICE OF INFORMATION RESOURCES

FROM: STEPHEN A. KIRCHHOFF 
CHIEF OF STAFF
OFFICE OF HEALTH, SAFETY AND SECURITY

SUBJECT: Notice of Intent to Amend DOE Notice 470.3,
RECIPROCAL RECOGNITION OF EXISTING
PERSONNEL SECURITY CLEARANCES

PURPOSE: To revise the Department of Energy's (DOE) processes for the reciprocal recognition of personnel security clearances from other Federal agencies to ensure DOE is in compliance with recent direction from the Office of Management and Budget which directs immediate actions be taken to further the goal of significantly improving the process for granting access authorizations (security clearances).

JUSTIFICATION: DOE N 251.71, dated November 27, 2007, extends the effective timeframe of guidance set forth in DOE N 470.3, "Reciprocal Recognition of Existing Personnel Security Clearances" until November 27, 2008. (DOE N 470.3 was initially approved for implementation on July 20, 2006 with an expiration date of July 20, 2007). In the intervening time since publication of DOE N 251.71, the Reciprocity Working Group, a Federal government-wide effort under the direction, control and authority of the Office of Management and Budget (OMB), provided additional implementing instructions which serves to materially impact existing guidance in DOE N 470.3. Specifically, the new guidance serves to maximize the administration's objective of eliminating redundant and multiple investigations and re-adjudications and promotes the expeditious movement of employees and their clearances from agency to agency based on the concept of "access eligibility." The access eligibility provision will allow for the re-issuance of a personnel security clearance in circumstances where an existing clearance has been terminated but otherwise meets certain parameters for reissue/restoration at another agency. Attendant benefits will also accrue to DOE by adoption of this guidance in that existing adjudicative processes will be simplified and DOE adjudicator time and attention can be re-directed to performing tasks associated



with issuing clearances for new hires and incumbents, thus meeting goals set forth in the Intelligence Reform and Terrorism Prevention Act.

The requirements and responsibilities of this Notice will be incorporated in the next revision of DOE M 470.4-5, *Personnel Security*, which is currently being reviewed and revised to meet the Secretary's goals set forth in his memorandum dated September 10, 2007, addressing the principles governing Departmental Directives. While this manual revision is nearing completion and will soon be ready for Department-wide review, the sensitivity of the reciprocity process is significant enough to warrant the issuance of the subject Notice to implement needed changes in an expeditious manner while the broader approach to personnel security is addressed through the manual review process.

The Office of Health Safety and Security therefore requests approval to cancel DOE N 251.71 and re-issue DOE N 470.3 as DOE N470.3A with the appropriate changes necessary to ensure our policy conforms to existing OMB guidance and Executive Order 12968.

IMPACT: The changes as proposed will ensure the maximum latitude on the part of the agency to reissue clearances in accordance with existing national policy. Failure to adopt the proposed changes will result in non-compliance with existing national policy on reciprocity.

CONTACT: The point of contact for this amendment is Stephanie Brewer, Office of Departmental Personnel Security, at 202-586-3249.

DECISION:

Concur:

Nonconcur:

Date:

ATTACHMENT: Amended DOE Notice 470.3, Reciprocal Recognition of Existing Personnel Security Clearances

cc: Michael A. Kilpatrick, HS-1
Glenn S. Podonsky, HS-1
Stephanie J. Brewer, HS-1.4

U.S. Department of Energy
Washington, D.C.

NOTICE

DOE N 470.3

Approved:
Expires:

SUBJECT: RECIPROCAL RECOGNITION OF PERSONNEL SECURITY CLEARANCES

1. **OBJECTIVES.** This Notice implements policy issued by the Office of Management and Budget (OMB) via memorandum *Reciprocal Recognition of Existing Personnel Security Clearances* (12-12-05). The memorandum directs immediate actions to be taken to further the goal of expediting the granting of security clearances.
2. **CANCELLATIONS.** DOE N 251.71 (which previously extended DOE N 470.3) and DOE N 470.3.
3. **APPLICABILITY.**
 - a. **Departmental Elements.** This Notice applies to all Departmental elements with personnel security offices that grant security clearances for federal and contractor personnel and automatically applies to DOE elements created after it is issued. (See the listing of DOE elements (Attachment 1) or online at www.directives.doe.gov)
 - (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 a DOE security clearance to individuals who either already possess a security clearance with another federal agency or possess access eligibility for a security clearance and require access to DOE classified information.

Access eligibility exists when an individual has a favorably-adjudicated current background investigation at the appropriate level (i.e., not more than five years old for access to Q and not more than ten years old for access to L) and has not been separated from United States government employment as a civilian employee, military representative or contractor performing on classified contracts for the federal government for more than two years. Access eligibility does not mean that the individual must possess a current security clearance. As such, DOE M 470.4-5, *Personnel Security*, Section II-2 (b) is modified and expanded by this notice to allow for the issuance of a DOE security clearance when individuals are determined to meet access eligibility.

Processing of security clearances for individuals who do not possess an existing security clearance issued by another federal agency or who are determined to not meet access eligibility requirements as set forth above, must be completed in accordance with the procedures defined in DOE M 470.4-5, *Personnel Security*.

a. Verification of An Existing Security Clearance or Access Eligibility.

- (1) The personnel security office will verify an existing security clearance via a review of the appropriate database (see Attachment 2 “Checklist of Permitted Exceptions to Reciprocity.”)
- (2) If an individual does not possess a current security clearance, the personnel security office will determine if the individual meets access eligibility requirements via a review of the appropriate database (see Attachment 2 “Checklist of Permitted Exceptions to Reciprocity.”)
- (3) If the personnel security office does not have on-line access to the appropriate database, the personnel security office will submit a facsimile of the “Interagency Clearance Verification Request” form to the appropriate agency. The form and fax numbers for agency contacts are available online at <https://opmis.xsp.org>.
- (4) The “Checklist of Permitted Exceptions to Reciprocity” must be completed in all cases in which a security clearance based on reciprocity is processed. The Checklist must be maintained in the individual’s security file.

b. Granting a Reciprocal Security Clearance

- (1) If an individual’s existing security clearance is confirmed and no permitted exceptions to the use of reciprocity are present, the appropriate DOE security clearance will be granted.

- (2) If an individual's access eligibility for a security clearance is confirmed and there are no permitted exceptions to reciprocity present, the appropriate DOE security clearance will be granted.
 - (3) 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.
- c. Permitted Exceptions to Reciprocity. Certain conditions preclude granting a security clearance through the reciprocity process.
- (1) The "Checklist of Permitted Exceptions to Reciprocity" details conditions under which a reciprocal security clearance may not be granted.
 - (2) If the answer to any question on the "Checklist of Permitted Exceptions to Reciprocity" is answered in the affirmative, processing of the security clearance request under reciprocity procedures will be discontinued and the request for security clearance will be handled in accordance with the provisions of DOE M 470.4-5, *Personnel Security*.

5. RESPONSIBILITIES.

- a. Offices requesting a security clearance for a prospective employee or contractor should notify the appropriate personnel security office if they have reason to believe that the individual may hold a security clearance granted by another agency and wish to have the clearance considered for reciprocity approval.
- b. Personnel security offices must process security clearance 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:



Deputy Secretary

DEPARTMENTAL ELEMENTS TO WHICH DOE N 470.3 IS APPLICABLE

- Office of the Secretary
- Departmental Representative to the Defense Nuclear Facilities Safety Board
- National Nuclear Security Administration
- Office of the Chief Financial Officer
- Office of the Chief Information Officer
- Office of Civilian Radioactive Waste Management
- Office of Congressional and Intergovernmental Affairs
- Office of Economic Impact and Diversity
- Office of Electricity Delivery and Energy Reliability
- Office of Energy Efficiency and Renewable Energy
- Office of Energy Information Administration
- Office of Environmental Management
- Office of Fossil Energy
- Office of General Counsel
- Office of Hearings and Appeals
- Office of Health, Safety and Security
- Office of Human Capital Management
- Office of Inspector General
- Office of Intelligence and Counterintelligence
- Office of Legacy Management
- Office of Management
- Office of Nuclear Energy, Science and Technology
- Office of Policy and International Affairs
- Office of Public Affairs
- Office of Science
- Secretary of Energy Advisory Board
- Bonneville Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Western Area Power Administration

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?			
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?			
6. If applicable , does the individual not satisfy a requirement imposed by the new program that does not allow any non-U.S. immediate family, as approved by the agency head or deputy?*			
7. If applicable and approved by OMB , other than for questions 5 and 6 above, does the individual not satisfy an investigative and/or adjudicative criterion that is additional to the standards set forth in E. O. 12968*			

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.org>

*Under such circumstances, the completion of an entirely new security questionnaire is not authorized. Rather, only additional – not duplicative – investigative or adjudicative procedures will be completed.