

**SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS**  
**OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, 30**

1. REQUISITION NO. CIO-03-314-1/10/2003  
 PAGE 1 OF 56

2. CONTRACT NO. NRC-33-03-314  
 3. AWARD EFFECTIVE DATE 08-01-2003  
 4. ORDER NO.  
 5. SOLICITATION NO. RS-OCIO-03-314  
 6. SOLICITATION ISSUE DATE 06/03/2003

7. FOR SOLICITATION INFORMATION CALL: a. NAME Brenda J. DuBose  
 b. TELEPHONE NO. (No Collect Calls) (301) 415-6578  
 8. OFFER DUE DATE/LOCAL TIME 6/20/2003 at 12:00 Noon

9. ISSUED BY CODE 3100  
 U.S. Nuclear Regulatory Commission  
 Division of Contracts  
 Contract Management Center 1 - Team A  
 Mail Stop: T-7-I2  
 Washington, DC 20555  
 10. THIS ACQUISITION IS  
☐ UNRESTRICTED  
☒ SET ASIDE: 100 % FOR  
☒ SMALL BUSINESS  
☐ HUBZONE SMALL BUSINESS  
☐ 8(A)  
 11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED  
☐ SEE SCHEDULE  
 12. DISCOUNT TERMS Net 30 days.  
 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)  
 13b. RATING N/A  
 14. METHOD OF SOLICITATION  
 NAICS: 541513  
 SIZE STANDARD: \$21.0 Million  
☐ RFQ ☐ IFB ☒ RFP

15. DELIVER TO CODE  
 U.S. Nuclear Regulatory Commission  
 Office of the Chief Information Officer  
 Information Technology Infrastructure  
 Division - Mail Stop: T-6-F33  
 Washington DC 20555  
 16. ADMINISTERED BY CODE 3100  
 U.S. Nuclear Regulatory Commission  
 Division of Contracts  
 Contract Management Center 1 - Team A  
 Mail Stop: T-7-I2  
 Washington, DC 20555

17a. CONTRACTOR/OFFEROR CODE FACILITY CODE  
 RULAND ASSOCIATES, INC.  
 Post Office Box 790  
 Charles Town, West Virginia 25414  
 18a. PAYMENT WILL BE MADE BY CODE  
 U.S. Nuclear Regulatory Commission  
 Payment Team, Mail Stop T-9-H-4  
 Attn: NRC-33-03-314  
 Washington DC 20555

TELEPHONE NO. (304) 728-6225  
 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER  
 18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED  
☐ SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	The U.S. Nuclear Regulatory Commission (NRC) hereby awards the subject contract to Ruland Associates, Inc., to provide the NRC with support services to operate its Computer Data Centers located in Rockville, Maryland, which shall be performed in accordance with the attached Statement of Work.				

25. ACCOUNTING AND APPROPRIATION DATA  
 310-15-522-338 D1387 252A 31X0200.310  
 OBLIGATE: \$531,000.00  
 26. TOTAL AWARD AMOUNT (For Govt. Use Only) \$2,103,512.00

27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA ARE ☐ ARE NOT ATTACHED.  
 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4, FAR 52.212-5 IS ATTACHED. ADDENDA ARE ☒ ARE NOT ATTACHED  
 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 2 COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.  
 29. AWARD OF CONTRACT: REFERENCE Ruland Assoc., Inc. OFFER DATED June 20, 2003 YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN IS ACCEPTED AS TO ITEMS:

30a. SIGNATURE OF OFFEROR/CONTRACTOR  
 30b. NAME AND TITLE OF SIGNER (TYPE OR PRINT) JK RULAND, PRESIDENT, NRC  
 30c. DATE SIGNED 7/31/03  
 31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)  
 31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT) Joyce A. Fields  
 Contracting Officer  
 31c. DATE SIGNED 7/30/2003

19 ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
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Refer to Paragraph B.25 - Schedule of Prices/Costs for the total estimated cost of the subject contract, for the three (3) year base period, as well as the two (2) one year option periods.

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: \_\_\_\_\_

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

32c. DATE

32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE

James C. Corbett  
NRC Project Officer

32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE

U.S. Nuclear Regulatory Commission  
Office of the Chief Information Officer  
ATTN: ITID/IOB  
Mail Stop: T-6-F33  
Washington DC 20555

32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE

(301) 415-7500

32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

JCC1@nrc.gov

33. SHIP NUMBER

34. VOUCHER NUMBER

35. AMOUNT VERIFIED CORRECT  
FOR

36. PAYMENT

37. CHECK NUMBER

☐ PARTIAL ☐ FINAL

☐ COMPLETE ☐ PARTIAL ☐ FINAL

38. S/R ACCOUNT NUMBER

39. S/R VOUCHER NUMBER

40. PAID BY

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT

42a. RECEIVED BY (Print)

41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER

41c. DATE

42b. RECEIVED AT (Location)

42c. DATE REC'D (YY/MM/DD)

42d. TOTAL CONTAINERS

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## SECTION B - CONTINUATION BLOCK

## B.1 BACKGROUND

The Office of the Chief Information Officer (OCIO), has the responsibility of overseeing the operation of the U.S. Nuclear Regulatory Commission's (NRC) three (3) Computer Data Centers. Two of these Data Centers are located at the Two White Flint North complex and one Data Center is located at the One White Flint North complex. The Data Centers currently include the following primary agency applications: (1) Agency Document and Management System (ADAMS); (2) Human Resources Management System (HRMS); (3) Emergency Response Data System (ERDS); (4) Federal Financial System (FFS); (5) Integrated Library System (ILS); (6) Public Web and Internal Intranet Sites; and (7) Electronic Hearing Docket; (8) Tivoli Backup System with Storagetek Silos; (9) Cost Accounting; and (10) National Institutes of Health (NIH) Timesharing Services.

## B.2 ACRONYMS AND DEFINITIONS

24 by 7	- 24 hours per day, 7 days per week
ADAMS	- Agencywide Documents Access and Management System
Availability	- The time the Data Center shall be available to users
CBT	- Computer Based Training
CM	- Configuration Management
CO	- Contracting Officer
COTR	- Contracting Officer's Technical Representative (i.e., Project Officer)
Coverage	- The time the Contractor shall be onsite covering the Data Center
NDCOM	- NRC's Data Center Operation Manual
ERDS	- Emergency Response Data System
HRMS	- Human Resources Management System
IOB	- Infrastructure Operations Branch
Maintain	- Day-to-day operations and routine operations maintenance as prescribed by the OEM. (Note: No work under this effort requires the contractor to fix any of the equipment.)
NRC	- U.S. Nuclear Regulatory Commission
OEM	- Original Equipment Manufacturer
Operation	- The time the Data Center shall be up and available for use
OWFN	- One White Flint North
Project Manager	- Contractors on-site Project Manager
Project Officer	- Government's contract monitor and Technical Adviser
Task Manager	- Government's Technical Adviser on a special application
TWFN	- Two White Flint North Building

## B.3 DATA CENTER DESCRIPTION

## 3.3.1 Data Center Locations

Two White Flint North (TWFN) Data Center  
Room T-5-B3  
11545 Rockville Pike  
Rockville, MD 20852

One White Flint North (OWFN) Data Center

Room O-2-G3  
11555 Rockville Pike  
Rockville, MD 20852

ERDS Computer Room  
Room T-5-B1  
11545 Rockville Pike  
Rockville, MD 20852

#### B.4 DATA CENTER SYSTEMS

The Data Center currently includes the following primary agency applications:

- . ADAMS (the Agencywide Documents Access and Management System)
- . HRMS (Human Resource Management System)
- . Emergency Response Data System (ERDS)
- . Federal Financial System (FFS)
- . Integrated Library System (ILS)
- . Public Web and Internal Intranet Sites
- . Electronic Hearing Docket
- . Tivoli Backup System with Storagetek Silos
- . Cost Accounting
- . NIH Timesharing Services

In addition, tape backup of the following remote applications is currently provided:

- . Licensing Management System
- . ASME Code Case System
- . Licensing Reporting System
- . Technical Assignment Control System
- . Report Tracking System
- . Manpower System
- . Plant Specific Backfit System
- . Safety Issues Management System
- . Operator Licensing Tracking System
- . Licensing Tracking System
- . PPSAS
- . Regulatory Information Tracking System (RITS)
- . Regional Reports
- . Region III Budget Control System
- . Regional Communications
- . Configuration Management System
- . Research Budget
- . Tech Modeling - Waste Management
- . Archival Record Facility
- . Reactor Programs System
- . Plant Status/Significant Events Report

#### B.5 DATA CENTER HARDWARE

The Data Center currently supports the following primary hardware:

- . HP 9000 (approximately 8 years old)
- . HP 2470 (less than one year old)
- . DEC ALPHA (approximately 8 years old)
- . Intel-Based Servers (0-5 years old)
- . SUN Servers (1-5 years old)

## IBM Servers (1-8 years old)

Approximately 180 servers are located within the NRC Data Centers, some of which require more support than others. In addition, a variety of hardware peripherals (e.g., tape drives, a StorageTek Silos, printers, bursters/folders, servers, and communication links) are used to perform mission functions. Each facility is supported by dedicated Uninterruptible Power Supplies (UPS) providing 12 to 15 minutes of emergency power, which allows for an ordered shutdown of systems in case of a total power failure. During normal operations, these UPS units provide voltage and frequency filtering for all systems, as well as protection from brown-outs.

## B.6 DATA CENTER SOFTWARE

The Data Center currently supports the following software:

- . Microsoft Windows NT
- . Microsoft Windows 2000
- . Digital Equipment VMS
- . Novell Netware
- . Hewlett-Packard Unix
- . SUN Solaris
- . Redhat Linux
- . Microsoft SQL Server
- . Sybase
- . PeopleSoft
- . Filenet Document and Web Products
- . Foremost
- . Direct Connect
- . TCP/IP
- . SNA
- . Tivoli Storage Manager
- . Tivoli Workload Scheduler
- . Convera Retrieval Ware
- . Freedom of Information Act (FOIA) Xpress

## B.7 DATA CENTER OPERATIONAL SUPPORT

### 7.1 Operational Support Summary

Computer operators at NRC computer facilities are responsible for maintaining day-to-day operations of each facility. The duties of the operations staff include, but are not limited to:

- . Operating all computers, Remote Job Entry (RJE) stations, related support equipment, and communications equipment
- . Maintaining activity, problem, equipment failure, or other logs to record irregularities in normal facility operations
- . Monitoring the computer facility environment including air conditioning, humidity, and power distribution
- . Maintaining the physical security of the facility and handling sensitive data properly
- . Providing user support or contacts for related problems
- . Checking, and properly distributing, printed output
- . Verifying expendable supply quantities and reordering supplies, when necessary
- . Performing regular operations and routine operations maintenance as prescribed by the OEM.
- . Performing tape mounts/dismounts, as required
- . Performing system backups following established schedules

- . Maintaining clean, quality tapes and the automated tape library system.
- . Establishing and maintaining machine-to-machine communications
- . Ensuring that each facility is in a state of readiness during designated hours of operation
- . Monitoring all system activities on a continuous basis
- . Interfacing with NRC and/or systems staff regarding any operational or system problems
- . Calling hardware vendors regarding problems or maintenance, as directed by the NRC Project Officer or the contractor providing the systems support
- . Maintaining the physical facility including putting trash in trash cans, discarding paper in recycle bins, discarding sensitive printouts in burn bags, other generalized housekeeping, etc..

## B.8 OPERATIONAL REQUIREMENTS

Each facility (i.e, Data Center) has its own hours of operation and staffing requirements. All Lead Operators are on call, on a rotating basis, 365 days/year, 24 hours/day. Currently, nine operators handle actual systems operations and routine operations maintenance of the hardware, perform tape backups, monitor all systems and the environment and perform all required day-to-day operations. System Programmer/Administrator support is handled under another, closely- related contract. The following sections provide a summary of typical operations and support functions performed.

In order to illustrate normal operations, the following typical scenario is provided. This is what a normal Tuesday would be, showing all three shifts.

### First Shift:

- . Check TWFN, ERDS, and OWFN facilities
- . Check all systems, bring up as necessary
- . Ensure all processes running, all remote lines up
- . Outlook: turnover from 3rd shift, review open tasks, print daily tasks
- . Monitor task list, close out tasks as completed
- . Replacement of backup tapes for CFO1, CFO2, and CFO3 (HRMS Servers), monitoring of backups, interface with HRMS systems staff regarding problems
- . Daily CFO1 (HRMS) monitoring check
- . Run daily Adams System Readiness test and e-mail to management staff - send updates when appropriate
- . Monitor ADAMS services (Official Record Processor server, public printing, and replication) every 2 hours from 6:00 A.M. to 6:00 P.M.
- . Interface with the Customer Service Center, systems staff, and certain ADAMS users on ADAMS availability
- . Printers: Clear every 15 minutes and distribute to bins, add paper, clean, clear problems, perform routine maintenance
- . Ensure remote lines (RJE and IP connections) are available for transmitting of data
- . Conduct sixteen facility checks (including system checks)
- . Conduct five remote system checks (OWFN)
- . Verification of seven server backup tapes
- . Review backups from previous day, enter tapes into library database
- . Prepare tapes and containers (including ADAMS and HRMS tapes) for off-site delivery
- . Enter tapes from off-site delivery into library database
- . Prepare scratch tapes, clean, and neutralize

the magnetic field of tapes  
Conduct scheduled ERDS tests (3 or 4 two-hour tests)  
Monitor ERDS drills, events and exercises (from 1 hour to all day in duration)  
Enter ERDS data as required  
Interface with outsiders and escort visitors  
Documentation, Training and Cross-training  
Monitor Web Services

Second Shift:

Monitor task list, close out tasks as completed  
Printers: Clear every 15 minutes, add paper, clean, and clear routine printer problems  
Ensure remote lines (RJE and IP connections) are available for transmitting of data  
Facility checks (including system checks): 16  
Backups run: 5  
Escort authorized visitors (e.g., vendor repair personnel) within the facility (Same as Shift 1 - Check with Security)  
Training  
Monitor ADAMS services (Official Record Processor server, public printing, and replication) every 2 hours from 6:00 A.M. to 6:00 P.M.  
Monitor Web Services

Third Shift:

Monitor task list, close out tasks as completed  
Printers: Clear every 15 minutes, add paper, clean, and clear routine printer problems  
Ensure remote lines (RJE and IP connections) are available for transmitting of data  
Daily monitoring of ADAMS backups, labeling, update status of backup tapes in database - notify ADAMS systems staff of problems  
Facility checks (including system checks): 14  
Backups run: 2  
Library tasks, as required, such as entering information into the library database  
Training  
Monitor ADAMS services (Official Record Processor server, public printing, and replication) every 2 hours from 6:00 A.M. to 6:00 P.M.  
Monitor Web Services

In addition to the above described normal, daily routine, additional work is performed on the second Wednesday and Thursday of each month when the HRMS system is run (Federal payroll is run bi-weekly) and on three other days each month when the Federal Financial System is run.



**B.9 OPERATIONAL SUPPORT RESOURCE BREAKDOWN  
BY FUNCTION AND APPLICATION**

Within the Operations function at the NRC Data Centers, NRC currently has approximately ten full time equivalencies (FTEs) in manpower. An FTE equates to 2000 labor hours. The breakdown of the workload is estimated to be as follows:

Application	Labor Distribution (%)
ADAMS	23
HRMS	11
ERDS	21
FFS	2
Other applications	43
TOTAL:	100

## B.10 OPERATIONAL CHANGES

Throughout the life of this contract, the NRC may require changes in the level of effort as a result of purchases, implementation and retirements of various types of hardware, servers, software packages and other applications as necessary to meet the agency's production needs.

Any changes that cause an increase in the level of effort under this contract, will require the submission of a proposal by the contractor, which will be executed by the Contracting Officer through the issuance of a modification.

## B.11 SCOPE OF WORK

### B.11.1 Task #1 - Maintain the NRC Data Centers Operations Manual

The contractor shall review the NRC's Data Center Operations Manual (NDCOM). Throughout the life of the contract, the contractor shall recommend updates to the NDCOM to maximize the efficiency of the management, on-site operation, and routine operations maintenance of the Data Center to the NRC Project Officer. The contractor shall implement the changes to the NDCOM, which are under the current scope of this effort, upon written approval of the NRC Project Officer. Any changes that amend the scope of work, level of effort, schedule, or cost must be approved by the NRC Contracting Officer prior to implementation by the contractor.

### B.11.2 Task #2 - Maintain Inventory and Configuration Management Systems

The contractor shall maintain the Facility Inventory and Configuration Management systems. The inventory identifies equipment located within the Center, along with operational requirements and points-of-contact. The configuration management plan identifies equipment software, backup and recovery requirements. The contractor shall be responsible for maintaining the Inventory and Configuration Management Systems. Updates shall be entered into the systems within one (1) working day of receipt to ensure a reliable database of NRC's infrastructure data.

The contractor shall recommend updates to the Inventory and Configuration Management systems to incorporate changes in the environment to the NRC Project Officer. The contractor shall implement the changes under the scope of this contract upon written approval of the NRC Project Officer. Any modifications that amend the scope of work, level of effort, schedule, or cost shall be approved by the NRC Contracting Officer before implementation by the contractor.

### B.11.3 Task #3 - Operation of NRC Data Centers

#### B.11.3.1 Operation and Coverage Requirements

The contractor shall be responsible for the day-to-day operation of the three (3) Data Centers. The operation of the Centers shall be consistent with Task 1 (Refer to Paragraph B.11.1) and Task 2 (Refer to Paragraph B.11.2) as delineated above.

The operating and coverage requirements for the Centers are as follows:

#### One White Flint North

Room: 2G3  
Operation: Daily, 24 hours per day  
Coverage: Facility checks to be performed periodically as required by the NDCOM.

#### Two White Flint North

Rooms: 5B1,3,5,7,9,11, 13,15,17,19,21  
Operation: Daily, 24 hours per day  
Coverage: Daily, 24 hours per day

Emergency Response Data System\*

Room: 5B1

Operation: Daily, 24 hours per day

Coverage: Monday 7:30 AM through Friday 4:00 PM

The contractor shall provide additional qualified personnel who are available to work non-standard hours as reflected in this requirement including evenings, weekends, and holidays as needed by the NRC. Except during emergencies, the Government will give the contractor eight (8) hours advance notice when additional staffing for evening, weekend, or holiday work will be required. Work outside the regular working hours shall not be performed unless approved in advance by the NRC Project Officer or designee. The hourly charge for such work shall be in accordance with the fixed hourly rate established under the contract.

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\*The ERDS Data Center will require contractor support on Sundays during events or exercises as reflected under Paragraph B.11.3.3 - Staffing During Emergencies and Extended Coverage.

NRC has specialized applications that are run within these Data Centers. Each of these specialized applications requires a Task Manager (i.e., designated NRC personnel). Task Managers work with the Project Officer and the Project Manager (i.e., contractor personnel) to plan for operational changes, review changes to the NDCOM, request execution of ad-hoc features and provide technical assistance. Task Managers also assist the Project Officer in verifying that all of the NDCOM procedures are being followed.

The following applications require NRC Task Managers:

Emergency Response Data System:  
Thomas Kardaras

ADAMS:  
Wayne Davis

HRMS:  
John Bird

### B.11.3.2 STAFFING/SCHEDULING

#### B.11.3.2.1 Staffing and Scheduling During Routine Operations

The contractor shall ensure that all Data Centers are constantly and appropriately staffed to ensure a state of readiness for the work load requirements. At the beginning of each shift, Operators shall review all open events and problem logs. At no time shall the Operator end his/her shift until the following shift Operator is on site.

Monthly work schedules shall be developed by the Contractor and submitted in advance, to the NRC Project Officer, for informational purposes. The work schedule shall incorporate the coverage requirements for each Center, cross training assignments and any planned vacations. The TWFN Data Center shall have at least one Operator on duty during all of the required hours of coverage. The contractor may create flexible work schedules to optimize staffing. All schedules are subject to change according to NRC's processing requirements.

Hours of service and time allocated for shutdown, as established by the NRC-approved shift schedule, may vary at each Data Center. In no instance shall any Data Center services be unavailable due to lack of Operator support for more than 15 minutes per day.

When any of the computer equipment is moved to another location, the contractor shall review the staffing requirements at all Data Centers to avoid duplication of effort and to ensure that all appropriate services will continue to be provided in all locations.

NRC Task Managers will provide any modifications to the processing schedules or procedures to the contractor Project Manager when these needs are recognized. This schedule will show changes from normal processing requirements due to holidays, the timing of special processing, data entry schedule requiring the presence of the Operator, any anticipated non-standard hours, etc.

#### B.11.3.3 Staffing During Emergencies and Extended Coverage

##### Emergency Response Data Center (ERDS)

The contractor shall provide an on-call ERDS qualified Operator twenty-four (24) hours a day, seven (7) days a week. During events or exercises for which the NRC activates the ERDS system, the contractor shall dispatch the ERDS qualified Operator to the ERDS Data Center (Room T5B1 of the TWFN Data Center) within one (1) hour. In addition, the contractor may be required to travel in the event of an emergency to the required location. Under these conditions the contractor shall provide continuous coverage twenty-four (24) hour a day, seven (7) days a week for the Center. During the event, the Operator shall: control system communications, ensure proper archival recording of data, enter ad hoc data in ERDS global memory, perform regular operational functions to ensure that the system functions properly during the event and assist NRC response teams with ERDS use. The Operator shall load and replay archived data for post event analysis.

In addition, the contractor shall provide on-call support outside the coverage scheduled hours as reflected in the paragraph above, when an event or exercise has not been initiated by the NRC. If contractor services are needed, the NRC Project

Officer or NRC Task Manager will provide the designated on-call contractor personnel a description of the work to be performed. The on-call personnel shall arrive at the appropriate Data Center within one (1) hour after notification by the Project Officer. Should the contractor's designated personnel be unable to arrive at the NRC site within one (1) hour of notification for an emergency/exercise or for any required on-call support, the contractor personnel shall immediately notify the Project Officer and request approval for the delay.

Contractor personnel shall remain in the Data Center during pre-scheduled preventive maintenance, emergency maintenance, and while any worker other than access-approved staff is performing any service in the Data Center. The NRC Project Officer or designated Data Center Information Center Security Officer will provide the contractor with the access-approved staff list. In addition, the contractor personnel shall remain on-site while running specific hardware or a software test prescribed by Task Managers until the test is completed.

#### B.11.3.4 General Procedures

##### B.11.3.4.1 Shift Operations

Each shift of Operators shall have the knowledge and experience necessary to execute the procedures in NDCOM. If the Project Officer determines that the Operator(s) on a shift does not have the proper knowledge and experience, the Project Officer, through the Contracting Officer will notify the contractor in writing. The contractor shall immediately take appropriate action to ensure that the work required under this contract is performed in accordance with the Statement of Work so as not cause any interruption in the services required under this effort.

The Government has a standard bi-weekly payroll processing schedule. The Task Manager shall provide any modifications to the payroll processing schedule to the Project Manager by the first day of the payroll processing cycle. This schedule shows changes from normal processing requirements due to holidays, the timing of special processing, any non-standard hours anticipated, etc. The contractor shall incorporate any modification to the payroll processing schedule into the monthly work schedule.

#### B.11.3.5 SUPPORT SERVICES

When requested by the Project Officer or Task Managers, the contractor shall attend meetings to assist in the development of implementation plans for proposed changes in the operation of applications, resolution of operations related problems and delivery of Data Center products (i.e., tapes, reports).

#### B.11.3.6 OPERATOR MAINTENANCE

The contractor shall perform all Operator maintenance as specified by the manufacturers, such as the replacement of consumables and expendable supplies (replacement of printer bands, ribbons, toner, felt pads, brushes, etc.) at the intervals specified by the OEM. This maintenance shall include, but is not limited to, cleaning of tape heads and screens, adjusting printer paper paths and vacuuming printers.

The Government shall provide all supplies necessary to perform Operator maintenance. The contractor shall not perform any other maintenance on the equipment.

#### B.11.3.7 SUPPLY MANAGEMENT

The contractor shall provide the Project Officer a weekly report of Government Furnished supplies on hand versus expended and assist in establishing and maintaining reorder points. This list shall include all outstanding request for supplies. The supplies will be ordered by the Project Officer weekly.

#### B.11.3.8 HARDWARE, SOFTWARE, AND ENVIRONMENTAL PROBLEM REPORTS

In case of system failure (unanticipated crashes, shutdown due to emergencies, etc.), the Operators shall contact the Project Officer, Task Manager and supporting contractors for the systems affected. The contractor will be provided a list of supporting contractors by the NRC Project Officer. The Operators shall inform these individuals of the system problem, causes, and estimated time of recovery, if known. The Operators shall assist the support contractors with the problem resolution.

The Operators shall report all system hardware and software problems, air conditioner malfunctions, power supply failures and humidity control problems immediately to the Project Officer and the appropriate maintenance contractor or designee. The Project Officer may require the Operator to place a service call with the maintenance contractor. A list of

the maintenance contractors with the latest contract information is maintained in the NDCOM.

#### B.11.3.9 LOG BOOK MAINTENANCE

The Data Center maintains many different types of logs. The contractor shall enter detailed information into the appropriate log immediately upon completion of a task. These logs are both checklists of supplies and an interactive operation management tracking system. The logs will be provided to the contractor by the NRC Project Officer. The NDCOM provides a list of all logs to be maintained by the contractor.

#### B.11.3.10 DATA CENTER SECURITY

The contractor shall control access to each Data Center, admitting only those persons for whom access has been approved. The access list will be provided to the contractor by the Data Center Information Security Systems Officer (ISSO) or Alternate ISSO. Any individuals not approved for access shall be referred to the ISSO or Alternate ISSO. The contractor shall ensure that all NRC records or data that the contractor personnel may come into contact with is safeguarded at all times. The contractor shall not reveal or discuss any data to any source without the prior written approval of the appropriate NRC Task Manager or NRC Project Officer, which shall be coordinated through the Contracting Officer.

#### B.11.3.11 SPECIALIZED APPLICATION

##### B.11.3.11.1 ERDS Operations

Due to the vital role of the Emergency Response Data System (ERDS) in assisting response team personnel in fulfilling the NRC emergency response mission, the contractor shall ensure that Operator personnel are available for daily support activities, including twenty-four (24) hour on-call support if there is equipment malfunction or NRC event response activation.

ERDS supports the NRC's ability to respond to events that take place at the nuclear facilities. Due to the critical nature of this system, the Contractor shall perform all routine operational tasks related to ERDS. These tasks shall include:

- Review system printouts twice daily.
- Test system and application software revisions.
- Arrange for Operations Center access to other ERDS project contractors and maintenance personnel.
- Provide working level interface between the Operations Center and other ERDS contractors in coordination with the ERDS Task Manager to facilitate smooth operation of the system.
- Enter routine changes to the ERDS Data Point Library (DPL), Plant Attribute Library (PAL) and the Plant Variable (PV) file.
- Maintain the ERDS unique system security features in accordance with the NDCOM (to be provided at contract award).
- Perform periodic operational tests as prescribed by the Office for Nuclear Security and Incident Response (NSIR) to satisfy the requirements of the ERDS reliability demonstration. Submit a weekly report of the test results.
- Schedule and conduct tests of licensee ERDS links Tuesday through Thursday 8:00 AM to 4:00 PM (Monday and Friday are reserved for retesting). This shall include review of test results and follow-up on identified problems.
- Assist plants by analyzing routine operational problems and recommend corrective actions.
- Maintain a quarterly testing log. This log ensures that all plants have been scheduled for testing and the date of each test. The log shall contain the name of the individual contacted at each facility, the date and time contacted and the scheduled date of their test.
- Label and retain backup tapes of real event data until all investigations are completed and data tapes are released for distribution or reuse.

**B.11.3.12 ADAMS Operations**

**ADAMS Operations**

ADAMS is a computer-based document storage and retrieval application. This application permits the NRC staff to search for letters and memos issued by the NRC and events dealing with any NRC licensed users of nuclear energy. This system is critical to the operation of the agency and must be updated daily with the latest records.

The contractor shall monitor ADAMS to maximize the availability of the application to the users. In the event there is a problem, the contractor shall notify the appropriate contractor support staff. Notification procedures are reflected in the NDCOM which will be provided to the contractor by the NRC Project Officer. (Refer to Paragraph B.11.3.8.)

**B.11.3.13 HRMS Operations**

The HRMS application provides a single application for the processing of all of the NRC's payroll and personnel records. The contractor shall work with the Task Managers to facilitate the bi-weekly processing of this application. The Operators shall submit and monitor various jobs according to the processing schedule in the NDCOM. (Refer to Paragraph B.11.3.8.)

**B.11.3.14 REPORT DISTRIBUTION**

The contractor shall separate and place reports in output storage bins. Reports shall be distributed whenever a box of paper has completed printing, regular intervals (i.e., hourly) or at user request, (which ever comes first). The time sensitive nature of the payroll and personnel reports require the Operator to call the user to retrieve the reports as soon as the report has completed the print cycle. Sensitive reports shall be held in the TWFN Data Center until an authorized user retrieves the report. A list of authorized users is maintained in the NDCOM. Every thirty (30) minutes the printer status shall be reviewed for paper jams, special reports requiring paper changes, reports held in print queues and other conditions that would prevent the distribution of user reports. When problems occur, the contractor shall provide immediate attention to resolve the problem.

**B.11.3.15 TAPES AND BACKUPS**

**B.11.3.15.1 General Tape Procedures**

The contractor shall ensure that all tapes are in a constant state of readiness. Only clean, certified scratch tapes shall be issued to users. The schedule for cleaning of tapes is maintained in the NDCOM. Any tapes not meeting the OEM's minimum certification requirement shall be neutralized and discarded in a trash can only with the approval of the NRC Project Officer. A log shall be maintained by the contractor indicating the reason for all tapes discarded and a count of these tapes shall be provided to the Project Officer in the weekly report. The Government shall provide replacement tapes when the Project Officer determines it is necessary, as recommended by the contractor Project Manager.

Operators shall mount and dismount tapes as requested by users. Tapes shall be write protected until a user specifically requests the ability to write to the tape.

The Operators shall perform incremental and full backups of the Data Centers as stated in the NDCOM. The Operators shall prepare the backups for shipment to an off-site storage location.

**B.11.3.15.2 Tape Verification**

The contractor shall assist the Project Officer in performing an annual verification of the tape logs. The Project Officer shall randomly select tapes to verify the information in the tape management system and the current location of the tape. If the tape is off-site, the contractor shall verify that all forms are properly completed.

Annually the contractor shall perform a complete inventory verifying all tape locations and records in the tape management system. The contractor shall create a detailed report showing the number of tapes found and not found in the proper location, the tapes missing and any past records suggesting the possible location of the missing tapes.

**B.11.3.15.3 Troubleshooting and Recovery Techniques**

1. Problem Determination

The contractor shall determine, in cases where problems occur in the computer run, whether the problem is a result of improper data, incorrect processing sequence, or a computer malfunction in the hardware or software. If the problem is one that the Operators cannot or should not handle, the appropriate contractor support staff shall be contacted for assistance.

2. Recovery Techniques

The contractor shall determine necessary recovery techniques to be used to restore files or tapes back to the correct status before rerunning procedures to prevent errors of duplication or excessive rerun costs.

B.11.4 Task #4 - Cleaning of the Computer Equipment

The contractor shall perform scheduled cleaning of the computer equipment and communications racks in all three Data Centers. The scheduled cleaning shall be performed semi-annually. All cleaning shall be scheduled to ensure the least amount of impact to NRC operations. Cleaning shall be limited to the computer equipment, communications racks and air handlers in the computer facility. Raised floors and areas under the raised floor shall be cleaned by others. The cleaning shall at a minimum include the following:

1. The exterior of all computers and computer related devices (such as printers, tape drives, disk drives, consoles, keyboards, bursters, de-collators, plotters, data communication racks, etc.) shall be cleaned. All removable covers shall be temporarily removed from the equipment for cleaning and replaced after cleaning is complete. The Operators shall provide assistance to the contractor support staff, in identifying the covers that can be removed and how to remove them.
2. Cleaning shall remove all marks, dirt, tape gum, glue and magic marker lines and dust.
- An anti-static preservative shall be applied to the exterior of all equipment cleaned.
- At no time shall any hardware be moved and no cable shall be disturbed.

Only OEM certified cleaners and supplies shall be used by the contractor. The contractor shall provide copies of the OEM certification information on all cleaners used in response to this requirement.

The contractor shall have liability insurance to protect against damage to any of the equipment.

## B.12 PERSONNEL REQUIREMENTS

The contractor's personnel shall have the knowledge and experience necessary to execute and understand the instructions provided in the NDCOM. For each required shift, the Operators shall collectively have thorough knowledge and experience with the hardware and software listed in Paragraph B.5 and B.6 of this requirement. The qualifications reflected below are those necessary at the time of contract award. However, the NRC may require other technical qualifications should the hardware or software reflected under this effort change.

## B.13 MINIMUM QUALIFICATIONS

1. Project Manager



Experience Requirements

- Seven (7) years of the last ten (10) years of progressive ADP experience in computer operations or computer facilities management.
- Two (2) years of the last five (5) years in supervising computer operations or computer facilities management projects, including the supervision of at least ten (10) persons.
- Two years experience in the operation of Microsoft and UNIX Server Operating Systems.
- Demonstrated experience in production control of payroll, personnel or other batch type applications.

Education and Other Requirements

- Shall be a high school graduate or equivalent with at least four years of general college studies or two years of college studies in the computer science field or formal training from a trade school in computer operations or business management. No substitution of education for experience is permitted.
- Shall be familiar with Government contracting and project management practices.

2. Senior Lead Computer Operator

Experience Requirements

- Five years experience in operating a large data center housing multiple enterprise servers.
- Three years experience in the operation of the following operating systems; UNIX and Microsoft Windows Servers. No less than six months experience in any one operating system is considered acceptable.
- Demonstrated experience utilizing Tivoli Storage Manager with StorageTek tape silos for the backup and restoration of computer systems.
- Demonstrated experience with Microplex or other high speed laser printers managed with UNIX printer queues.
- Demonstrated experience managing third-party Microsoft server services. Preference will be given for experience with Filenet server services.
- Demonstrated experience managing Remote Job Entry (RJE) services.
- Demonstrated experience maintaining and insuring production procedures are followed.
- Demonstrated ability to train other Operators in system specific procedures.
- Demonstrated experience in operations management and the supervision of computer Operators in absence of a project manager.
- Demonstrated experience in production control of payroll, personnel or other batch type applications.

Education and Other Requirements

Shall be a high school graduate or equivalent with at least two years of general college studies or one year of college studies in the computer science field or formal training from a trade school in computer operations or business management. Directly related formal education or training may be substituted based on one month of education/training for

one month of experience not to exceed 12 months. No further substitution of education for experience is permitted.

#### 1.5.1.3 Lead Computer Operators

##### Experience Requirements

- Three years experience in operating a large data center housing multiple enterprise servers.
- Two years experience in the operation of the following operating systems; UNIX and Microsoft Windows Servers. No less than six months experience in any one operating system is considered acceptable.
- Demonstrated experience utilizing Tivoli Storage Manager with StorageTek tape silos for the backup and restoration of computer systems.
- Demonstrated experience with Microplex or other high speed laser printers managed with UNIX printer queues.
- Demonstrated experience managing third-party Microsoft server services. Preference will be given for experience with Filenet server services.
- Demonstrated experience managing Remote Job Entry (RJE) services.
- Demonstrated experience maintaining and insuring production procedures are followed.

- Demonstrated ability to train other Operators in system specific procedures.
- Demonstrated experience in operations management and the supervision of computer Operators in absence of a project manager.

#### Education and Other Requirements

Must be a high school graduate or equivalent. Directly related formal education or training may be substituted based on one month of education/ training for one month of experience not to exceed 12 months. No further substitution of education for experience is permitted.

#### B.13.1 Other Anticipated Positions

NRC anticipates the following positions may be required to complete this effort. Production environment experience is preferred but it is not mandatory. However, the offeror shall propose all labor categories it deems necessary to successfully perform this effort. The NRC has determined that the following positions are not considered to be "Key Personnel":

Technical Writer - shall have a minimum of five (5) years experience in writing technical documentation of which two (2) years shall be in writing computer operations or computer systems support manuals.

Systems Analyst - shall have a minimum of five (5) years experience in system analysis in the development of configuration management systems.

Computer Operator - shall have a minimum of one (1) year of experience in the operation of a computer system using UNIX or Microsoft server operating systems.

Tape Librarian/Operator - shall have a minimum of six (6) months of experience as a tape librarian, data entry clerk or computer operator. Computer operator training may be substituted for experience. Certification of training shall be provided from an accredited institution.

Data Entry Clerk/Clerical - shall have three (3) months of experience as a typist or shall have successfully completed a basic typing course. Certification of training being provided at an accredited institution must be provided.

Computer Cleaner - shall have three (3) months of experience in the cleaning of computer equipment.

### B.14 TRAINING

The contractor shall provide Operators for each shift with the collective knowledge and experience to support all Operating Systems and Commercial software listed in Paragraph B.5 and B.6. Computer Based Training (CBT) may be used for cross training of Operators at the contractor's expense. The contractor may use Government furnished property (i.e., facility and equipment) necessary during non-peak workloads for the CBT. However, all Data Center coverage requirements as reflected in this contract shall be adhered to. The Government shall not provide overtime for the purpose of training.

In the event the Government adds new hardware or software or upgrades any hardware or software under the contract, the Contracting Officer may require the contractor to send its current Operators off-site for training. The Government shall reimburse the contractor's for travel expenses, up to the allowable rate established in the Federal Travel Regulation, effective at the time the travel was taken.

If the added or upgraded hardware or software requires the contractor to provide additional contractor staffing (i.e., individuals not currently performing under the contract effort), the contractor shall be required to hire properly trained Operators and no training will be provided by the Government.

### B.15 TRANSITION PERIOD

During the transition period of the incumbent contractor and the new contractor, on-the-job training for the Operators in NRC specific applications shall be provided by the incumbent contractor during a two-week period. At the end of this on-the-job training, the Operators shall have the knowledge and experience necessary to execute the NDCOM. likewise, the contractor for this effort shall provide training in the NRC specific applications for a two-week transition period at the end of this contract. The location for training will be at the NRC's location.

#### **B.16 LEVEL OF EFFORT**

The Government has estimated that the total professional and clerical staff hours per year of this contract are 19,600 per year. Saturday and Sunday hours are considered part of the normal shift hours and are not considered work outside regular working hours. It is estimated that 150 hours of on-call work outside the regular working schedule may be required each year. The estimated level of effort reflected above is advisory only, and is not to be considered as the sole basis for development of a staffing plan or cost proposal. The offeror shall propose all costs it deems necessary to successfully perform the effort.

#### **B.17 PERIOD OF PERFORMANCE**

This contract shall commence on August 1, 2003 and will expire on July 31, 2006. The term of this contract may be extended at the option of the Government for an additional two one-year periods.

**B.18 2052.215-78 TRAVEL APPROVALS AND REIMBURSEMENT  
-ALTERNATE 1 (OCT 1999)**

- (a) Total expenditure for travel may not exceed \$10,000.00 per year without the prior approval of the Contracting Officer.
- (b) All foreign travel must be approved in advance by the NRC on NRC Form 445, Request for Approval of Official Foreign Travel, and must be in compliance with FAR 52.247-63 Preference for U.S. Flag Air Carriers. The contractor shall submit NRC Form 445 to the NRC no later than 30 days prior to the commencement of travel.
- (c) The contractor will be reimbursed only for those travel costs incurred that are directly related to this contract and which are allowable subject to the limitations prescribed in FAR 31.205-46. (d) It is the responsibility of the contractor to notify the Contracting Officer in accordance with the FAR Limitations of Cost clause of this contract when, at any time, the contractor learns that travel expenses will cause the contractor to exceed the travel ceiling amount identified in paragraph (a) of this clause.
- (e) Reasonable travel costs for research and related activities, if applicable, performed at State and nonprofit institutions, in accordance with Section 12 of Pub. L. 100-679, shall be charged in accordance with the contractor's institutional policy to the degree that the limitations of Office of Management and Budget(OMB) guidance are not exceeded. Applicable guidance documents include OMB Circular A-87, Cost Principles for State and Local Governments; OMB Circular A-122, Cost Principles for Nonprofit Organizations; and OMB Circular A-21, Cost Principles for Educational Institutions.

**B.19 KEY PERSONNEL**

- (a) The following individuals are considered to be essential to the successful performance of the work hereunder:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Government considers the above positions to be deemed key personnel because at the end of the two-week transition period, each shift of Operators shall be able to operate and maintain the ERDS and ADAMS/HRMS applications. A Lead Operator shall be dedicated to each specialized system (Refer to Paragraph B.11.3.11) during the transition period and shall be the primary source for Operator assistance once the transition period is over.

The contractor agrees that personnel may not be removed from the contract work or replaced without compliance with paragraphs (b) and (c) of this section.

- (b) If one or more of the key personnel, for whatever reason, becomes, or is expected to become, unavailable for work under this contract for a continuous period exceeding 7 work days, or is expected to devote substantially less effort to the work than indicated in the proposal or initially anticipated, the contractor shall immediately notify the Contracting Officer and shall, subject to the concurrence of the Contracting Officer, promptly replace the personnel with personnel of at least substantially equal ability and qualifications.
- (c) Each request for approval of substitutions must be in writing and contain a detailed explanation of the circumstances necessitating the proposed substitutions. The request must also contain a complete resume for the proposed substitute and other information requested or needed by the Contracting Officer to evaluate the proposed substitution. The Contracting Officer and the Project Officer shall evaluate the contractor's request and the Contracting Officer shall promptly notify the contractor of his or her decision in writing.
- (d) If the Contracting Officer determines that suitable and timely replacement of key personnel who have been reassigned, terminated, or have otherwise become unavailable for the contract work is not reasonably forthcoming, or that

## **NRC-33-03-314 SECTION B**

the resultant reduction of productive effort would be so substantial as to impair the successful completion of the contract or the service order, the contract may be terminated by the Contracting Officer for default or for the convenience of the Government, as appropriate. If the Contracting Officer finds the contractor at fault for the condition, the contract price may be equitably adjusted downward to compensate the Government for any resultant delay, loss, or damage.

## **B.20 APPROPRIATE USE OF GOVERNMENT FURNISHED INFORMATION TECHNOLOGY (IT) EQUIPMENT AND/ OR IT SERVICES/ ACCESS**

(MARCH 2002)

As part of contract performance the NRC may provide the contractor with information technology (IT) equipment and IT services or IT access as identified in the solicitation or subsequently as identified in the contract. Government furnished IT equipment, or IT services, or IT access may include but is not limited to computers, copiers, facsimile machines, printers, pagers, software, phones, Internet access and use, and email access and use. The contractor (including the contractor's employees, consultants and subcontractors) shall use the Government furnished IT equipment, and / or IT provided services, and/ or IT access solely to perform the necessary efforts required under the contract. The contractor (including the contractor's employees, consultants and subcontractors) are prohibited from engaging or using the Government IT equipment and Government provided IT services or IT access for any personal use, misuse, abuses or any other unauthorized usage.

The contractor is responsible for monitoring its employees, consultants and subcontractors to ensure that Government furnished IT equipment and/or IT services, and/ or IT access are not being used for personal use, misused or abused. The Government reserves the right to withdraw or suspend the use of its Government furnished IT equipment, IT services and/or IT access arising from contractor personal usage, or misuse or abuse; and/ or to disallow any payments associated with contractor (including the contractor's employees, consultants and subcontractors) personal usage, misuses or abuses of IT equipment, IT services and/ or IT access; and/ or to terminate for cause the contract arising from violation of this provision.

## **B.21 SAFETY OF ON-SITE CONTRACTOR PERSONNEL**

Ensuring the safety of occupants of Federal buildings is a responsibility shared by the professionals implementing our security and safety programs and the persons being protected. The NRC's Office of Administration (ADM) Division of Facilities and Security (DFS) has coordinated an Occupant Emergency Plan (OEP) for NRC Headquarters buildings with local authorities. The OEP has been approved by the Montgomery County Fire and Rescue Service. It is designed to improve building occupants' chances of survival, minimize damage to property, and promptly account for building occupants when necessary.

The contractor's Project Director shall ensure that all personnel working full time on-site at NRC Headquarters read the NRC's OEP, provided electronically on the NRC Intranet at <http://www.internal.nrc.gov/ADM/OEP.PDF>. The contractor's Project Director also shall emphasize to each staff member that they are to be familiar with and guided by the OEP, as well as by instructions given by emergency response personnel in situations which pose an immediate health or safety threat to building occupants.

The NRC Project Officer shall ensure that the contractor's Project Director has communicated the requirement for on-site contractor staff to follow the guidance in the OEP. The NRC Project Officer also will assist in accounting for on-site contract persons in the event of a major emergency (e.g., explosion occurs and casualties or injuries are suspected) during which a full evacuation will be required, including the assembly and accountability of occupants. The NRC DFS will conduct drills periodically to train occupants and assess these procedures.

## **B.22 2052.204-70 SECURITY**

(a) Security/Classification Requirements Form. The attached NRC Form 187 (See List of Attachments) furnishes the basis for providing security and classification requirements to prime contractors, subcontractors, or others (e.g., bidders) who have or may have an NRC contractual relationship that requires access to classified information or matter, access on a continuing basis (in excess of 30 or more days) to NRC Headquarters controlled buildings, or otherwise requires NRC photo identification or card-key badges.

(b) It is the contractor's duty to safeguard National Security Information, Restricted Data, and Formerly Restricted Data. The contractor shall, in accordance with the Commission's security regulations and requirements, be responsible for safeguarding National Security Information, Restricted Data, and Formerly Restricted Data, and for protecting against sabotage, espionage, loss, and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract. If retention by the contractor of any classified matter is required after the completion or termination of the contract and the retention is approved by the Contracting Officer, the contractor shall complete a certificate of possession to be furnished to the Commission specifying the classified matter to be retained. The certification must identify the items and types or

categories of matter retained, the conditions governing the retention of the matter and their period of retention, if known. If the retention is approved by the Contracting Officer, the security provisions of the contract continue to be applicable to the matter retained.

(c) In connection with the performance of the work under this contract, the contractor may be furnished, or may develop or acquire, proprietary data (trade secrets) or confidential or privileged technical, business, or financial information, including Commission plans, policies, reports, financial plans, internal data protected by the Privacy Act of 1974 (Pub. L. 93-579), or other information which has not been released to the public or has been determined by the Commission to be otherwise exempt from disclosure to the public. The contractor agrees to hold the information in confidence and not to directly or indirectly duplicate, disseminate, or disclose the information in whole or in part to any other person or organization except as may be necessary to perform the work under this contract. The contractor agrees to return the information to the Commission or otherwise dispose of it at the direction of the Contracting Officer. Failure to comply with this clause is grounds for termination of this contract.

(d) Regulations. The contractor agrees to conform to all security regulations and requirements of the Commission which are subject to change as directed by the NRC Division of Facilities and Security and the Contracting Officer. These changes will be under the authority of the AR Changes clause referenced in this document.

(e) Definition of National Security Information. The term National Security Information, as used in this clause, means information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and that is so designated.

(f) Definition of Restricted Data. The term Restricted Data, as used in this clause, means all data concerning design, manufacture, or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, but does not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.

(g) Definition of Formerly Restricted Data. The term Formerly Restricted Data, as used in this clause, means all data removed from the Restricted Data category under Section 142-d of the Atomic Energy Act of 1954, as amended.

(h) Security Clearance Personnel. The contractor may not permit any individual to have access to Restricted Data, Formerly Restricted Data, or other classified information, except in accordance with the Atomic Energy Act of 1954, as amended, and the Commission's regulations or requirements applicable to the particular type or category of classified information to which access is required. The contractor shall also execute a Standard Form 312, Classified Information Nondisclosure Agreement, when access to classified information is required.

(i) Criminal Liabilities. It is understood that disclosure of National Security Information, Restricted Data, and Formerly Restricted Data relating to the work or services ordered hereunder to any person not entitled to receive it, or failure to safeguard any Restricted Data, Formerly Restricted Data, or any other classified matter that may come to the contractor or any person under the contractor's control in connection with work under this contract, may subject the contractor, its agents, employees, or subcontractors to criminal liability under the laws of the United States. (See the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.; 18 U.S.C. 793 and 794; and Executive Order 12958.)

(j) Subcontracts and Purchase Orders. Except as otherwise authorized in writing by the Contracting Officer, the contractor shall insert provisions similar to the foregoing in all subcontracts and purchase order, if applicable, under this contract.

(k) In performing the contract work, the contractor shall classify all documents, material, and equipment originated or generated by the contractor in accordance with guidance issued by the Commission. Every subcontract and purchase order, if applicable, issued hereunder involving the origination or generation of classified documents, material, and equipment must provide that the subcontractor or supplier assign classification to all documents, material, and equipment in accordance with guidance furnished by the contractor."

## SITE ACCESS BADGE REQUIREMENTS

During the life of this contract, the rights of ingress and egress for contractor personnel must be made available, as required, provided that a badge is issued after favorable adjudication from the Personnel Security Branch, Division of Facilities and Security (PERSEC/DFS). In this regard, all contractor personnel whose duties under this contract require their presence on-site shall be clearly identifiable by a distinctive badge furnished by the Government. The Project Officer shall assist the contractor in obtaining the badges for the contractor personnel. It is the sole responsibility of the contractor to ensure that each employee has a proper Government-issued identification/badge at all times. All prescribed



identification must be immediately (no later than three days) delivered to PERSEC/DFS for cancellation or disposition upon the termination of employment of any contractor personnel. Contractor personnel must have this identification in their possession during on-site performance under this contract. It is the contractor's duty to assure that contractor personnel enter only those work areas necessary for performance of contract work, and to assure the safeguarding of any Government records or data that contractor personnel may come into contact with."

#### SECURITY REQUIREMENTS FOR INFORMATION TECHNOLOGY SERVICES

The proposer/contractor must identify all individuals and propose the level of Information Technology (IT) approval for each, using the following guidance. The NRC sponsoring office shall make the final determination of the level, if any, of IT approval required for all individuals working under this contract.

The Government shall have and exercise full and complete control over granting, denying, withholding, or terminating building access approvals for individuals performing work under this contract.

#### CONTRACTOR SECURITY REQUIREMENTS FOR LEVEL I

Performance under this contract will involve prime contractor personnel, subcontractors or others who perform services requiring direct access to or operate agency sensitive information technology systems or data (IT Level I). The IT Level I involves responsibility for the planning, direction, and implementation of a computer security program; major responsibility for the direction, planning, and design of a computer system, including hardware and software; or the capability to access a computer system during its operation or maintenance in such a way that could cause or that has a relatively high risk of causing grave damage; or the capability to realize a significant personal gain from computer access. Such contractor personnel shall be subject to the NRC contractor personnel security requirements of NRC Management Directive (MD) 12.3, Part I and will require a favorably adjudicated Limited Background Investigation (LBI).

A contractor employee shall not have access to NRC facilities, sensitive information technology systems or data until he/she is approved by Personnel Security Branch, Division of Facilities and Security (PERSEC/DFS) first for temporary access (based on a favorable adjudication of their security forms and checks) and final access (based on a favorably adjudicated LBI) in accordance with the procedures found in NRC MD 12.3, Part I. The individual will be subject to a reinvestigation every 10 years. Timely receipt of properly completed security applications is a contract requirement. Failure of the contractor to comply with this condition within the seven(7) work-day period may be a basis to void the notice of selection. In that event, the Government may select another firm for award.

The contractor shall submit a completed security forms packet, including the SF-86, "Questionnaire for National Security Positions," and fingerprint charts, through the Project Officer to PERSEC/DFS for review and favorable adjudication, prior to the individual performing work under this contract (Forms to be provided to the offerors in the successful offeror only.) The contractor shall assure that all forms are accurate, complete, and legible (except for Part 2 of the questionnaire, which is required to be completed in private and submitted by the individual to the contractor in a sealed envelope), as set forth in MD 12.3 which is incorporated into this solicitation by reference as though fully set forth herein. Based on PERSEC review of the applicant's security forms and/or the receipt of adverse information by NRC, the individual may be denied access to NRC facilities, sensitive information technology systems or data until a final determination is made of his/her eligibility under the provisions of MD 12.3. Any questions regarding the individual's eligibility for IT Level I approval will be resolved in accordance with the due process procedures set forth in MD 12.3 Exhibit 1 and E. O. 12968.

In accordance with NRCAR 2052.204-70 "Security," IT Level I contractors shall be subject to the attached NRC Form 187 (See Section D - Contract Documents, Exhibits, or Attachments) which furnishes the basis for providing security requirements to prime contractors, subcontractors or others (e.g., bidders) who have or may have an NRC contractual relationship which requires access to or operation of agency sensitive information technology systems or remote development and/or analysis of sensitive information technology systems and data or other access to such systems and data; access on a continuing basis (in excess of 7 days) to NRC Headquarters controlled buildings; or otherwise requires NRC photo identification or card-key badges:

#### CONTRACTOR SECURITY REQUIREMENTS FOR LEVEL II

Performance under this contract will involve contractor personnel that develop and/or analyze sensitive information technology systems or data or otherwise have access to such systems and data (IT Level II).

The IT Level II involves responsibility for the planning, design, operation, or maintenance of a computer system and all other computer or IT positions. Such contractor personnel shall be subject to the NRC contractor personnel requirements of MD 12.3, Part I, which is hereby incorporated under Section D - Contract Documents, Exhibits, or Attachments, and

made a part of this requirement, and will require a favorably adjudicated Access National Agency Check with Inquiries (ANACI).

A contractor employee shall not have access to NRC facilities, sensitive information technology systems or data until he/she is approved by PERSEC/DFS first for temporary access (based on a favorable review of their security forms and checks) and final access (based on a favorably adjudicated ANACI) in accordance with the procedures found in MD 12.3, Part I. The individual will be subject to a reinvestigation every 10 years. Timely receipt of properly completed security applications is a contract requirement. Failure of the contractor to comply with this condition within the seven (7) work-day period may be a basis to void the notice of selection. In that event, the Government may select another firm for award.

The contractor shall submit a completed security forms packet, including the SF-86, "Questionnaire for National Security Positions," and fingerprint charts, through the Project Officer to the NRC PERSEC/DFS for review and favorable adjudication, prior to the individual performing work under this contract. The contractor shall assure that all forms are accurate, complete, and legible (except for Part 2 of the questionnaire, which is required to be completed in private and submitted by the individual to the contractor in a sealed envelope), as set forth in MD 12.3. Based on PERSEC review of the applicant's security forms and/or the receipt of adverse information by NRC, the individual may be denied access to NRC facilities, sensitive information technology systems or data until a final determination is made of his/her eligibility under the provisions of MD 12.3. Any questions regarding the individual's eligibility for IT Level II approval will be resolved in accordance with the due process procedures set forth in MD 12.3 Exhibit 1 and E. O. 12968.

In accordance with NRCAR 2052.204-70 "Security," IT Level II contractors shall be subject to the attached NRC Form 187 (See Section D - Contract Documents, Exhibits, or Attachments) which furnishes the basis for providing security requirements to prime contractors, subcontractors or others (e.g. bidders) who have or may have an NRC contractual relationship which requires access to or operation of agency sensitive information technology systems or remote development and/or analysis of sensitive information technology systems and data or other access to such systems and data; access on a continuing basis (in excess of 30 days) to NRC Headquarters controlled buildings; or otherwise requires NRC photo identification or card-key badges.

#### CANCELLATION OR TERMINATION OF IT ACCESS/REQUEST

When a request for investigation is to be withdrawn or canceled, the contractor shall immediately notify the Project Officer by telephone in order that he/she will contact the PERSEC/DFS so that the investigation may be promptly discontinued. The notification shall contain the full name of the individual, and the date of the request. Telephone notifications must be promptly confirmed in writing to the Project Officer who will forward the confirmation to the PERSEC/DFS. Additionally, PERSEC/DFS must be immediately notified when an individual no longer requires access to NRC sensitive automated information technology systems or data, including the voluntary or involuntary separation of employment of an individual who has been approved for or is being processed for access under the NRC Personnel Security Program."

#### B.23 PROJECT OFFICER AUTHORITY

(a) The Contracting Officer's authorized representative hereinafter referred to as the Project Officer for this contract is:

Name:  
James C. Corbett

Address:  
U.S. Nuclear Regulatory Commission  
Information Technology Infrastructure Division  
Mail Stop: T-6-F33  
Washington, D.C. 20555

Telephone Number:  
(301) 415-7500

(b) Performance of the work under this contract is subject to the technical direction of the NRC project officer. The term "technical

direction" is defined to include the following:

(1) Technical direction to the contractor which shifts work emphasis between areas of work or tasks, fills in details, or otherwise serves to accomplish the contractual statement of work.

(2) Provide advice and guidance to the contractor in the preparation of drawings, specifications, or technical portions of the work description.

(3) Review and, where required by the contract, approval of technical reports, drawings, specifications, and technical information to be delivered by the contractor to the Government under the contract.

(c) Technical direction must be within the general statement of work stated in the contract. The project officer does not have the authority to and may not issue any technical direction which:

(1) Constitutes an assignment of work outside the general scope of the contract.

(2) Constitutes a change as defined in the "Changes" clause of this contract.

(3) In any way causes an increase or decrease in the total estimated contract cost, the fixed fee, if any, or the time required for contract performance.

(4) Changes any of the expressed terms, conditions, or specifications of the contract.

(5) Terminates the contract, settles any claim or dispute arising under the contract, or issues any unilateral directive whatever.

(d) All technical directions must be issued in writing by the project officer or must be confirmed by the project officer in writing within ten (10) working days after verbal issuance. A copy of the written direction must be furnished to the contracting officer. A copy of NRC Form 445, Request for Approval of Official Foreign Travel, which has received final approval from the NRC must be furnished to the Contracting Officer.

(e) The contractor shall proceed promptly with the performance of technical directions duly issued by the Project Officer in the manner prescribed by this clause and within the Project Officer's authority under the provisions of this clause.

(f) If, in the opinion of the contractor, any instruction or direction issued by the Project Officer is within one of the categories as defined in paragraph (c) of this section, the contractor may not proceed but shall notify the Contracting Officer in writing within five (5) working days after the receipt of any instruction or direction and shall request the contracting officer to modify the contract accordingly. Upon receiving the notification from the contractor, the Contracting Officer shall issue an appropriate contract modification or advise the contractor in writing that, in the Contracting Officer's opinion, the technical direction is within the scope of this article

and does not constitute a change under the "Changes" clause.

(g) Any unauthorized commitment or direction issued by the Project Officer may result in an unnecessary delay in the contractor's performance and may even result in the contractor expending funds for unallowable costs under the contract.

(h) A failure of the parties to agree upon the nature of the instruction or direction or upon the contract action to be taken with respect thereto is subject to 52.233-1 - Disputes.

(i) In addition to providing technical direction as defined in paragraph (b) of the section, the project officer shall:

(1) Monitor the contractor's technical progress, including surveillance and assessment of performance, and recommend to the contracting officer changes in requirements.

(2) Assist the contractor in the resolution of technical problems encountered during performance.

(3) Review all costs requested for reimbursement by the contractor and submit to the contracting officer recommendations for approval, disapproval, or suspension of payment for supplies and services required under this contract.

(4) Assist the contractor in obtaining the badges for the contractor personnel.

(5) Immediately notify the Personnel Security Branch, Division of Facilities and Security (PERSEC/DFS) (via e-mail) when a contractor employee no longer requires access authorization and return the individual's badge to PERSEC/DFS within three days after their termination.

**B.24 CONSIDERATION AND OBLIGATION**

(a) The total estimated cost to the Government for full performance under this contract is \$2,103,512.00.

(b) The amount presently obligated by the Government with respect to this contract is \$531,000.00.

(c) It is estimated that the amount currently allotted will cover performance through April 31, 2004.

**B.25 SCHEDULE OF PRICES/COSTS****B.25.1 BASE PERIOD - AUGUST 1, 2003 THROUGH JULY 31, 2006)**

YEAR ONE (August 1, 2003 through July 31, 2004)

LABOR CATEGORY	ESTIMATED HOURS	FIXED HOURLY RATE	TOTAL ESTIMATED COST
a. Project Manager	[REDACTED]		\$106,752.00
b. Sr. Lead Computer Operator	[REDACTED]		\$ 97,360.00
c. Lead Computer Operator	[REDACTED]		\$160,480.00
d. Computer Operator	[REDACTED]		\$289,714.00
e. Tape Librarian/Operator	[REDACTED]		\$ 50,500.00
f. Overtime	[REDACTED]		
Above positions only at the fixed unit price plus overtime premium which shall not exceed:			\$ 952.00
g. Cleaning (Not To Exceed)			\$ 1,007.00
h. Travel			\$ 1,000.00
TOTAL ESTIMATED COST FOR YEAR ONE OF THE BASE PERIOD:			\$707,765.00

Year Two (August 1, 2004 through July 31, 2005)

LABOR CATEGORY	ESTIMATED HOURS	FIXED HOURLY RATE	TOTAL ESTIMATED COST
a. Project Manager	[REDACTED]		\$ 82,464.00
b. Sr. Lead Computer Operator	[REDACTED]		\$100,300.00
c. Lead Computer Operator	[REDACTED]		\$165,320.00
d. Computer Operator	[REDACTED]		\$298,380.00
e. Tape Librarian/Operator	[REDACTED]		\$ 52,000.00
f. Overtime	[REDACTED]		
Above positions only at the fixed unit price plus overtime premium which shall not exceed:			\$ 981.00

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g. Cleaning (Not To Exceed)	\$ 1,037.00
h. Travel	\$ 1,030.00
TOTAL ESTIMATED COST FOR YEAR TWO OF THE BASE PERIOD:	\$701,511.00

Year Three (August 1, 2005 through July 31, 2006)

LABOR CATEGORY	ESTIMATED HOURS	FIXED HOURLY RATE	TOTAL ESTIMATED COST
a. Project Manager	[REDACTED]		\$ 56,632.00
b. Sr. Lead Computer Operator	[REDACTED]		\$103,280.00
c. Lead Computer Operator	[REDACTED]		\$170,240.00
d. Computer Operator	[REDACTED]		\$307,385.00
e. Tape Librarian/ Operator	[REDACTED]		\$ 53,560.00
f. Overtime	[REDACTED]		
Above positions only at the fixed unit price plus overtime premium which shall not exceed:			\$ 1,010.00
g. Cleaning (Not To Exceed)			\$ 1,068.00
h. Travel			\$ 1,061.00
TOTAL ESTIMATED COST FOR YEAR THREE OF THE BASE PERIOD:			\$694,236.00
TOTAL ESTIMATED COST OF ENTIRE THREE-YEAR BASE PERIOD:			\$2,103,512.00

## B.25.2 OPTION YEAR 1 - (AUGUST 1, 2006 THROUGH JULY 31, 2007)

LABOR CATEGORY	ESTIMATED HOURS	FIXED HOURLY RATE	TOTAL ESTIMATED COST
a. Project Manager	[REDACTED]		\$ 58,328.00
b. Sr. Lead Computer Operator	[REDACTED]		\$106,400.00
c. Lead Computer Operator	[REDACTED]		\$175,360.00
d. Computer Operator	[REDACTED]		\$316,561.00
e. Tape Librarian/ Operator	[REDACTED]		\$ 55,180.00
f. Overtime	[REDACTED]		
Above positions only at the fixed unit price plus overtime premium which shall not exceed:			\$ 1,040.00
g. Cleaning (Not To Exceed)			\$ 1,100.00
h. Travel			\$ 1,093.00
TOTAL ESTIMATED COST FOR OPTION YEAR ONE:			\$715,062.00



## B.25.3 OPTION YEAR 2 - (AUGUST 1, 2007 THROUGH JULY 31, 2008)

LABOR CATEGORY	ESTIMATED HOURS	FIXED HOURLY RATE	TOTAL ESTIMATED COST
a. Project Manager	[REDACTED]		\$ 60,080.00
b. Sr. Lead Computer Operator	[REDACTED]		\$109,600.00
c. Lead Computer Operator	[REDACTED]		\$180,640.00
d. Computer Operator	[REDACTED]		\$326,076.00
e. Tape Librarian/ Operator	[REDACTED]		\$ 56,800.00
f. Overtime	[REDACTED]		
Above positions only at the fixed unit price plus overtime premium which shall not exceed:			\$ 1,071.00
g. Cleaning (Not To Exceed)			\$ 1,133.00
h. Travel			\$ 1,126.00
TOTAL ESTIMATED COST FOR OPTION YEAR TWO:			\$736,527.00

## B.26 DELIVERABLES

Deliverable	Due Date
Supply Management Report (Paragraph B.11.3.7)	Weekly
ERDS Reliability Test Report (Paragraph B.11.3.11.1)	Weekly
Test Log for Plants (Paragraph B.11.3.11.1)	Quarterly
Discarded Tape Report (Paragraph B.11.3.15.2)	Semi-Annually
Tape Verification (Paragraph B.11.3.15.2)	Annually
Computer Cleaning (Paragraph B.11.4)	Semi-Annually
Monthly Technical Progress Report (Paragraph B.28)	By the 15th of Each Month
Monthly Financial Status Report (Paragraph B.29)	By the 15th of Each Month

## B.27 2052.211-70 PREPARATION OF TECHNICAL REPORTS (JAN 1993)

All technical reports required under this requirement are to be prepared in accordance with the attached Management Directive 3.8, "Unclassified Contractor and Grantee Publications in the NUREG Series (Refer to Section D - Contract Documents, Exhibits, or Attachments)." Management Directive 3.8 is not applicable to any Contractor Spending Plan (CSP) and any Financial Status Report that may be included in this requirement.

## B.28 2052.211-71 TECHNICAL PROGRESS REPORT (JAN 1993)

The contractor shall provide a Monthly Technical Progress Report to the Project Officer and the Contracting Officer. The report is due within 15 calendar days after the end of the report period and must identify the title of the project, the contract number, appropriate financial tracking code specified by the NRC Project Officer, project manager and/or principal investigator, the contract period of performance, and the period covered by the report. Each report must include the following for each discrete task/task order:

(a) A listing of the efforts completed during the period, and milestones reached or, if missed, an explanation provided;

(b) Any problems or delays encountered or anticipated and recommendations for resolution. If the recommended resolution involves a contract modification, e.g., change in work requirements, level of effort (cost) or schedule delay, the contractor shall submit a separate letter to the Contracting Officer identifying the required change and estimated cost impact.

(c) A summary of progress to date; and

- (d) Plans for the next reporting period.

## B.29 2052.211-72 FINANCIAL STATUS REPORT (OCT 1999)

The contractor shall provide a Monthly Financial Status Report (FSR) to the Project Officer and the Contracting Officer. The FSR shall include the acquisition of, or changes in the status of, contractor-held property acquired with government funds valued at the time of purchase at \$50,000 or more. Whenever these types of property changes occur, the contractor shall send a copy of the report to the Office of Administration (Name to be provided at time of award). The report is due within 15 calendar days after the end of the report period and must identify the title of the project, the contract number, the appropriate financial tracking code (e.g., Job Code Number or JCN) specified by the NRC Project Officer, project manager and/or principal investigator, the contract period of performance, and the period covered by the report. Each report must include the following for each discrete task:

- (a) Total estimated contract amount.
- (b) Total funds obligated to date.
- (c) Total costs incurred this reporting period.
- (d) Total costs incurred to date.
- (e) Detail of all direct and indirect costs incurred during the reporting period for the entire contract or each task, if it is a task ordering contract.
- (f) Balance of obligations remaining.
- (g) Balance of funds required to complete contract/task order.
- (h) Contractor Spending Plan (CSP) status: A revised CSP is required with the Financial Status Report whenever the contractor or the Contracting Officer has reason to believe that the total cost for performance of this contract will be either greater or substantially less than what had been previously estimated.
  - (1) Projected percentage of completion cumulative through the report period for the project/task order as reflected in the current CSP.
  - (2) Indicate significant changes in the original CSP projection in either dollars or percentage of completion. Identify the change, the reasons for the change, whether there is any projected overrun, and when additional funds would be required. If there have been no changes to the original NRC-approved CSP projections, a written statement to that effect is sufficient in lieu of submitting a detailed response to item "h".
- (i) Property status:
  - (1) List property acquired for the project during the month with an acquisition cost between \$500 and \$49,999. Give the item number for the specific piece of equipment.

(2) Provide a separate list of property acquired for the project during the month with an acquisition cost of \$50,000 or more. Provide the following information for each item of property: item description or nomenclature, manufacturer, model number, serial number, acquisition cost, and receipt date. If no property was acquired during the month, include a statement to that effect. The same information must be provided for any component or peripheral equipment which is part of a "system or system unit."

(3) For multi-year projects, in the September monthly financial status report provide a cumulative listing of property with an acquisition cost of \$50,000 or more showing the information specified in paragraph (i)(2) of this clause.

(4) In the final financial status report provide a closeout property report containing the same elements as described above for the monthly financial status reports, for all property purchased with NRC funds regardless of value unless title has been vested in the contractor. If no property was acquired under the contract, provide a statement to that effect. The report should note any property requiring special handling for security, health, safety, or other reasons as part of the report.

(j) Travel status: List the starting and ending dates for each trip, the starting point and destination, and the traveler(s) for each trip.

(k) If the data in this report indicates a need for additional funding beyond that already obligated, this information may only be used as support to the official request for funding required in accordance with the Limitation of Cost (LOC) Clause (FAR 52.232-20) or the Limitation of Funds (LOF) Clause FAR 52.232-22.

### B.30 PLACE OF DELIVERY--REPORTS

The items to be furnished hereunder shall be delivered, with all charges paid by the contractor to:

Name/Address:

James C. Corbett, Project Officer, 1 copy  
U.S. Nuclear Regulatory Commission  
Information Technology Infrastructure Division  
Mail Stop: T-6-F33  
Washington, D.C. 20555

Name/Address:

Joyce A. Fields, Contracting Officer, 1 copy  
c/o Brenda J. DuBose, Contract Specialist  
U.S. Nuclear Regulatory Commission  
Contract Management Center 1 - Team A  
Division of Contracts - T-7-I2  
Office of Administration  
Washington, D.C. 20555

### B.31 QUALITY ASSURANCE PLAN

The NRC Project Officer, in consultation with the appropriate NRC Task Manager, will perform an assessment of the contractor's performance each month to determine if the objectives of this requirement have been successfully met.

Should the contractor not adhere to the requirements of this contract, at a minimum, the NRC will take deductions as reflected under Paragraph B.32 - Deduction Schedule.

### **B.32 DEDUCTION SCHEDULE**

The NRC will take a 5% deduction from the contractor's monthly invoice when the following reports are not submitted to the NRC Project Officer and Contracting Officer by the due date reflected under Paragraph B.26 - Deliverables:

- ERDS Reliability Test Report;
- Monthly Technical Progress Report; and
- Monthly Financial Status Report

## SECTION C - CONTRACT CLAUSES

### C.1 NOTICE LISTING CONTRACT CLAUSES INCORPORATED BY REFERENCE

The following contract clauses pertinent to this section are hereby incorporated by reference (by Citation Number, Title, and Date) in accordance with the clause at FAR "52.252-2 CLAUSES INCORPORATED BY REFERENCE" in Section C of this contract. See FAR 52.252-2 for an internet address (if specified) for electronic access to the full text of a clause.

52.242-15	STOP WORK ORDER	AUGUST 1989
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### C.2 ADDENDUM TO FAR 52.212-4 CONTRACT TERMS AND CONDITIONS-- COMMERCIAL ITEMS

Clauses that are incorporated by reference (by Citation Number, Title, and Date), have the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.

The following clauses are incorporated into 52.212-4 as an addendum to this contract:

### C.3 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <http://www.nrc.gov/ADM/CONTRACT.html>.

52.217-8	OPTION TO EXTEND SERVICES	NOV 1999
52.219-6	NOTICE OF TOTAL SMALL BUSINESS SET-ASIDE	JUL 1996

### C.4 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (APR 2003)

(a) The Contractor shall comply with the following FAR clauses, which are incorporated in this contract by reference, to implement provisions of law or executive orders applicable to acquisitions of commercial items:

- (1) 52.222-3, Convict Labor (E.O. 11755).
- (2) 52.233-3, Protest after Award (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components:

☒ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).

☐ (2) 52.219-3, Notice of HUBZone Small Business Set-Aside (Jan 1999).

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☒ (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer).

☐ (4) (i) 52.219-5, Very Small Business Set-Aside (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).

☐ (ii) Alternate I to 52.219-5.

☐ (iii) Alternate II to 52.219-5.

☒ (5) 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637 (d)(2) and (3)).

☐ (6) 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637(d)(4)).

☒ (7) 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a)(14)).

☐ (8)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

☐ (ii) Alternate I of 52.219-23.

☐ (9) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

☐ (10) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

☒ (11) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).

☐ (12) 52.222-26, Equal Opportunity (E.O. 11246).

☒ (13) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (38 U.S.C. 4212).

☒ (14) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).

☒ (15) 52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (38 U.S.C. 4212).

☐ (16) 52.222-19, Child Labor--Cooperation with Authorities and Remedies (E.O. 13126).

☐ (17)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (42 U.S.C. 6962(c)(3)(A)(ii)).

☐ (ii) Alternate I of 52.223-9 (42 U.S.C. 6962(i)(2)(C)).

☐ (18) 52.225-1, Buy American Act--Supplies (41 U.S.C. 10a-10d).

☐ (19)(i) 52.225-3, Buy American Act--North American Free Trade Agreement--Israeli Trade Act (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note).

☐ (ii) Alternate I of 52.225-3.

☐ (iii) Alternate II of 52.225-3.

☐ (20) 52.225-5, Trade Agreements (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

☒ (21) 52.225-13, Restriction on Certain Foreign Purchases (E.O. 12722, 12724, 13059, 13067, 13121, and 13129).

☐ (22) 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).

☐ (23) 52.225-16, Sanctioned European Union Country Services (E.O. 12849).

☐ (24) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (31 U.S.C. 3332).

☒ (25) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (31 U.S.C. 3332).

☐ (26) 52.232-36, Payment by Third Party (31 U.S.C. 3332).

☐ (27) 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a).

☐ (28)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241).

☐ (ii) Alternate I of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, which the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

[Contracting Officer check as appropriate.]

☒ (1) 52.222-41, Service Contract Act of 1965, As amended (41 U.S.C. 351, et seq.).

☒ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

☒ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

☐ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act--Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

☐ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351, et seq.).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records--Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) or (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by an addenda to this paragraph to establish the reasonableness of prices under Part 15), in a subcontract for commercial items or commercial components--

(1) 52.222-26, Equal Opportunity (E.O. 11246);



(2) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (38 U.S.C. 4212);

(3) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793);

(4) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. Appx 1241 and 10 U.S.C. 2631) (flow down required in accordance with paragraph (d) of FAR clause 52.247- 64); and

(5) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, et seq.).

## **C.5 52.216-21 REQUIREMENTS (OCT 1995) ALTERNATE I (APR 1984)**

(a) This is a requirements contract for the supplies or services specified, and effective for the period stated, in the Schedule. The quantities of supplies or services specified in the Schedule are estimates only and are not purchased by this contract. Except as this contract may otherwise provide, if the Government's requirements do not result in orders in the quantities described as "estimated" or "maximum" in the Schedule, that fact shall not constitute the basis for an equitable price adjustment.

(b) Delivery or performance shall be made only as authorized by orders issued in accordance with the Ordering clause. Subject to any limitations in the Order Limitations clause or elsewhere in this contract, the Contractor shall furnish to the Government all supplies or services specified in the Schedule and called for by orders issued in accordance with the Ordering clause. The Government may issue orders requiring delivery to multiple destinations or performance at multiple locations.

(c) The estimated quantities are not the total requirements of the Government activity specified in the Schedule, but are estimates of requirements in excess of the quantities that the activity may itself furnish within its own capabilities. Except as this contract otherwise provides, the Government shall order from the Contractor all of that activity's requirements for supplies and services specified in the Schedule that exceed the quantities that the activity may itself furnish within its own capabilities.

(d) The Government is not required to purchase from the Contractor requirements in excess of any limit on total orders under this contract.

(e) If the Government urgently requires delivery of any quantity of an item before the earliest date that delivery may be specified under this contract, and if the Contractor will not accept an order providing for the accelerated delivery, the Government may acquire the urgently required goods or services from another source.

(f) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor's and Government's rights and obligations with respect to that order to the same extent as if the order were completed during the contract's effective period; provided, that the Contractor shall not be required to make any deliveries under this contract after the contract expiration date.

## **C.6 PAYMENT FOR OVERTIME PREMIUMS**

(a) The use of overtime is authorized under this contract if the overtime premium cost does not exceed the total estimated cost reflected under the Schedule of Prices/Costs for the base year and any subsequent option period that may be exercised by the Government or the overtime premium is paid for work--

(1) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(2) By indirect-labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(3) To perform tests, industrial processes, laboratory procedures, loading or unloading of transportation conveyances, and operations in flight or afloat that are continuous in nature and cannot reasonably be interrupted or completed otherwise; or

(4) That will result in lower overall costs to the Government.

(b) Any request for estimated overtime premiums that exceeds the amount specified above shall include all estimated overtime for contract completion and shall--

(1) Identify the work unit; e.g., department or section in which the requested overtime will be used, together with present workload, staffing, and other data of the affected unit sufficient to permit the Contracting Officer to evaluate the necessity for the overtime;

(2) Demonstrate the effect that denial of the request will have on the contract delivery or performance schedule;

(3) Identify the extent to which approval of overtime would affect the performance or payments in connection with other Government contracts, together with identification of each affected contract; and

(4) Provide reasons why the required work cannot be performed by using multishift operations or by employing additional personnel.

#### **C.7 52.217-9 OPTION TO EXTEND THE TERM OF THE CONTRACT (MAR 2000)**

(a) The Government may extend the term of this contract by written notice to the Contractor within 60 days; provided that the Government gives the Contractor a preliminary written notice of its intent to extend at least 30 days before the contract expires. The preliminary notice does not commit the Government to an extension.

(b) If the Government exercises this option, the extended contract shall be considered to include this option clause.

(c) The total duration of this contract, including the exercise of any options under this clause, shall not exceed 5 years.

#### **C.8 SEAT BELTS**

Contractors, subcontractors, and grantees, are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

#### **C.9 COMPLIANCE WITH U.S. IMMIGRATION LAWS AND REGULATIONS**

NRC contractors are responsible to ensure that their alien personnel are not in violation of United States Immigration and Naturalization (INS) laws and regulations, including employment authorization documents and visa requirements. Each alien employee of the Contractor must be lawfully admitted for permanent residence as evidenced by Alien Registration Receipt Card Form I-151 or must present other evidence from the Immigration and Naturalization Services that employment will not affect his/her immigration status. The INS Office of Business Liaison (OBL) provides information to contractors to help them understand the employment eligibility verification process for non-US citizens. This information can be found on the INS website, <http://www.ins.usdoj.gov/graphics/services/employerinfo/index.htm#obl>.

The NRC reserves the right to deny or withdraw Contractor use or access to NRC facilities or its equipment/services, and/or take any number of contract administrative actions (e.g., disallow costs, terminate for cause) should the Contractor violate the Contractor's responsibility under this clause.

#### **C.10 COMPENSATION FOR ON-SITE CONTRACTOR PERSONNEL (ALTERNATE 1)**

NRC-33-03-314SECTION C

- a. NRC facilities may not be available due to a: (1) designated Federal holiday, any other day designated by Federal Statute, Executive Order, or by President's Proclamation; (2) early dismissal of NRC employees during working hours (e.g., special holidays or emergency situations); or (3) occurrence of emergency conditions during non-working hours (e.g., inclement weather).
- b. The contractor shall not charge the NRC for work performed by on-site contractor employees who were reassigned to perform other duties off-site during the time the NRC facility was closed.
- c. On-site contractor staff shall be guided by the instructions given by a third party (e.g., Montgomery County personnel, in the case of a water emergency) in situations which pose an immediate health or safety threat to employees.
- d. The contractor's Project Manager shall first consult the NRC Project Officer before authorizing leave for on-site personnel in situations which do not impose an immediate safety or health threat to employees (e.g., special holidays). That same day, the contractor shall immediately provide verbal or written notification to the Contracting Officer of the NRC Project Officer's direction. The contractor shall continue to provide sufficient personnel to perform the requirements of essential tasks as defined in the Statement of Work which already are in operation or are scheduled.

**SECTION D - CONTRACT DOCUMENTS, EXHIBITS, OR ATTACHMENTS**

Attachment 1 Billing Instructions for Labor Hour Contracts

Attachment 2 Management Directive 12.3 - NRC Personnel Security  
Program

Attachment 3 Contract Security And/Or Classification Requirements

Attachment 4 Wage Determination No. 1994-2103 dated 6/03/2003

**BILLING INSTRUCTIONS FOR  
LABOR HOUR TYPE CONTRACTS**

**General:** The contractor shall prepare vouchers/invoices for reimbursement of costs in the manner and format described herein or a similar format. **FAILURE TO SUBMIT VOUCHERS/INVOICES IN ACCORDANCE WITH THESE INSTRUCTIONS WILL RESULT IN REJECTION OF THE VOUCHER/INVOICE AS IMPROPER.**

**Number of Copies:** An original and three copies, including supporting documentation shall be submitted. A copy of all supporting documents must be attached to each copy of your voucher/invoice. Failure to submit all the required copies will result in rejection of the voucher/invoice as improper.

**Designated Agency Billing Office:** Vouchers/invoices shall be submitted to the following address:

U.S. Nuclear Regulatory Commission  
Division of Contracts  
Mail Stop T-7-I-2  
Washington, D.C. 20555

**HAND DELIVERY OF VOUCHERS/INVOICES IS DISCOURAGED AND WILL NOT EXPEDITE PROCESSING BY NRC.** However, should you choose to deliver vouchers/invoices by hand, including delivery by any express mail services or special delivery services which use a courier or other person to deliver the voucher/invoice in person to the NRC, such vouchers/invoices must be addressed to the above Designated Agency Billing Office and will only be accepted at the following location:

U.S. Nuclear Regulatory Commission  
One White Flint North  
11555 Rockville Pike - Mail Room  
Rockville, MD 20852

**HAND-CARRIED SUBMISSIONS WILL NOT BE ACCEPTED AT OTHER THAN THE ABOVE ADDRESS.**

**Note that the official receipt date for hand-delivered vouchers/invoices will be the date it is received by the official agency billing office in the Division of Contracts and Property Management.**

Billing Instructions  
Page 2 of 2

Agency Payment Office: Payment will be made by the following office:

U.S. Nuclear Regulatory Commission  
Division of Accounting and Finance GOV/COMM  
Mail Stop T-9-H4  
Washington, DC 20555

Frequency: The contractor shall submit claims for reimbursement once each month, unless otherwise authorized by the Contracting Officer.

Format: Claims should be submitted in the format depicted on the attached sample form entitled "Voucher/Invoice for Purchases and Services Other Than Personal" (see Attachment ) or a similar format. **THE SAMPLE FORMAT IS PROVIDED FOR GUIDANCE ONLY AND IS NOT REQUIRED FOR SUBMISSION OF A VOUCHER/INVOICE. ALTERNATE FORMATS ARE PERMISSIBLE PROVIDED ALL REQUIREMENTS OF THE BILLING INSTRUCTIONS ARE ADDRESSED.**

Billing of Costs After Expiration of Contract/Purchase Order: If the costs are incurred during the purchase order period and claimed after the purchase order has expired, the period during which these costs were incurred must be cited. To be considered a proper voucher/invoice, the contractor shall clearly mark it 'EXPIRATION VOUCHER' OR "EXPIRATION INVOICE".

Currency: Billings may be expressed in the currency normally used by the contractor in maintaining his accounting records; payments will be made in that currency. However, the U.S. dollar equivalent for all vouchers/invoices paid under the purchase order may not exceed the total U.S. dollars authorized in the purchase order.

ATTACHMENT

**INVOICE/VOUCHER FOR PURCHASES  
AND  
SERVICES OTHER THAN PERSONAL  
  
(SAMPLE FORMAT - COVER SHEET)**

Official Agency Billing Office  
U.S. Nuclear Regulatory Commission  
Division of Contracts and Property  
Management MS: T-7-I2  
Washington, DC 20555-0001

(a) Purchase Order No: \_\_\_\_\_  
(b) Voucher/Invoice No: \_\_\_\_\_  
(c) Date of Voucher/Invoice: \_\_\_\_\_

Payee's Name and Address

(d) Individual to Contact Regarding Voucher/Invoice  
Name: \_\_\_\_\_  
Telephone No: \_\_\_\_\_

(e) This voucher/invoice represents reimbursable costs for the billing period  
\_\_\_\_\_ to \_\_\_\_\_.

	<u>Amount Billed</u>	
	<u>Current Period</u>	<u>Cumulative</u>
(f) <u>Direct Costs:</u>		
(1) Direct Labor*	\$ _____	\$ _____
(2) Travel*	\$ _____	\$ _____
Total Direct Costs:	\$ _____	\$ _____

\* The contractor shall submit as an attachment to its invoice/voucher cover sheet a listing of labor categories, hours billed, fixed hourly rates, total dollars, and cumulative hours billed to date under each labor category, authorized under the purchase order for each of the three activities to be performed under the purchase order. In addition, the contractor shall include travel costs incurred with the required supporting documentation, as well as, the cumulative total of travel costs billed to date by activity.

## CONTRACT SECURITY AND/OR CLASSIFICATION REQUIREMENTS

NRC Security Program, NRCMD 12, apply to performance of this contract, subcontract or other activity.

### COMPLETE CLASSIFIED ITEMS BY SEPARATE CORRESPONDENCE

1. CONTRACTOR NAME AND ADDRESS

A. CONTRACT NUMBER FOR COMMERCIAL CONTRACTS OR JOB CODE FOR DOE PROJECTS (Prime contract number must be shown for all subcontracts.)

B. PROJECTED  
START DATE

TBD

C. PROJECTED  
COMPLETION DATE

07/23/06

2. TYPE OF SUBMISSION

- ☐ A. ORIGINAL
- ☐ B. REVISED (Supersedes all previous submissions)
- ☒ C. OTHER (Specify)  
New Contract

### 3. FOR FOLLOW-ON CONTRACT, ENTER PRECEDING CONTRACT NUMBER AND PROJECTED COMPLETION DATE

A. DOES NOT APPLY

☐

B. CONTRACT NUMBER

Current Contract: NRC-33-98-180

DATE

7/31/2003

4. PROJECT TITLE AND OTHER IDENTIFYING INFORMATION

**Computer Facility Operations Contract**

### 5. PERFORMANCE WILL REQUIRE

A. ACCESS TO CLASSIFIED MATTER OR CLASSIFIED INFORMATION

- ☐ YES (If "YES," answer 1-7 below)
- ☒ NO (If "NO," proceed to 5.C.)

NOT  
APPLICABLE

NATIONAL SECURITY

RESTRICTED DATA

SECRET

CONFIDENTIAL

SECRET

CONFIDENTIAL

1. ACCESS TO FOREIGN INTELLIGENCE INFORMATION

☒
☐
☐
☐
☐

2. RECEIPT, STORAGE, OR OTHER SAFEGUARDING OF CLASSIFIED MATTER. (See 5.B.)

☒
☐
☐
☐
☐

3. GENERATION OF CLASSIFIED MATTER.

☒
☐
☐
☐
☐

4. ACCESS TO CRYPTOGRAPHIC MATERIAL OR OTHER CLASSIFIED COMSEC INFORMATION.

☒
☐
☐
☐
☐

5. ACCESS TO CLASSIFIED MATTER OR CLASSIFIED INFORMATION PROCESSED BY ANOTHER AGENCY.

☒
☐
☐
☐
☐

6. CLASSIFIED USE OF AN INFORMATION TECHNOLOGY PROCESSING SYSTEM.

☒
☐
☐
☐
☐

7. OTHER (Specify)

☒
☐
☐
☐
☐

B. IS FACILITY CLEARANCE REQUIRED?

☐ YES ☒ NO

C. ☐ UNESCORTED ACCESS IS REQUIRED TO PROTECTED AND VITAL AREAS OF NUCLEAR POWER PLANTS.

D. ☐ ACCESS IS REQUIRED TO UNCLASSIFIED SAFEGUARDS INFORMATION.

E. ☒ ACCESS IS REQUIRED TO SENSITIVE IT SYSTEMS AND DATA.

F. ☒ UNESCORTED ACCESS TO NRC HEADQUARTERS BUILDING.

FOR PROCEDURES AND REQUIREMENTS ON PROVIDING TEMPORARY AND FINAL APPROVAL FOR UNESCORTED ACCESS, REFER TO NRCMD 12.

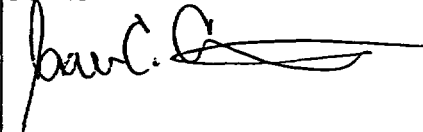


6. INFORMATION PERTAINING TO THESE REQUIREMENTS OR THIS PROJECT, EVEN THOUGH SUCH INFORMATION IS CONSIDERED UNCLASSIFIED, SHALL NOT BE RELEASED FOR DISSEMINATION EXCEPT AS APPROVED BY:

NAME AND TITLE

James C. Corbett (Project Officer)  
Chief, Infrastructure Operations Branch/OCIO/ITID

SIGNATURE



DATE

1/15/03

#### 7. CLASSIFICATION GUIDANCE

NATURE OF CLASSIFIED GUIDANCE IDENTIFICATION OF CLASSIFICATION GUIDES

#### 8. CLASSIFIED REVIEW OF CONTRACTOR / SUBCONTRACTOR REPORT(S) AND OTHER DOCUMENTS WILL BE CONDUCTED BY:

☐

AUTHORIZED CLASSIFIER (Name and Title)

☒

DIVISION OF FACILITIES AND SECURITY

#### 9. REQUIRED DISTRIBUTION OF NRC FORM 187 Check appropriate box(es)

☒

SPONSORING NRC OFFICE OR DIVISION (Item 10A)

☒

DIVISION OF CONTRACTS AND PROPERTY MANAGEMENT

☒

DIVISION OF FACILITIES AND SECURITY (Item 10B)

☐


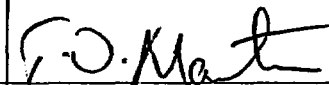

CONTRACTOR (Item 1)

☐

SECURITY/CLASSIFICATION REQUIREMENTS FOR SUBCONTRACTS RESULTING FROM THIS CONTRACT WILL BE APPROVED BY THE OFFICIALS NAMED IN ITEMS 10B AND 10C BELOW.

#### 10. APPROVALS

SECURITY/CLASSIFICATION REQUIREMENTS FOR SUBCONTRACTS RESULTING FROM THIS CONTRACT WILL BE APPROVED BY THE OFFICIALS NAMED IN ITEMS 10B AND 10C BELOW.

NAME (Print or type)	SIGNATURE	DATE
A. DIRECTOR, OFFICE OR DIVISION	SIGNATURE	DATE
Arnold E. Levin, Director, OCIO/ITID		1/15/02
B. DIRECTOR, DIVISION OF FACILITIES AND SECURITY	SIGNATURE	DATE
Thomas O. Martin, Director, ADM/DFS		1/22/03
C. DIRECTOR, DIVISION OF CONTRACTS AND PROPERTY MANAGEMENT (Not applicable to DOE agreements)	SIGNATURE	DATE
Joyce A. Fields, Contracting Officer		6/3/03

REMARKS

94-2103 DC, DISTRICT-WIDE

06/10/03

\*\*\*FOR OFFICIAL USE ONLY BY FEDERAL AGENCIES PARTICIPATING IN MOU WITH DOL\*\*\*  
WASHINGTON D.C. 20210William W. Gross  
DirectorDivision of  
Wage DeterminationsWage Determination No.: 1994-2103  
Revision No.: 30  
Date Of Last Revision: 06/03/2003

States: District of Columbia, Maryland, Virginia

Area: District of Columbia Statewide

Maryland Counties of Calvert, Charles, Frederick, Montgomery, Prince George's, St Mary's

Virginia Counties of Alexandria, Arlington, Fairfax, Falls Church, Fauquier, King George, Loudoun, Prince William, Stafford

\*\*Fringe Benefits Required Follow the Occupational Listing\*\*

## OCCUPATION CODE - TITLE

## MINIMUM WAGE RATE

## 01000 - Administrative Support and Clerical Occupations

01011 - Accounting Clerk I	11.18
01012 - Accounting Clerk II	12.74
01013 - Accounting Clerk III	14.30
01014 - Accounting Clerk IV	16.37
01030 - Court Reporter	16.43
01050 - Dispatcher, Motor Vehicle	16.09
01060 - Document Preparation Clerk	12.42
01070 - Messenger (Courier)	10.23
01090 - Duplicating Machine Operator	12.42
01110 - Film/Tape Librarian	14.65
01115 - General Clerk I	11.68
01116 - General Clerk II	13.72
01117 - General Clerk III	15.32
01118 - General Clerk IV	18.74
01120 - Housing Referral Assistant	19.04
01131 - Key Entry Operator I	10.80
01132 - Key Entry Operator II	12.07
01191 - Order Clerk I	14.74
01192 - Order Clerk II	16.29
01261 - Personnel Assistant (Employment) I	13.05
01262 - Personnel Assistant (Employment) II	14.24
01263 - Personnel Assistant (Employment) III	16.42
01264 - Personnel Assistant (Employment) IV	19.60
01270 - Production Control Clerk	17.28
01290 - Rental Clerk	15.42
01300 - Scheduler, Maintenance	15.26
01311 - Secretary I	15.26
01312 - Secretary II	16.56
01313 - Secretary III	19.04
01314 - Secretary IV	20.15
01315 - Secretary V	23.47
01320 - Service Order Dispatcher	15.44
01341 - Stenographer I	14.68
01342 - Stenographer II	16.47
01400 - Supply Technician	20.15
01420 - Survey Worker (Interviewer)	14.94
01460 - Switchboard Operator-Receptionist	10.96
01510 - Test Examiner	16.56
01520 - Test Proctor	16.56
01531 - Travel Clerk I	11.63
01532 - Travel Clerk II	12.49

01533 - Travel Clerk III	13.41
01611 - Word Processor I	11.80
01612 - Word Processor II	14.22
01613 - Word Processor III	16.65
03000 - Automatic Data Processing Occupations	
03010 - Computer Data Librarian	12.86
03041 - Computer Operator I	14.30
03042 - Computer Operator II	15.82
03043 - Computer Operator III	18.60
03044 - Computer Operator IV	20.44
03045 - Computer Operator V	22.94
03071 - Computer Programmer I (1)	19.64
03072 - Computer Programmer II (1)	23.05
03073 - Computer Programmer III (1)	26.99
03074 - Computer Programmer IV (1)	27.62
03101 - Computer Systems Analyst I (1)	27.62
03102 - Computer Systems Analyst II (1)	27.62
03103 - Computer Systems Analyst III (1)	27.62
03160 - Peripheral Equipment Operator	14.30
05000 - Automotive Service Occupations	
05005 - Automotive Body Repairer, Fiberglass	22.73
05010 - Automotive Glass Installer	17.88
05040 - Automotive Worker	17.88
05070 - Electrician, Automotive	18.95
05100 - Mobile Equipment Servicer	15.69
05130 - Motor Equipment Metal Mechanic	19.98
05160 - Motor Equipment Metal Worker	17.88
05190 - Motor Vehicle Mechanic	20.07
05220 - Motor Vehicle Mechanic Helper	16.81
05250 - Motor Vehicle Upholstery Worker	17.88
05280 - Motor Vehicle Wrecker	17.88
05310 - Painter, Automotive	18.95
05340 - Radiator Repair Specialist	17.88
05370 - Tire Repairer	14.43
05400 - Transmission Repair Specialist	19.98
07000 - Food Preparation and Service Occupations	
(not set) - Food Service Worker	9.01
07010 - Baker	11.87
07041 - Cook I	10.93
07042 - Cook II	12.46
07070 - Dishwasher	9.22
07130 - Meat Cutter	16.07
07250 - Waiter/Waitress	8.59
09000 - Furniture Maintenance and Repair Occupations	
09010 - Electrostatic Spray Painter	18.05
09040 - Furniture Handler	12.55
09070 - Furniture Refinisher	18.05
09100 - Furniture Refinisher Helper	13.85
09110 - Furniture Repairer, Minor	16.01
09130 - Upholsterer	18.05
11030 - General Services and Support Occupations	
11030 - Cleaner, Vehicles	9.67
11060 - Elevator Operator	9.79
11090 - Gardener	12.98
11121 - House Keeping Aid I	9.13
11122 - House Keeping Aid II	9.39
11150 - Janitor	10.12
11210 - Laborer, Grounds Maintenance	10.75
11240 - Maid or Houseman	9.28
11270 - Pest Controller	12.44
11300 - Refuse Collector	10.88
11330 - Tractor Operator	12.73
11360 - Window Cleaner	10.51
12000 - Health Occupations	
12020 - Dental Assistant	15.80

12040	- Emergency Medical Technician (EMT)/Paramedic/Ambulance Driver	13.08
12071	- Licensed Practical Nurse I	14.63
12072	- Licensed Practical Nurse II	16.42
12073	- Licensed Practical Nurse III	18.38
12100	- Medical Assistant	12.94
12130	- Medical Laboratory Technician	15.32
12160	- Medical Record Clerk	13.60
12190	- Medical Record Technician	14.97
12221	- Nursing Assistant I	8.46
12222	- Nursing Assistant II	9.52
12223	- Nursing Assistant III	11.94
12224	- Nursing Assistant IV	13.40
12250	- Pharmacy Technician	11.84
12280	- Phlebotomist	11.21
12311	- Registered Nurse I	24.00
12312	- Registered Nurse II	26.70
12313	- Registered Nurse II, Specialist	26.70
12314	- Registered Nurse III	34.48
12315	- Registered Nurse III, Anesthetist	34.48
12316	- Registered Nurse IV	41.33
13000	- Information and Arts Occupations	
13002	- Audiovisual Librarian	18.95
13011	- Exhibits Specialist I	17.98
13012	- Exhibits Specialist II	22.48
13013	- Exhibits Specialist III	27.29
13041	- Illustrator I	18.73
13042	- Illustrator II	23.42
13043	- Illustrator III	28.82
13047	- Librarian	22.33
13050	- Library Technician	16.28
13071	- Photographer I	13.93
13072	- Photographer II	15.64
13073	- Photographer III	19.56
13074	- Photographer IV	24.08
13075	- Photographer V	26.50
15000	- Laundry, Dry Cleaning, Pressing and Related Occupations	
15010	- Assembler	8.71
15030	- Counter Attendant	8.71
15040	- Dry Cleaner	9.94
15070	- Finisher, Flatwork, Machine	8.71
15090	- Presser, Hand	8.71
15100	- Presser, Machine, Drycleaning	8.71
15130	- Presser, Machine, Shirts	8.71
15160	- Presser, Machine, Wearing Apparel, Laundry	8.71
15190	- Sewing Machine Operator	10.67
15220	- Tailor	12.43
15250	- Washer, Machine	9.31
19000	- Machine Tool Operation and Repair Occupations	
19010	- Machine-Tool Operator (Toolroom)	18.95
19040	- Tool and Die Maker	23.05
21000	- Material Handling and Packing Occupations	
21010	- Fuel Distribution System Operator	19.38
21020	- Material Coordinator	17.12
21030	- Material Expediter	17.12
21040	- Material Handling Laborer	11.50
21050	- Order Filler	13.21
21071	- Forklift Operator	14.58
21080	- Production Line Worker (Food Processing)	14.08
21100	- Shipping/Receiving Clerk	13.09
21130	- Shipping Packer	13.02
21140	- Store Worker I	9.06
21150	- Stock Clerk (Shelf Stocker; Store Worker II)	13.01
21210	- Tools and Parts Attendant	16.99
21400	- Warehouse Specialist	15.76
23000	- Mechanics and Maintenance and Repair Occupations	

23010 - Aircraft Mechanic	22.24
23040 - Aircraft Mechanic Helper	14.71
23050 - Aircraft Quality Control Inspector	23.43
23060 - Aircraft Servicer	17.82
23070 - Aircraft Worker	18.09
23100 - Appliance Mechanic	18.95
23120 - Bicycle Repairer	14.43
23125 - Cable Splicer	22.51
23130 - Carpenter, Maintenance	18.95
23140 - Carpet Layer	17.61
23160 - Electrician, Maintenance	22.59
23181 - Electronics Technician, Maintenance I	16.88
23182 - Electronics Technician, Maintenance II	21.92
23183 - Electronics Technician, Maintenance III	23.87
23260 - Fabric Worker	16.55
23290 - Fire Alarm System Mechanic	19.98
23310 - Fire Extinguisher Repairer	15.69
23340 - Fuel Distribution System Mechanic	20.93
23370 - General Maintenance Worker	17.28
23400 - Heating, Refrigeration and Air Conditioning Mechanic	19.25
23430 - Heavy Equipment Mechanic	19.98
23440 - Heavy Equipment Operator	20.28
23460 - Instrument Mechanic	19.98
23470 - Laborer	11.79
23500 - Locksmith	18.95
23530 - Machinery Maintenance Mechanic	20.51
23550 - Machinist, Maintenance	21.52
23580 - Maintenance Trades Helper	14.54
23640 - Millwright	19.70
23700 - Office Appliance Repairer	18.95
23740 - Painter, Aircraft	21.29
23760 - Painter, Maintenance	18.95
23790 - Pipefitter, Maintenance	20.94
23800 - Plumber, Maintenance	19.86
23820 - Pneudraulic Systems Mechanic	19.98
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ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$2.36 an hour or \$94.40 a week or \$409.07 a month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility: (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year: New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4.174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

- 1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)
- 2) APPLICABLE TO AIR TRAFFIC CONTROLLERS ONLY - NIGHT DIFFERENTIAL: An employee is entitled to pay for all work performed between the hours of 6:00 P.M. and 6:00 A.M. at the rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay.
- 3) WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to

ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**\*\* UNIFORM ALLOWANCE \*\***

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

**\*\* NOTES APPLYING TO THIS WAGE DETERMINATION \*\***

**Source of Occupational Title and Descriptions:**

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations," Fourth Edition, January 1993, as amended by the Third Supplement, dated March 1997, unless otherwise indicated. This publication may be obtained from the Superintendent of Documents, at 202-783-3238, or by writing to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of specific job descriptions may also be obtained from the appropriate contracting officer.

**REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}**

**Conformance Process:**

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.



The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation) and computes a proposed rate).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

# **U.S. NUCLEAR REGULATORY COMMISSION**

## **DIRECTIVE TRANSMITTAL**

TN: DT-99-28

**To:** NRC Management Directives Custodians

**Subject:** Transmittal of Directive 12.3, "NRC Personnel Security Program."

**Purpose:** Directive and Handbook 12.3 have been revised to include the DEDM position and responsibilities, changes to position sensitivity criteria, and procedures for NRC contractor unescorted access to NRC facilities. Several revisions in the handbook were made to comply with Executive Order 12968, "Access to Classified Information," including eligibility for access to classified information, conditions for reinstatement of access, circumstances affecting eligibility for access to classified information, determination of eligibility, access for dual citizens and aliens, and the investigation and reinvestigation programs.

**Office and Division of Origin:** Office of Administration

**Contact:** Leigh Chase, 301-415-6541

**Date Approved:** November 6, 1992 (Revised: November 17, 1999)

**Volume:** 12 Security

**Directive:** 12.3, "NRC Personnel Security Program."

**Availability:** Rules and Directives Branch  
Office of Administration  
David L. Meyer (301)415-7162 or  
Jeannette P. Kiminas (301)415-7086

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**OFFICE OF ADMINISTRATION**

# ***NRC Personnel Security Program***

TO: NRC PERSONNEL SECURITY PROGRAM, 1000 L STREET, N.W., WASHINGTON, D.C. 20545

## ***Directive 12.3***

U.S. NUCLEAR REGULATORY COMMISSION, 1000 L STREET, N.W., WASHINGTON, D.C. 20545

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# **U. S. Nuclear Regulatory Commission**

**Volume: 12 Security**

**ADM**

## **NRC Personnel Security Program Directive 12.3**

### **Policy (12.3-01)**

It is the policy of the U.S. Nuclear Regulatory Commission to establish a personnel security program to ensure that determinations of an individual's eligibility for an NRC access authorization, employment clearance, unescorted access to nuclear power facilities; for access to unclassified Safeguards Information or to sensitive NRC information technology systems and data or unescorted access to NRC facilities; for the conduct of visits involving classified information; or for providing information to foreign regulatory assignees are accomplished in accordance with pertinent laws, Executive orders, management directives, and applicable directives of other Federal agencies.

### **Objectives (12.3-02)**

To provide effective controls to further protect classified and sensitive unclassified information.

### **Organizational Responsibilities and Delegations of Authority (12.3-03)**

#### **Commission (031)**

- Grants access authorization and/or employment clearance to individuals for whom no report has been made to the NRC on their character, associations, and loyalty, provided that the Commission determines that this action is clearly consistent with the national interest. (a)

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**Commission**  
**(031) (continued)**

- Performs the Commission functions specified in 10 CFR Part 10 relative to personnel clearance cases subject to personnel security hearing procedures. (b)

**General Counsel, Office of the**  
**General Counsel (OGC)**  
**(032)**

- Performs the functions assigned to the General Counsel under 10 CFR Part 10, including concurrence in the issuance of subpoenas. (a)
- Performs legal review of matters related to personnel security. (b)

**Director, Office of International**  
**Programs (OIP)**  
**(033)**

Approves or disapproves the assignment of foreign regulatory employees to NRC after coordination with Division of Facilities and Security (DFS) and the office to which the person is temporarily assigned.

**Deputy Executive Director for**  
**Management Services (DEDM)**  
**(034)**

- Performs the functions assigned to the DEDM under 10 CFR Part 10, including appointment of the NRC Hearing Counsel and the granting, suspension, denial, or revocation of access authorization in accordance with the requirements of 10 CFR Part 10. (a)
- Grants exemptions to 10 CFR Parts 25, "Access Authorization for Licensee Personnel," and 95, "Security Facility Approval and Safeguarding of National Security Information and Restricted Data," when a finding can be made that the requested exemption does not endanger the common defense and security, as authorized by SECY-80-387. (b)
- Performs the functions of the designated NRC Senior Agency Official, pursuant to the provisions of Section 6.1(a) of Executive Order (EO) 12968, "Access to Classified Information," to direct and administer the NRC's Personnel Security Program, including

**Deputy Executive Director for  
Management Services (DEDM)**  
(034) (continued)

active oversight and implementation of continuing security education and awareness programs, to ensure that the order is effectively carried out. (c)

- Approves NRC's employment of individuals before the security investigation is completed, as required by Section 145b of the Atomic Energy Act of 1954, as amended (AEA), provided that the individual is not granted access to classified information, the requesting organization clearly demonstrates a need for the individual, and an affirmative recommendation is made by the Director, DFS, ADM. (d)
- Grants, under the authority in Section 145b, AEA, access to Restricted Data and other NRC classified information to designated members of Congress (no investigation to be conducted). This access, as authorized by SECY-81-291, applies to members of Congress serving on NRC Congressional Oversight Subcommittees. (e)
- Establishes, under the authority of Section 145g, AEA, standards and specifications in writing as to the scope and extent of investigations, the reports of which NRC will use to make the determination that permitting a person access to Restricted Data will not endanger the common defense and security. (f)

**Director, Office of Administration (ADM)**  
(035)

- Performs the functions assigned to ADM under 10 CFR Part 10. (a)
- Oversees the NRC personnel security program as carried out by the DFS, ADM. (b)

**Director, Office of Investigations (OI)**  
(036)

Provides DFS any information developed or received in accordance with the OI/SEC agreement of February 1983.

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**Director, Office of Human Resources (HR)**  
(037)

Concurs in request for preappointment investigation waiver.

**Office Directors and  
Regional Administrators**  
(038)

- Ensure that NRC employees, NRC contractor personnel, and any other personnel under their jurisdiction are cognizant of and comply with the provisions of this directive and handbook, as appropriate. (a)
- Ensure that NRC licensee and licensee-related personnel under their jurisdiction are cognizant of and comply with the personnel security provisions of 10 CFR Parts 10, 25, and 95. (b)
- Advise DFS of any information that indicates noncompliance with this directive and handbook or that is otherwise pertinent to the proper protection of classified interests, sensitive unclassified information, or NRC property. (c)
- Notify DFS of individuals under their jurisdiction who possess an access authorization or similar access approval, or for whom an access authorization or similar access approval has been requested, who are hospitalized or otherwise treated for an illness or mental condition that may cause defects in their judgment or reliability, and of any subsequent developments as required by this handbook. (d)
- Notify DFS of persons under their jurisdiction possessing access authorizations or similar access approval who are disabled for a prolonged period, who die, who for any other reason no longer require access authorization or similar access approval, require change of access authorization or similar access approval, or who are subject to any circumstance that may affect their continued eligibility for access authorization or access approval. (e)
- Report immediately to the Inspector General (IG) and DFS all alleged or suspected incidents of employee or contractor fraud, misconduct, unauthorized disclosure, or misuse of automated information systems. (f)



**Director, Division of Facilities and  
Security (DFS), ADM**  
(039)

- Plans, develops, establishes, and administers policies, standards, and procedures for the overall NRC personnel security program, including granting access authorization or similar access approval involving substantially derogatory information falling within 10 CFR 10.11 when the case has been favorably resolved through an interview or other investigation. (a)
- Administers the visitor control program which covers visits requiring access to classified information, the assignment of foreign regulatory employees to the NRC in coordination with the Office of International Programs, and the acceptance and issuance of security assurances to and from foreign governments. (b)
- Serves as the NRC central point of contact with the Federal Bureau of Investigation, the Office of Personnel Management, and other investigative agencies on NRC personnel security matters. (c)
- Recommends to the DEDM a preappointment investigation waiver. (d)

**Applicability**  
(12.3-04)

This directive and handbook apply to all NRC employees, consultants, experts, panel members, applicants for employment, and other persons designated by the DEDM as well as to all NRC contractors and subcontractors to whom they apply as a condition of a contract or a purchase order.

**Handbook**  
(12.3-05)

Handbook 12.3 provides guidelines for personnel security, classified visits, and foreign assignees.

## **Exceptions or Deviations**

(12.3-06)

Exceptions or deviations to this directive and handbook may be granted by DFS, except for those areas in which the responsibility or authority is vested solely with the Commission, the DEDM, or ADM and is nondelegable; or for matters specifically required by law, Executive order, or directive to be referred to other management officials.

## **References**

(12.3-07)

Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).

*Code of Federal Regulations—*

10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance."

10 CFR Part 25, "Access Authorization for Licensee Personnel."

10 CFR Part 95, "Security Facility Approval and Safeguarding of National Security Information and Restricted Data."

32 CFR 147, "Adjudicative Guidelines for Determining Eligibility for Access to Classified Information."

"Crimes and Criminal Procedures" (Title 18, United States Code).

Energy Reorganization Act of 1974, as amended (42 U.S.C. 5801 et seq.).

Executive Order 10450, "Security Requirements for Government Employment," April 27, 1953, as amended.

— 10865, "Safeguarding Classified Information Within Industry," February 20, 1960, as amended.

— 12958, "Classified National Security Information," April 17, 1995.

— 12968, "Access to Classified Information," August 2, 1995.

Freedom of Information Act of 1966 (5 U.S.C. 522).

"National Industrial Security Program Operating Manual (NISPOM)," Department of Defense.

## References

(12.3-07) (continued)

### NRC Management Directive—

3.1, "Freedom of Information Act."

3.2, "Privacy Act."

3.4, "Release of Information to the Public."

10.1, "Appointments, General Employment Issues, Details, and Position Changes."

11.1, "NRC Acquisition of Supplies and Services."

12.2, "NRC Classified Information Security Program."

NRC SECY-80-387, "Delegation of Authority to Grant Exemptions to 10 CFR Parts 25 and 95," August 15, 1980.

— 81-291, "Approval Under Section 145b of the Atomic Energy Act of 1954, as Amended, to Grant Access to Restricted Data and Other NRC Classified Information to Designated Members of Congress (No Investigation to be Conducted)," May 5, 1981.

NRC System of Records NRC-39, "Personnel Security Files and Associated Records—NRC."

Privacy Act of 1974, as amended (5 U.S.C. 552a).

"Suspension and Removal" (5 U.S.C. 7532).

# ***NRC Personnel Security Program***

REPRODUCED FROM THE NRC DOCUMENTATION CENTER, NATIONAL ARCHIVES, COLLEGE PARK, MARYLAND

## ***Handbook 12.3***

REPRODUCED FROM THE NRC DOCUMENTATION CENTER, NATIONAL ARCHIVES, COLLEGE PARK, MARYLAND

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## Part I

# Access Authorization and Employment Clearance

### Introduction (A)

Procedures are given for meeting the requirements of the NRC personnel security program, which investigates and determines the eligibility of individuals for NRC access authorization and/or employment clearance, unescorted access to nuclear power facilities, access to unclassified Safeguards Information (SGI), access to sensitive NRC information technology systems and data, or unescorted access to NRC buildings. (1)

Personnel security and associated records maintained under the provisions of the NRC personnel security program are protected from public disclosure under the provisions of the Privacy Act of 1974, as amended, and are subject to the routine uses specified for NRC System of Records NRC-39, "Personnel Security Files and Associated Records—NRC." (2)

### Position Sensitivity Criteria (B)

These criteria determine whether a person in a particular NRC position requires a "Q" security clearance on the basis of a single-scope background investigation (SSBI) by the Federal Bureau of Investigation (FBI), or a "Q" or High Public Trust "L" on the basis of an SSBI by the Office of Personnel Management (OPM), or an "L" security clearance, as a minimum, on the basis of an access national agency check with inquiries (ANACI).

#### "Q" Positions of a High Degree of Importance or Sensitivity (1)

People in positions of a high degree of importance or sensitivity require an NRC "Q" access authorization based on an FBI SSBI pursuant to



## **Position Sensitivity Criteria (B) (continued)**

### **“Q” Positions of a High Degree of Importance or Sensitivity (1) (continued)**

Section 145f of the Atomic Energy Act of 1954 (AEA), as amended. These positions include the following:

- The Chairman (a)
- An NRC Commissioner (b)
- Any other individual so designated by the Commission (Under this criterion, the Commission-designated Commissioners’ assistants who have access to sensitive compartmented information.) (c)

### **Positions of a Critical and Sensitive Nature Require a “Q” Clearance (2)**

People in critical and sensitive positions must have an NRC “Q” access authorization based on an OPM SSBI. Functions considered critical and sensitive have one or more of the following characteristics:

- Access to Secret or Top Secret Restricted Data or Top Secret National Security Information (a)
- Access to Confidential Restricted Data involving broad naval nuclear propulsion program policy or direction (e.g., preliminary safety analysis reports, final safety analysis reports, and amendments thereto) (b)

### **Positions of High Public Trust Require an “L” Clearance (3)**

People in positions of high public trust require an “L” access authorization based on an OPM SSBI. The types of functions considered to be of high public trust include one or more of the following characteristics:

- Final approval of plans, policies, or programs that directly affect the overall operations and direction of the NRC (a)
- Responsibility for the planning, direction, and implementation of a computer security program; major responsibility for the direction, planning, and design of a computer system, including the hardware and software; or the capability to access a computer system during its operation or maintenance in such a way that could cause, or that has a relatively high risk of causing, grave damage; or the capability to realize a significant personal gain from computer access (b)

## Position Sensitivity Criteria (B) (continued)

### Positions of High Public Trust Require an "L" Clearance (3) (continued)

- Resident inspectors (c)
- Criminal investigators (d)
- Such other duties requiring high public trust as determined on an as-needed basis by the Deputy Executive Director for Management Services (DEDM) (e)

### "L" Positions of a Noncritical and Sensitive Nature (4)

People in any NRC position not covered by Section (B)(1), (2), or (3) of this part require an NRC "L" access authorization based on an ANACI.

## Access Authorization Requests (C)

### Employees (1)

Access authorizations ("Q" or "L") for NRC employees, applicants for NRC employment (i.e., anyone who has received an authorized conditional offer of employment), and NRC experts, panel members, and consultants must be requested from the Division of Facilities and Security (DFS), Office of Administration, on NRC Form 236, "Personnel Security Clearance Request and Notification," by the employing division director or his or her designee. Requests for access authorization are submitted through the Office of Human Resources (HR) or the Regional Personnel Office (RPO), as appropriate. The Office of the Inspector General (OIG) requests are forwarded directly to DFS. Instructions are printed on the reverse side of the form. (a)

The NRC official (HR or regional designee) responsible for submitting NRC Form 236 to DFS with a completed security forms packet shall ensure that the information shown on the applicant's employment form is consistent with the information reflected in Part 1 of the Questionnaire for National Security Positions (QSP, Standard Form [SF] 86). If the information is not consistent, an explanation and assessment should be furnished to DFS regarding the inconsistency. (b)

## **Access Authorization Requests (C) (continued)**

### **Contractors (2)**

Access authorizations for NRC contractors, subcontractors, or other individuals who are not NRC employees (e.g., other Government agency personnel) may be requested on NRC Form 237, "Request for Access Authorization." The requester must forward this form to DFS or, if otherwise indicated, to the approving official of the NRC office sponsoring the activity that requires NRC access authorization. Instructions are printed on the reverse side of the form. (a)

At those contractor facilities at which NRC is not the cognizant security authority (CSA), access authorizations will be requested following the procedures of the CSA. (b)

### **Security Forms Packet (3)**

Unless otherwise indicated, each request for access authorization must be accompanied by a properly completed security forms packet consisting of—(a)

- SF 86, QSP (Part 2 of the QSP is the privacy portion and is to be placed in the sealed envelope, NRC Form E-1, provided to the respondent. The NRC will maintain the privacy of the information provided on this form, Parts 1 and 2.) (i)
- Two applicant fingerprint cards (SF 87 for Federal employee applicants or FD 258 for contractors) (ii)
- NRC Form 176, "Security Acknowledgment" (iii)
- Two copies of Optional Form (OF) 612, "Optional Application for Federal Employment"; SF 171, "Application for Federal Employment" (6/88 or subsequent version); or equivalent for NRC applicants (iv)
- Related forms when so specified in the accompanying instructions (i.e., NRC Form 254) (To prevent errors and omissions that may delay consideration of a request, detailed instructions for completing the security forms packet, contained in NRC Form 254, should be followed carefully. Further instructions or guidance may be obtained from DFS.) (v)
- NRC Form 89, "Photo-Identification Badge Request" (for NRC employees, consultants, and contractors) (vi)

## Access Authorization Requests (C) (continued)

### Security Forms Packet (3) (continued)

DFS will return requests for access authorization to requester if—(b)

- All security forms are not completed and signed as required. (i)
- The printed content of the security or release form is altered. (ii)
- Required information is not provided. (iii)
- The forms are illegible. (iv)
- The “Authorization for Release of Information” on the SF 86 is not signed. (v)

Information entered on the forms in the security forms packet will be used in conjunction with any other relevant information to determine a person’s initial or continuing eligibility for an access authorization, an employment clearance, unescorted access to nuclear power facilities, access to SGI, or access to sensitive NRC information technology systems and data. (c)

### Cancelled or Withdrawn Request (4)

When a request for an applicant’s access authorization or similar access approval is to be withdrawn or cancelled, DFS should be notified immediately by telephone so that the investigation may be promptly discontinued. The notification should contain the full name of the individual, the date of the request, and the type of access authorization or similar access approval request being cancelled. Telephone notifications must be promptly confirmed in writing to DFS.

## Unescorted Access by NRC Contractors (D)

### Sponsoring Office Responsibilities for Unescorted Access of NRC Contractors (1)

The NRC sponsoring office shall decide whether performance under an NRC contract will involve unescorted access to nuclear power facilities, access to nuclear power reactor unclassified SGI, access to NRC sensitive information technology systems and data, or unescorted access to NRC headquarters or regional office facilities. For these contracts, the sponsoring office shall—

## **Unescorted Access by NRC Contractors (D) (continued)**

### **Sponsoring Office Responsibilities for Unescorted Access of NRC Contractors (1) (continued)**

- Check "yes" for security requirements and insert one of the following statements in the appropriate block on the NRC Form 400, "Request for Procurement Action (RFPA)": (a)
  - "This contract requires unescorted access to nuclear power facilities by contractor employees," or "This contract requires contractor access to nuclear power reactor unclassified SGI, or "This contract requires access to NRC sensitive information technology systems and data." (i)
  - "This contract requires continuous unescorted access (in excess of 30 days or more) to NRC headquarters or regional office facilities, or otherwise requires NRC photo identification or keycard badges." (ii)
- Include an NRC Form 187, "Contract Security and/or Classification Requirements," according to the requirements of Management Directive (MD) 11.1, "NRC Acquisition of Supplies and Services," with the appropriate blocks in Section 5 of the form completed. (b)

### **Unescorted Access of Nuclear Power Reactor Facilities (2)**

Individual contractors requiring access will be approved for unescorted access to protected and vital areas of nuclear power facilities in accordance with the following procedures:

- Temporary Approval (a)

Temporary approvals may be obtained by two methods:

- For the first method, the contractor shall submit to DFS through the NRC project officer the following information: (i)
  - A completed personnel security forms packet, including an SF 86 QSP (a)
  - Copies of the contractor's 5-year employment and education history checks, including verification of the highest degree obtained (b)
  - A reference from at least one additional person not provided by the individual (c)

## Unescorted Access by NRC Contractors (D) (continued)

### Unescorted Access of Nuclear Power Reactor Facilities (2) (continued)

- Results of the psychological evaluation (d)
- A signed copy of NRC Form 570, "Access Authorization Acknowledgement" (The contractor employee's signature indicates that he or she understands his or her responsibility to report to NRC any information bearing on his or her continued eligibility for access authorization as specified in 10 CFR 10.11.) (e)
- A certification that the contractor has found all checks acceptable (f)
- In limited cases, as determined by the sponsoring office, a copy of the contractor's 1-year employment check, along with items (D)(2)(a)(i)(a) and (c) through (f) of this part (g)
- DFS will conduct criminal history and credit checks and hold a security assurance interview with the contractor employee as specified in the above items. On the basis of the result of these checks, DFS will determine the contractor employee's eligibility for temporary access and will indicate "objection" or "no objection" to the sponsoring office, pending completion of the required background investigation. (ii)
- For the second method, the contractor employee will be fingerprinted by the utility and the individual will be subject to the utility's access authorization program. (iii)
- Final Approval (b)
  - Final access approval will be granted after—
    - The required investigation on the individual has been completed and is satisfactory, resulting in NRC's endorsement of the individual's unescorted access at all nuclear facilities for the life of the contract. (i)
    - The contractor has obtained unescorted access authorization (other than temporary access) at the specific facility through that utility's access authorization program. (ii)
    - The individual possesses a valid Government-issued clearance as verified by DFS. (iii)

## **Unescorted Access by NRC Contractors (D) (continued)**

### **Unescorted Access of Nuclear Power Reactor Facilities (2) (continued)**

- **Resolving Questions of Eligibility (c)**

The investigation described in Section (D)(2)(b)(i) of this part may involve an ANACI or other investigation as DFS deems necessary. Any question regarding the contractor employee's eligibility for unescorted access to protected or vital areas of nuclear power facilities will be resolved in accordance with the provisions specified in Exhibit 1 of this handbook.

## **Access to Unclassified Safeguards Information (SGI) by NRC Contractors (E)**

The NRC sponsoring office shall decide whether performance under an NRC contract will involve access to nuclear power reactor SGI. This access may require a national agency check (NAC) or other investigation as DFS deems necessary. Any question regarding the contractor employee's eligibility for access to nuclear power reactor SGI will be resolved in accordance with the provisions specified in Exhibit 1 of this handbook. Based on the review of the applicant's security forms by DFS and/or the receipt of adverse information by NRC, the individual may be denied access to nuclear power reactor SGI until a final determination of his or her eligibility for access is made under the provisions specified in Exhibit 1 of this handbook. While DFS is processing new contractor employees for access to nuclear power reactor SGI, access may be granted under licensee programs.

## **Access to NRC Sensitive Information Technology Systems and Data by NRC Contractors (F)**

The Executive Director for Operations (EDO) approved the sensitivity criteria to be used in determining whether individual contractor employees shall require information technology (IT) Level I or II approval for access to NRC sensitive information technology systems and data. An IT Level I approval shall require a limited background investigation (LBI) by OPM and an IT Level II approval shall require, as a minimum, an ANACI by OPM. Dual citizens (United States citizens who are also a citizen of another country) and immigrant aliens and foreign nationals may be processed for IT Level I and II if investigative

## **Access to NRC Sensitive Information Technology Systems and Data by NRC Contractors (F) (continued)**

coverage can be obtained for the immediate 10-year retrospective period. Only for these categories will an LBI be required for an IT Level II.

### **IT Level I (1)**

IT Level I involves responsibility for the planning, direction, and implementation of a computer security program; major responsibility for the direction, planning, and design of a computer system, including the hardware and software; or the capability to access a computer system during its operation or maintenance in such a way that could cause or that has a relatively high risk of causing grave damage; or the capability to realize a significant personal gain from computer access. Such positions may involve—

- Responsibility for the development and administration of agency computer security programs, including direction and control of risk analysis and/or threat assessment (a)
- Significant involvement in life-critical or mission-critical systems (b)
- Responsibility for the preparation or approval of data for input into a system that does not necessarily involve personal access to the system but with relatively high risk for causing grave damage or realizing significant personal gain (c)
- Relatively high risk assignments associated with or directly involving the accounting, disbursement, or authorization for disbursement from systems of either—(d)
  - Dollar amounts of \$10 million per year or greater (i)
  - Lesser amounts if the activities of the individual are not subject to technical review by higher authority at the IT Level I to ensure the integrity of the system (ii)
- Positions involving major responsibility for the direction, planning, design, testing, maintenance, operation, monitoring, and/or management of systems hardware and software (e)
- Other positions that involve relatively high risk for causing grave damage or realizing significant personal gain (f)



## Access to NRC Sensitive Information Technology Systems and Data by NRC Contractors (F) (continued)

### IT Level II (2)

All other IT positions. (a)

Individual contractor employees requiring access will be approved for access in accordance with the following procedures. (b)

- Temporary Approval (i)
  - The contractor shall submit a completed personnel security forms packet, including an SF 86 QSP to DFS through the NRC project officer. (a)
  - The project officer shall forward the completed security forms packet to DFS together with a written request identifying whether the contractor employee shall be processed for IT Level I or II approval and the specific criterion (ia) that applies. (b)
  - DFS will conduct criminal history and credit checks and will hold a security assurance interview with the individual. (c)
  - On the basis of the results of these checks, DFS will determine the contractor employee's eligibility for temporary access and will indicate approval or disapproval to the sponsoring office, pending completion of the required background investigation and final approval for IT Level I or II access. (d)
- Final Approval (ii)
  - Final access approval will be granted after the required investigation on the contractor employee has been completed and is satisfactory, resulting in the contractor employee's approval for IT Level I or II access. (a)
  - DFS will notify the sponsoring office of final approval. (b)

## **Access to NRC Sensitive Information Technology Systems and Data by NRC Contractors (F) (continued)**

### **Resolving Questions of Eligibility (3)**

Any question regarding the contractor employee's eligibility for IT Level I or II approval will be resolved in accordance with the due process procedures (Exhibit 1 of this handbook). On the basis of DFS's review of the contractor employee's security forms and/or the receipt of adverse information, the contractor employee may be denied access to NRC sensitive information technology systems and data until a final determination of eligibility for access is made under the provisions of due process.

## **Continuous Unescorted Access to NRC Headquarters and Regional Office Facilities By NRC Contractor Employees and Others Not Otherwise Screened Under Sections C Through F Above (G)**

The NRC sponsoring office shall decide whether performance under an NRC contract, interagency agreement, memorandum of understanding, or similar agreement, will involve continuous unescorted access (in excess of 30 or more days) or otherwise requires NRC photo identification or keycard badge to NRC headquarters buildings and regional office facilities by NRC contractor employees, or by other individuals not covered by NRC contracts (e.g., vendors, health unit personnel). This access will require limited background checks (i.e., criminal history checks, conducted by the General Services Administration [GSA]). For these contractual or other similar arrangements or agreements, the sponsoring office shall include an NRC Form 187 with Section 5F checked. (1)

Individual contractor employees or other individuals requiring access will be approved for continuous unescorted access in accordance with the following procedures: (2)

## **Continuous Unescorted Access to NRC Headquarters and Regional Office Facilities By NRC Contractor Employees and Others Not Otherwise Screened Under Sections C Through F Above (G) (continued)**

- **Temporary Approval (a)**

The contractor shall submit the following information to DFS through the NRC headquarters or regional project officer: a completed GSA Form 176, "Statement of Personal History," and two FD-258s, "Fingerprint Chart," and NRC Form 89, "Photo Badge Request." (i)

On the basis of the DFS review of the applicant's security forms and/or NRC's receipt of adverse information, DFS will determine the individual's eligibility for temporary access and will indicate approval or disapproval to the sponsoring office, pending completion of the required criminal history checks and final approval by GSA. (ii)

- **Final Approval (b)**

Final continuous unescorted access approval will be granted under one of the following conditions:

- After completion and approval of the required GSA investigation, indicated in Section (G)(2)(a) of this part, resulting in GSA's endorsement of the individual's unescorted access to NRC facilities (i)
- As determined by DFS, the individual possesses a valid NRC/Government-issued clearance or has previously received final security approval under one of DFS' various screening programs (ii)

- **Recertification (c)**

This approval is valid for 3 years from the date of the notification letter to the requester, provided that the individual remains employed under the contract, agreement, or similar arrangement. In accordance with GSA requirements, each individual who is approved for unescorted building access must be recertified every 3 years from the date of the initial approval and each subsequent recertification. (i)

## **Continuous Unescorted Access to NRC Headquarters and Regional Office Facilities By NRC Contractor Employees and Others Not Otherwise Screened Under Sections C Through F Above (G) (continued)**

Ninety days before the expiration of the initial approval, and each subsequent recertification, the contractor will submit a GSA Form 176, "Statement of Personal History," and two FD-258s to DFS, through the NRC headquarters or regional project officer, for each individual who requires recertification. With timely application and in the absence of any adverse information, the individual will maintain unescorted access pending recertification. If the contractor fails to submit a timely application, unescorted access approval will expire at the end of the 3-year period and the individual will be denied admittance to NRC space. (ii)

- **Resolving Questions of Eligibility (d)**

Any questions regarding the individual's eligibility for continuous unescorted access to NRC facilities on the basis of the GSA investigation will be resolved directly between the individual and GSA.

A contractor employee or other individual requiring unescorted access shall not be provided unescorted access to NRC facilities until he or she is approved for temporary or final access in accordance with these procedures. (3)

## **Investigations (H)**

The hiring or employing office, in concert with HR, shall determine the position sensitivity for NRC employees, applicants for employment, consultants, experts, and panel members, using the criteria specified in Section (B) of this part, before requesting access authorization for these individuals. The access authorization or similar access approval level or type of investigation required for NRC contractor and subcontractor employees will usually be determined on the basis of their classified access requirements, their need for unescorted access to nuclear power facilities, their access to SGI, access to sensitive NRC information technology systems and data, or unescorted access to NRC headquarters or regional office facilities. (1)

## **Investigations (H) (continued)**

In lieu of an OPM investigation and report, NRC may accept an investigation and report not more than 5 years old for "Q" access authorization (or "L" access authorization for a position of high public trust) and not more than 10 years old for an "L" access authorization on the character, associations, and loyalty of an individual from another Government agency that conducts personnel security investigations, provided that an access authorization has been granted to the individual by another Government agency on the basis of such an investigation and report. (2)

## **Certification of "Q" and "L" Access Authorization (I)**

An NRC "Q" access authorization and an NRC "L" access authorization for positions of high public trust may be granted on the basis of a current Top Secret or "Q" access authorization certified by another Government agency if the supporting SSBI investigation is not more than 5 years old. An NRC "L" access authorization for other than high public trust positions may be granted on the basis of a current Secret or "L" access authorization certified by another Government agency if the supporting ANACI or national agency check with law and credit (NACLC), as appropriate, is not more than 10 years old. An up-to-date security forms packet may be required before certification can be granted.

## **Reopening of Cancelled Cases (J)**

For security clearance processing requests that are cancelled before the investigation is completed, and more than 90 days have elapsed since the security forms originally submitted were signed, the individual will be required to update a copy of the forms, if necessary, and resign and date the forms so they may be submitted for investigation.

## **Preappointment Investigation Waiver With No Access to Classified Information (K)**

The Deputy Executive Director for Management Services (DEDM) is authorized to approve the employment of an individual by the NRC before completion of the security investigation and the reports required by Section 145b of the AEA. This authority may not be

## **Preappointment Investigation Waiver With No Access to Classified Information (K) (continued)**

redelegated and is limited to situations in which the individual will not have access to classified information. Also, there must be an affirmative recommendation from the Director, DFS, and a clear need shown by the requesting organization to use the services of that individual during the required investigation. (1)

A request for a preappointment investigation waiver (Exhibit 2) must be forwarded to HR for evaluation and processing, with the exception of waivers involving OIG. If concurred in by HR and DFS, HR will send the request to the DEDM for approval or disapproval. OIG will forward a request for a preappointment investigation waiver to DFS. If concurred in by DFS, OIG may send the request directly to the DEDM for approval or disapproval. All waivers must—(2)

- Be requested by the office director or the deputy office director for headquarters personnel or by the regional administrator or deputy regional administrator for regional personnel (a)
- Be justified by indicating that a serious delay or interference to an essential NRC operation or program will occur unless the individual is employed as soon as possible (b)
- Indicate that administrative controls will be established to ensure the individual will not have access to classified information until the appropriate access authorization is granted (c)
- Be concurred in by the Director or Deputy Director, HR, the Director or Deputy Director, DFS, and if regional personnel are involved, the Regional Personnel Officer (d)

HR and DFS shall process all Section 145b requests in accordance with the procedures specified in Exhibit 3 of this handbook. HR or the RPO, when applicable, must provide DFS with the results of pre-employment checks conducted on NRC applicants who are being considered for employment under Section 145b. (3)

## **Preappointment Investigation Waiver With No Access to Classified Information (K) (continued)**

An exception to personnel reference checking for consultants or experts may be recommended to the Director, HR, by the office director or the regional administrator in those cases in which the consultant or expert is known to be highly regarded and respected in the professional community. This recommendation must be reflected in the Section 145b request (Exhibit 2). (4)

In the case of students being considered for temporary summer appointments, personal reference checking must be conducted in accordance with the procedures specified in Exhibit 4. (5)

## **Expedited Approval for Temporary Unescorted Access for NRC Employees, Including Inspectors and Resident Clerical Aides (L)**

When requests for approval for unescorted access to nuclear power facilities by NRC employees are received, including those from inspectors and resident clerical aides, the procedures specified in Exhibit 5 must be followed. When the need for temporary access is known at the time the Section 145b request is prepared, that need must be documented in the Section 145b request (Exhibit 2).

## **Extension and Transfer of Access Authorization (M)**

An extension of an access authorization by DFS permits an individual who possesses an active NRC access authorization in connection with a particular employer or activity to have concurrent access to classified information at a level comparable to or lower than that already authorized. (1)

Transfer of an access authorization is the termination of an individual's access authorization from one employer or activity while at the same time activating the access authorization at another employer or activity. (2)

## **Extension and Transfer of Access Authorization (M) (continued)**

The requester should ensure that requests to DFS for extension or transfer of access authorization contain the full name, social security number, and date of birth of the individual, in addition to the level of access authorization requested. At the discretion of DFS (as, for example, in the case of significant changes since execution of the last QSP), a new security forms packet may be required. In all cases involving the extension or transfer of an access authorization to a position certified as being of a high degree of importance or sensitivity, a new security forms packet will be required. (3)

## **Circumstances for Reinstatement (Reapproval) of Access Authorization (N)**

Where access has been terminated because an individual no longer has need for access and a new need for access arises, access eligibility up to the same level shall be reapproved without further investigation provided the last investigation was completed within the past 5 years; he or she has remained employed with the same employer during the period in question; the individual certifies in writing through the completion of a new SF 86 or by updating and resigning a copy of his or her most recent SF 86 that there has been no change in the relevant information provided by the individual for the last investigation; and there is no information that would tend to indicate the individual may no longer satisfy the standards established by EO 12968 for access to classified information. (1)

Access eligibility shall be reapproved for individuals who were determined to be eligible on the basis of a favorable adjudication of an investigation completed within the prior 5 years and who have been retired or otherwise separated from United States Government employment for not more than 2 years, provided there is no indication, through the completion of a new SF 86 or by updating and resigning a copy of his or her most recent SF 86, the individual may no longer satisfy the standards of information provided by the individual for the last background investigation, and an appropriate record check reveals no unfavorable information. (2)



## **Circumstances for Reinstatement (Reapproval) of Access Authorization (N) (continued)**

An access authorization may be reinstated at the same or lower level if no significant changes are known to have occurred since the date of the SF 86 used for the current investigation. When new security forms are not required, requests for reinstatements will contain the full name, social security number, and date of birth of the individual to establish positive identification. A new "Security Acknowledgment" will be obtained in all cases. (3)

A supplemental investigation will normally be requested before reinstatement when—(4)

- More than 5 years has elapsed since the previous investigation or the individual has not remained employed with the same employer during the time period in question. (a)
- More than 2 years have elapsed since the access authorization of the individual has been terminated as a result of separation or retirement from U.S. Government employment. (b)

When the reinstatement involves the assignment of an individual to a position of a **high degree of importance or sensitivity** and the previous investigation was conducted by a Government agency other than the FBI, a new security forms packet will be forwarded to the FBI for investigation. The Chief, Personnel Security Branch (PERSEC), DFS, may authorize the reinstatement of access authorization before the report of the new investigation is received from the FBI. (5)

When the reinstatement involves an individual who falls within the scope of the reinvestigation program, a new security forms packet will be obtained and the case will concurrently be processed for reinvestigation. The Chief, PERSEC, may authorize the reinstatement of access authorization before the reinvestigation report is received. (6)

## **Circumstances Affecting Eligibility for Access Authorization (O)**

When a person who possesses or is being processed for NRC access authorization, unescorted access to nuclear power facilities, access to SGI, or access to sensitive NRC information technology systems and data, or unescorted access to NRC headquarters or regional office facilities is hospitalized or otherwise treated for an illness or mental condition that may cause a defect in the person's judgment or reliability, the person's employer (i.e., in the case of an NRC employee, the employee's office director, regional administrator, or other designated official) shall promptly report the circumstances to the Director, DFS. (1)

In the case of contractor personnel, the circumstances must promptly be reported to the Director, DFS, by the contracting officer, the security officer, or other person so designated. (2)

The reporting requirements of Sections (O)(1) and (2) of this part do not relieve an individual from the requirement to report to DFS his or her arrest as required by the QSP (SF 86), the security acknowledgment (NRC Form 176), or other form signed by the individual. The arrest must be reported within 10 workdays. (3)

Other circumstances that may affect a person's initial or continued eligibility for NRC access authorization, employment clearance, unescorted access to nuclear power facilities, access to SGI, or access to sensitive NRC information technology systems and data are listed in 10 CFR 10.11. These matters must also be promptly reported to the Director, DFS, by the person's designated employment official. (4)

Individuals are encouraged and expected to report any information that raises doubts as to whether another individual's continued eligibility for access to classified information is clearly consistent with the national security. (5)

NRC employees and designated management officials are encouraged to seek information and assistance available from the NRC Employee Assistance Program Manager concerning issues that may affect an individual's eligibility for security clearance, including sources of assistance about financial matters, mental health, and substance abuse. NRC contractor personnel and others may seek assistance from similar financial, health, and substance abuse organizations in the local community. (6)

## **Determination of Eligibility for Access Authorization (P)**

Except as provided for in Section (R) of this part, an NRC "L" or "Q" access authorization shall be granted only to employees and contractors who are United States citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information. The determination of eligibility for access authorization will be consistent with 5 U.S.C. 7532 or 10 CFR Part 10. The determination of eligibility for unescorted access to nuclear power facilities, access to SGI, or access to sensitive NRC information technology systems and data will be made in accordance with the provisions of Exhibit 1 of this handbook. (1)

Applicants for NRC access authorization will be required to sign an SF 312, "Classified Information Nondisclosure Agreement." (2)

## **Interim Authorization for Access to Classified Information (Q)**

Only the Commission may grant an interim access authorization for access to Restricted Data. (1)

Requests for interim access authorization must be forwarded to DFS in the same manner as requests for access authorization and must include the forms and information specified in Section (C) of this part. These requests also must include a justification from the NRC sponsoring office that a serious delay or interference in an operation or project essential to an NRC program may be experienced unless the designated individual is granted immediate access to classified information. (2)

HR or the RPO, as appropriate, must provide DFS with the results of the preemployment checks on NRC applicants who are being considered for interim access authorization (see Exhibit 4 for the scope of the required preemployment checks). (3)

If DFS's evaluation of the information developed on an applicant is unfavorable, DFS will inform the requester of its recommendation in the matter and, if applicable, HR. (4)

## **Access Authorization for Aliens and Dual Citizens (R)**

A dual citizen, that is, a United States citizen who is also a citizen of another country, may be processed for a "Q" or an "L" access authorization when the need for access authorization is adequately supported and investigative coverage can be obtained for the immediate 10-year retrospective period. As provided for in EO 12968, where there are compelling reasons in furtherance of the NRC's mission, immigrant aliens and foreign national employees who possess a special expertise may, in the discretion of the Director, DFS, be granted an NRC "L" or "Q" access authorization with access to classified information limited to the specific programs, project, contracts, licenses, certificates, or grants for which there is a need for access. Such individuals shall not be eligible for access to any greater level of classified information than the United States Government has determined may be releasable to the country of which the subject is currently a citizen, and such limited access may be approved only if the prior 10 years of the subject's life can be appropriately investigated. (1)

An interview with the applicant will normally be conducted and include the applicant's—(2)

- Statement and disclosure of national allegiance (a)
- Intent as to permanent residence in the United States (b)
- General attitude toward the United States vis-a-vis the country of the applicant's current citizenship (c)
- For dual citizens, eligibility and intention to maintain dual citizenship (d)
- Previous civilian or military service with a foreign government (e)
- Family or other relatives abroad or employed by a foreign government (f)
- The names and addresses of United States citizens who can furnish information as to the applicant's background and activities outside the United States (g)

A verbatim transcript or detailed summary of the interview will be maintained and provided to the applicant upon request. (3)

## **Access Authorization for Aliens and Dual Citizens (R) (continued)**

If DFS concludes that adequate support exists to initiate the investigation, the pertinent record will be forwarded to the investigation agency. An SSBI will be required for an "L" access authorization. (4)

If DFS concludes that the case is not suitable for further processing, the NRC sponsor (e.g., HR) will be informed and given advice as to whether the objection to processing can be resolved by submission of further information, documentation, or testimony. (5)

## **Data Report on Spouse (S)**

Applicants for NRC access authorization, unescorted access to nuclear power facilities, access to SGI, or access to sensitive NRC information technology systems and data whose spouses are aliens, or who marry after they have submitted a QSP, must furnish DFS with two copies of NRC Form 354, "Data Report on Spouse."

## **Reinvestigation Program (T)**

The NRC reinvestigation program is designed to ensure the continued eligibility for access authorization of individuals employed in the NRC program. The program applies to all those who possess "Q" or "L" access authorization, including NRC employees, consultants, experts, panel members; former senior NRC officials who retain their clearances after terminating their employment when continued access to classified information is required in the conduct of the agency's activities; congressional staff members cleared by NRC; employees and consultants of NRC contractors; and agents of NRC. DFS must reevaluate the continued eligibility of those individuals cleared at the "Q" level not to exceed every 5 years. The eligibility of individuals cleared at the "L" level who are in positions of high public trust must be reevaluated not to exceed 5 years. All other individuals cleared at the "L" level (e.g., a regular "L") must be reevaluated not to exceed 10 years. (See Exhibit 6 for "Q" and "L" reinvestigation requirements.) (1)

## **Reinvestigation Program (T) (continued)**

Each year, DFS will provide NRC office directors and regional administrators, or their designees, with the names of the individuals in their offices who are to be reinvestigated and the dates by which the individuals are to complete the security forms packet. DFS will advise former senior NRC officials who have retained their NRC security clearances, congressional staff members, and contractor organizations directly. DFS will provide each individual to be reinvestigated with a security forms packet and advise him or her of the due date. (2)

Each individual must complete the security forms packet and return it to his or her office or regional contact in a sealed envelope by the specified date. The office director or the regional administrator, or their designee, must ensure that individuals complete and return security forms packets to them and that all completed and sealed security forms packets are returned to DFS by the specified date. Contractor personnel must return forms through their security office. If the contractor fails to submit forms by the specified date, the NRC security clearance for contractor personnel may be administratively terminated. (3)

Upon satisfactory completion of the investigation, DFS will provide certification to the appropriate personnel office for the individual's official personnel file or other appropriate record. (4)

## **Termination of Access Authorization (U)**

Access authorization will be terminated and a security termination statement (NRC Form 136) must be signed when—(1)

- An individual is separated from employment with the NRC. (a)
- In the case of a non-NRC employee, an individual is separated for a period of 60 days or more from activities for which he or she was granted an access authorization. (b)
- Access authorization is no longer required. (c)

Upon the voluntary or involuntary separation (e.g., death) from employment of a person who holds an NRC access authorization, the employing office at headquarters or the regional office or facility (e.g., an NRC contractor) must as a minimum, when applicable to persons being separated—(2)

## **Termination of Access**

### **Authorization (U) (continued)**

- Provide prompt notification of the termination of employment to DFS and headquarters or the regional office, if other than the employing office, as applicable (a)
- Ensure that all classified and sensitive unclassified documents charged to the person are accounted for and properly disposed of (b)
- Arrange for the recovery of badges, passes, and other forms of official identification and their return to the responsible security office or NRC official (in the case of NRC employees) (c)
- Arrange for the person's name to be removed from all access and mailing lists, especially those involving classified or sensitive unclassified information (d)
- Ensure that combinations are changed of any repositories to which the person had access (e)
- Arrange for the person's name to be removed from access permissions to critical or sensitive areas, such as telephone closets and computer rooms (f)
- Arrange for the deactivation of the person's formal access permissions to all IT systems from mainframes to desktops as well as Internet working systems such as the local area network. (g)
- Arrange for the deactivation, expiration, or removal of the person's user IDs; if the user's ID and password are shared by others, the password should be changed immediately (h)
- Arrange for the deactivation, expiration, or removal of the person's external communications login ID (i)

Upon completion of a security termination statement—(3)

- The signed copy of the security termination statement must be forwarded to DFS. DFS will retain the statement in the employee's personnel security file. (a)

## **Termination of Access Authorization (U) (continued)**

- If a security termination statement is used when an individual's association with a particular contract, agreement, or facility is terminated, but the NRC access authorization is to remain active, the following wording is suggested to modify the introductory paragraph of the statement: (b)

"I make the following statement relating to the termination of my access authorization granted by the Nuclear Regulatory Commission in connection with my work, or my association with (*name of contractor, party to agreement of facility*). My NRC access authorization will remain active in connection with other interests."

### **Disability (4)**

In the case of the disability of a person when it is apparent that the disability will render the individual unable to perform his or her duties for at least 6 months, prompt notification must be made to DFS and measures similar to those specified in Section (U)(2)(b) through (i) of this part must be employed.

## **Termination of Employment in the Interest of National Security (v)**

The DEDM may suspend or remove an employee when suspension or removal is considered to be in the interest of national security in accordance with 5 U.S.C. 7532. (1)

The criteria set forth in 10 CFR 10.11 must be used to determine whether an action should be taken under 5 U.S.C. 7532. (2)

When a hearing is held under 5 U.S.C. 7532, the NRC's "Procedures for the Conduct of Hearings Under 5 U.S.C. 7532" (Exhibit 7) must be used. (3)

## **Termination of Access Approval (w)**

The NRC sponsoring office must immediately notify DFS in writing when a contractor employee no longer requires unescorted access to nuclear power facilities, access to SGI, access to sensitive NRC information technology systems and data, or unescorted access to NRC headquarters or regional office facilities.



## **Part II**

# **Control of Visits Involving Classified Information**

### **Introduction (A)**

Standards and procedures are given for the protection of classified information involved in the course of visits to NRC, or visits by NRC employees and NRC contractors to other Government agencies and contractors.

### **General (B)**

Before disclosing classified information to any visitor, individuals must confirm the visitor's identity, need-to-know, and level of access authorization. (1)

NRC or contractor officials (e.g., supervisors) must ensure that visit requests are submitted early enough for timely processing and notification of the person or facility to be visited. (2)

Continuing visit approval for 1 year or less may be granted for repeated visits to NRC, the Department of Energy (DOE), or other facilities. A single visit request form may be used if the repeated visits are to the same facility and involve the same individuals, the same level of classified information (e.g., Secret), and the same type of classified information (e.g., Restricted Data). (3)

Visit requests of an unusual or emergency nature for which timely notification cannot be given may be transmitted to the NRC Division of Facilities and Security (DFS), Office of Administration, by facsimile, teletype, or telephone. Telephone arrangements must be immediately confirmed with DFS in writing. Visit requests that are not in writing or that do not provide timely notification may not be accepted at some facilities. (4)

## **General (B) (continued)**

Classified information must not be given to NRC employees or other individuals who possess an NRC red (no access) badge. (5)

Access to classified information other than that authorized in the visit request must not be granted, regardless of the level of access authorization stipulated for the visitor. (6)

The NRC office, NRC contractor, or other NRC activity visited shall establish appropriate administrative controls over the movement of approved visitors to ensure that they are given access only to the classified information authorized. (7)

Neither classified nor unclassified naval nuclear propulsion information may be disclosed to individuals who are not United States citizens or to others not authorized access to this information. (8)

The NRC photo-identification badge will be accepted as authority for admission to DOE headquarters but is not accepted as authority for access to classified information. Similarly, the DOE photo identification badge will be accepted as authority for admission to NRC headquarters but may not be accepted as authority for access to classified information (see Section (D)(2) of this part). (9)

If appropriate, the visitor should confirm in advance with the facility to be visited that necessary approvals have been received. (10)

Access to Restricted Data requires a "Q" or "L" access authorization, depending on the classification level of the Restricted Data, except as provided in Section (D)(1) of this part. (11)

Requests for visits to NRC offices or divisions, except as indicated in Section (C)(1)(a) of this part, to NRC contractors, to other NRC facilities, or to other Government agencies involving classified information must be requested on NRC Form 277, "Request for Visit or Access Approval," or in an appropriate written request containing the following information: (12)

- Identity of each visitor, including full name, social security number, citizenship, date of birth, and organization with which affiliated (a)
- Specific information to which access is requested, including the classification level and type of information, for example, Restricted Data or National Security Information (b)

## **General (B) (continued)**

- Access authorization level ("Q", "L", Top Secret, Secret, or Confidential) and the need-to-know of each person certified by an appropriate official (c)
- Purpose of the visit (d)
- Name and location of facility(ies) to be visited (e)
- Anticipated dates of visit and names of persons to be visited (If a conference is involved, provide the date, place, and sponsor of the conference.) (f)
- Name, title of position, organization, and telephone number of the person who prepared the request (g)
- Requests for visits to NRC, NRC contractors, or other NRC facilities by individuals outside NRC should be sent to the following address: (h)

U.S. Nuclear Regulatory Commission  
Chief, Personnel Security Branch  
Division of Facilities and Security  
Washington, D.C. 20555

Classified notes or other classified records must not be released to a visitor to take outside the facility without the express permission of the person visited. If the visit is in connection with a conference or other such activity, the express permission of the person responsible for the activity must be obtained. Also, records so released must be protected in accordance with Management Directive (MD) 12.2, "NRC Classified Information Security Program." (13)

## **Visits by NRC (C)**

### **NRC Employees (1)**

For visits to NRC headquarters and regional offices, a request for visit or access approval (NRC Form 277) is not necessary. The employee's NRC photo-identification badge will serve to identify the employee and the access authorization held. A blue badge signifies a "Q" access authorization and a yellow badge an "L". A red photo-identification badge signifies no access authorization has been granted to the employee. (a)

## Visits by NRC (C) (continued)

### NRC Employees (1) (continued)

For visits to NRC contractors, licensees and their related facilities, and to other Government agencies or their contractors, NRC employees should submit an NRC Form 277 to DFS at least 7 working days before the initial date of the visit. When acting as representatives of the Federal Government in their official capacities as inspectors, investigators, or auditors, NRC employees may visit a contractor or licensee facility, without furnishing advanced notification, provided these employees present appropriate NRC credentials upon arrival. (b)

Access to weapon data, sensitive nuclear material production information, inertial fusion data, advanced isotope separation technology, uranium enrichment technology, or naval nuclear propulsion information requires special processing and approval by DOE. For this reason, an NRC Form 277 should be submitted to DFS at least 15 working days before the initial visit date. (c)

For visits to facilities performing work on naval reactors for DOE, an NRC Form 277 should be received at least 15 working days before the initial visit date, especially for visits that do not involve inspections. (d)

A separate NRC Form 277 should be used for visits to a Government agency other than NRC, to DOE headquarters, and to DOE field or area offices having jurisdiction over the facilities and personnel being visited. (e)

### NRC Contractor or Subcontractor Personnel and NRC Consultants (2)

For visits to facilities other than NRC, an NRC Form 277 or other written request for visit or access approval should be submitted to the NRC office or division sponsoring the contract, to the consultant or licensed activity to be visited for certification of the individual's need-to-know, and to DFS for verification of access authorization. The NRC sponsoring office or division should receive the visit request at least 15 working days before the initial date of the visit. Because of the limited number of firms that have classified contracts with NRC, the authority to certify the contractor employees clearance and need-to-know shall remain with DFS. At those contractor or licensee facilities at which NRC is not the cognizant security authority (CSA), the visit control procedures of the CSA shall be followed. (a)

## **Visits by NRC (C) (continued)**

### **NRC Contractor or Subcontractor Personnel and NRC Consultants (2) (continued)**

Requests to visit NRC offices should be submitted directly to DFS at least 10 working days before the initial date of the visit. (b)

Requests for visits to facilities performing work on naval reactors for DOE should be received by the NRC sponsoring office or division at least 15 working days before the initial visit date. (c)

NRC consultants who plan to visit NRC employees directing or monitoring their consultant interests will not be required to submit an NRC Form 277. The person visited must confirm the NRC consultant's need-to-know and required access authorization level before classified information is disclosed to the visitor. (d)

## **Visits by Others (D)**

### **Personnel and Contractors of the Department of Defense (DOD) and the National Aeronautics and Space Administration (NASA) (1)**

For visits by personnel and contractors of DOD and NASA to NRC, NRC contractors, or other NRC facilities, an NRC Form 277, a NASA Form 405, or a memorandum or teletype signed by or in the name of an official of the agency originating the request must be submitted to DFS for processing and approval by the NRC activity involved. (a)

DOD or Armed Forces personnel and contractors may be granted access to Restricted Data on the basis of an NRC "Q" or "L" access authorization or a DOD-certified access authorization (security clearance) approved by the NRC activity involved. (b)

NASA personnel or their contractors may be granted access to Restricted Data related to aeronautical or space activities on the basis of a NASA access authorization (security clearance). Access to Restricted Data not related to aeronautical and space activities will require an NRC "Q" or "L" access authorization, depending on the classification level of the Restricted Data. (c)

## **Visits by Others (D) (continued)**

### **Personnel, Contractors, and Subcontractors of the Department of Energy (DOE) (2)**

For visits by personnel, contractors, and subcontractors of DOE to NRC, NRC contractors, or other NRC facilities, a DOE Form DOE F 5631.20, an NRC Form 277, or a memorandum or teletype signed by or in the name of the appropriate DOE official should be transmitted to DFS. Verification of DOE access authorization and certification of need-to-know must be included in the visit request before NRC will process the request. (a)

Contractor personnel at DOE national laboratories who are engaged in contract work for the NRC should have DOE forward their visit requests for transmission to DFS. These requests verify their DOE access authorization to the NRC office administering the contract. (b)

### **Employees, Contractors, and Subcontractors of Government Agencies Other Than DOD, NASA, or DOE (3)**

Restricted Data in the possession of the NRC, its contractors, or in NRC facilities must not be released to visitors from Government agencies or their contractors unless they have the appropriate NRC or DOE access authorization and the need for access has been properly certified. (a)

Classified information, other than Restricted Data, may be furnished to employees of agencies and their contractor or subcontractor personnel when they have the required access authorization and their need for access is confirmed by the NRC activity to be visited. (b)

For visits involving access to classified information, including Restricted Data, an NRC Form 277 or a memorandum or teletype signed by or in the name of an official of the requesting agency should be submitted to DFS for processing and approval by the NRC activity involved. (c)

If authorized by the Director, DFS, representatives of other agencies (e.g., the FBI or OPM) acting in their official capacities may be granted access to classified information upon presentation of proper credentials. In case of doubt about identity or the level of access authorized, DFS will verify these credentials or the level of access by contacting a security official of the agency or activity involved. (d)

## **Visits by Others (D) (continued)**

### **Members of Congress and Congressional Staff (4)**

Visits to NRC, NRC contractors, or other activities associated with the NRC program involving access to Restricted Data or other classified information by members of Congress or their staff may be approved by directors of headquarters offices or divisions, or by regional administrators. The identity of the visitors and their need-to-know must be established by the responsible congressional official or staff member. The proposed visit must be coordinated with the Director, DFS, to certify access authorization and with the Director, NRC Office of Congressional Affairs.

### **Immigrant Aliens Admitted to the United States for Permanent Residence (5)**

Visit requests for immigrant aliens who possess DOD or NASA access authorization will be handled in accordance with the procedures specified in Section (D)(1) of this part. Procedures specified in Section (D)(2) of this part apply to those immigrant aliens who possess DOE access authorization. The procedures specified in Section (D)(3) of this part apply to those immigrant aliens who possess access authorization granted by Government agencies other than the DOD, NASA, and DOE.

## **Visits Involving Access to Sensitive Compartmented Information (SCI) (E)**

Visitors to the NRC must have their SCI access authorization and need-to-know forwarded to the Special Security Officer in the NRC Division of Facilities and Security through SCI channels. As a minimum, the information required for these visits should include the full name of the visitor, the agency affiliation, the purpose of the visit, the date of the visit, the name of the person to be visited, and the SCI compartments involved. This information may be provided by telephone by a known or verifiable special security officer of the agency or department requesting the visit, by memorandum or teletype. If access to classified information other than SCI is involved, the need for this access must be certified and the required access authorization must be verified. (1)

## **Visits Involving Access to Sensitive Compartmented Information (SCI) (E) (continued)**

NRC employees visiting other Government agencies or departments, or their contractors, shall contact the Special Security Officer in DFS to have their SCI access authorization properly forwarded to the agency to be visited. A request for access to classified information other than SCI may be included with the request for SCI or may be processed separately in accordance with the procedure specified in this part. (2)

## **Visits by Foreign Nationals Sponsored by Foreign Governments or International Organizations (F)**

Requests for foreign nationals to visit NRC, NRC contractors, or other activities associated with the NRC program must be forwarded to the Director, DFS. Any security assurance the foreign nationals may possess must be officially certified to DFS by an authorized official of the foreign government sponsoring the visit, with the assistance of the Office of International Programs (OIP), if necessary. If the foreign nationals do not possess security assurance, OIP shall request DFS to conduct investigative checks. For further guidance on the disclosure of classified information to foreign nationals, refer to MD 12.2. (1)

Representatives of the International Atomic Energy Agency (IAEA) who are authorized to make visits to or inspect NRC-licensed facilities in accordance with the U.S./IAEA Safeguards Agreement may be authorized access to classified information, except for Restricted Data, on the basis of a DFS-issued disclosure authorization letter (DAL). The DAL will specify the names of the IAEA representatives and the classified information authorized, in addition to other relevant information. For further guidance on the disclosure of classified information to IAEA representatives, refer to MD 12.2. (2)

## **Visits to Foreign Governments or Activities by NRC Personnel (G)**

For visits to foreign governments or activities by NRC personnel, an NRC Form 277 should be submitted to DFS for processing and coordination with OIP when classified information is involved. If an NRC Form 277 is not available, the information listed under Section (B)(12) of this part should be submitted to DFS. (1)



## **Visits to Foreign Governments or Activities by NRC Personnel (G) (continued)**

These visit requests should be submitted at least 30 days in advance of the initial visit date. (2)

## **Records of Visit Requests (H)**

Records of visit requests consisting of the NRC Form 277 or its equivalent and any related correspondence must be retained for 2 years after the expiration date of the visit authorized by the requesting office and the office of the facility visited.

## Part III

# Assignment of Foreign Regulatory Employees to NRC

### Introduction (A)

Guidelines are given for the prevention of unauthorized access to classified information or sensitive unclassified information by foreign regulatory employees assigned to the NRC. The responsibilities of the Office of International Programs (OIP), the Division of Facilities and Security (DFS, Office of Administration), supervisors, and employees also are specified in this part.

### Activity Plans (B)

OIP, in cooperation with DFS, will establish and coordinate the assignee program and individual assignee activity plans that enumerate the variety of activities in which the assignee is expected to participate.

### Assignments (C)

Consideration for assignments will be given in the following order of priority: (1)

- Nationals from developing countries building or operating U.S.-type light water reactors (a)
- Nationals from other countries with which NRC has entered into information exchange and cooperation arrangements (b)
- Nationals from the International Atomic Energy Agency (IAEA) member states sponsored under the IAEA Fellowship Program, if different from Sections (C)(1)(a) and (b) of this part (c)
- Other foreign nationals as decided on a case-by-case basis (d)

## **Assignments (C) (continued)**

Within each of these categories, preference will be given, in general, to nationals from countries party to the Treaty on the Non-Proliferation of Nuclear Weapons. Foreign nationals actively engaged in unsafeguarded nuclear activities in non-nuclear weapons states will not normally be selected. (2)

All personnel accepted for NRC assignments of generally not less than 6 months should—(3)

- Be fluent in English (a)
- Have successfully completed an NRC-approved English language foreign competency examination (b)
- Have professional training, experience, or education (c)
- Be certified as regular employees of either their national regulatory agencies or of other institutes or organizations responsible for performing domestic regulatory and safety functions (d)

The sponsoring government, institute, or other organization must bear all costs associated with the assignment, including, but not limited to, the assignee's salary, travel, and per diem. Any questions about costs should be referred to OIP. Assignees should be largely self-sufficient after orientation in order to minimize the impact on the NRC staff. Personal services such as assistance with housing and other orientation briefings will be handled by the Embassy of the assignee's country or by local representatives of his or her institution. Assignees will normally be given duties similar to those of NRC employees, without special "diverse experience" assignments, except when convenient to NRC. (4)

OIP must notify the Commission promptly whenever an application from a sensitive country is received to allow the Commission the opportunity to request any action they believe necessary while the staff is attempting to arrange placement and before any commitment is made. Another notification to the Commission must be prepared as soon as details of the proposed assignment are confirmed within the staff and at least 1 full week before the assignment is formally approved. Special care must be taken in regard to security considerations in selecting and screening foreign nationals, placing them within the staff, monitoring them closely, and educating their supervisors and co-workers. (5)

## **Assignments (C) (continued)**

OIP shall forward all formal NRC letters of invitation accepting proposed assignments through State Department channels in conformance with and in furtherance of U.S. laws, regulations, and policy directives and objectives. Letters of invitation must be countersigned and returned to OIP 4 weeks before the assignee's expected arrival at the NRC. (6)

OIP approves or disapproves the assignment of a foreign national to the NRC and designates the office to which the foreign national will be assigned, subject to the concurrence of the cognizant office director or regional administrator and DFS. (7)

Foreign nationals will not be assigned to the Commission, to the Office of the Secretary, to the Office of the Executive Director for Operations, to office directors, or to offices in which classified information or other sensitive information is often in use. Generally, assignments will not be made to branches in which large amounts of classified or other sensitive unclassified information is processed or stored, or to areas near these branches. (8)

## **Background Check (D)**

Before inviting the foreign regulatory employee to join the NRC, OIP will obtain the required background and biographical data and submit it to DFS with a request that the appropriate indices check be conducted by the appropriate agencies (the Central Intelligence Agency, the Federal Bureau of Investigation, and the Department of State). Information that creates a question as to whether assignment of the foreign national is consistent with the national interest will be evaluated by DFS and forwarded with a recommendation to OIP.

## **Assignee Agreements (E)**

Foreign assignees will be required to sign a commitment patterned after the agreement signed by the Government contract consultants agreeing not to take any proprietary documents away from their proper place of use and storage and not to disclose proprietary information or otherwise violate the conditions under which NRC staff members receive and use this information. The signing of the confidentiality agreement by the assignee is made a condition of the assignment under the terms of the agency-to-agency agreement that both the NRC and the foreign regulatory agency sign. Specific procedures are as follows:

## **Assignee Agreements (E) (continued)**

- The supervisor of an assignee will make a determination of the need for an assignee to have access to proprietary information. A separate determination of need will be made for the proprietary information related to each program area in which the assignee is authorized to work. The supervisor will prepare a note concerning this access and will maintain a listing of documents to which the assignee has access. Whenever work on a program area is terminated, and at the end of each assignment, the assignee will return all proprietary documents. The supervisor of the assignee shall ensure that all documents on the assignee's list are returned. (1)
- Access to special classes of information identified in 10 CFR 2.790(d), including details of facility security plans, material control and accounting information, and Safeguards Information that is subject to 10 CFR 73.21, must not be granted unless approved by the Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle Safety and Safeguards (NMSS/FCSS), or the Office of Nuclear Reactor Regulation, Safeguards Branch (NRR/PSGB), in the case of reactors. (2)

## **Security Plans (F)**

Representatives from DFS, OIP, and the office to which the foreign employee will be assigned will work together to define the assignment and to develop a security plan for each assignee. This task will be completed before the invitation letter is issued. The host office will be primarily responsible for developing the plan. This plan must be developed and approved before the assignee arrives. Each foreign assignee will be required to read, agree to, and sign the security plan. The plan will require the approval of OIP, the host office, and DFS and must include the following elements: (1)

- Description of the physical location of the assignment within NRC, a licensee facility, or another facility (a)
- Identification of specific areas to which assignees are to be given unescorted access in order to perform essential responsibilities (The assignee's access should be consistent with the requirements of DFS and the assignments of the host office.) (b)
- Explanation of special badging required and associated restrictions (c)

## Security Plans (F) (continued)

- Explanation of restrictions on the use of, or connection to, NRC computing resources such as local area networks, other NRC computing systems, document management systems, and sensitive data. (d)
- Discussion of the ways in which commercial or foreign proprietary information must be protected if the assignment requires access to this information (Assignments should normally be tailored so that they do not require access to this information.) (e)
- Instructions on alerting co-workers about an assignee's presence and the assignee's restricted access, both physical and informational, including a DFS counterintelligence-type briefing (f)
- Assignment of a supervisor and an alternate to monitor the assignee's day-to-day activities (g)
- Requirement for monthly or quarterly progress reports from the assignee (Copies of the report are to be sent to the supervisor and other appropriate persons in the office to which the foreign national is assigned.) (h)
- Requirement for a mid-point (or more frequent) interview by DFS of the assignee, the assignee's supervisors and, as appropriate, the assignee's co-workers to ensure that the assignee and supervisors are continuing to comply with the approved security plan (Any problems will be reported to OIP and any other appropriate office.) (i)

If later experience indicates that the security plan requirements cannot be met, or conditions change that warrant a possible change in requirements, or if any other problems arise, the supervisor will immediately advise OIP and DFS. Any changes in the security plan must be approved by DFS and OIP. (2)

DFS will issue assignees special identification badges. These badges, while allowing assignees unescorted access to specific areas, are prominently marked "Assignee" and are color-coded red for "no access." Foreign assignees will be required to wear their badges at all times. (3)

## **Security Plans (F) (continued)**

Co-workers and other staff members in the assignee's area also will be made aware of the requirement for the assignee to wear his or her badge at all times. Access by the assignee into other areas not specified in the plan will require that the assignee be escorted by a cleared NRC employee designated by the assignee's supervisor. (4)

The assignee's supervisor will make an initial evaluation of an assignee's work area, as well as a reevaluation at the midpoint of the assignment and at any time the security plan is amended. Any recommendations should be given to DFS for action at this time. (5)

## **Assignee Responsibilities (G)**

Assignees will not authorize visits by other individuals to NRC, NRC contractors, or other NRC facilities. (1)

Assignee duties are to be limited to those that do not require representing NRC in public or acting as an official representative in meetings with NRC licensees. (2)

Assignees will be responsible for obtaining and making whatever copies of records or documents they desire to take with them before completion of their assignments. Assignees will be required to obtain the supervisor's approval before copying these records and will also be required to provide a list of these records to their NRC supervisors, OIP, and DFS. (3)

## **Evaluation of Assignees (H)**

Upon completion of the assignment, OIP will provide an evaluation form to the supervisor. The supervisor shall complete the form and send copies of it to OIP, DFS, and the cognizant office director or regional administrator.

## Exhibit 1

### Due Process Procedures

#### Purpose of the Procedures (A)

The procedures specified herein are established for the conduct of hearings to determine the eligibility of NRC contractor personnel for unescorted access to nuclear power facilities, access to unclassified Safeguards Information (SGI), and access to sensitive NRC information technology systems and data under the NRC computer personnel screening program. Guidance is provided in 10 CFR 10.10 and 10.11 as to the types of information that raise questions concerning the consistency of an individual's eligibility for unescorted access to nuclear power facilities or access to unclassified SGI and the public health and safety; or for access to sensitive NRC information technology systems and data and the loss or harm that could result from improper operation of the information systems and from inadvertent or deliberate disclosure, alteration, or destruction of the data.

#### Notification to Individual of Hearing (B)

A notification letter providing the date, hour, and place of the hearing and the identity of the hearing official will be presented to each individual who has requested a hearing. When practicable, this letter will be presented to the individual in person at least 10 days in advance of the hearing, which will be scheduled with due regard for the convenience and necessity of the parties. The letter will be accompanied by a copy of these procedures and other administrative instructions, as necessary. (1)

The individual will have the right to appear personally before the hearing official and present evidence on his or her behalf through witnesses or by document or both, and may call, examine, and cross-examine witnesses. The individual may be present during the hearing to the extent permitted by national security concerns. The individual may be accompanied, represented, and advised by counsel or other representatives of his or her own choosing. In this case, the individual shall file with the Deputy Executive Director for Management Services (DEDM) a document designating the attorney or representative and authorizing him or her to receive all correspondence pertaining to the hearing. (2)

#### NRC Hearing Counsel (C)

The NRC hearing counsel assigned shall, before the scheduling of the hearing, review the information in the case and shall request the presence of witnesses and the production of documents and other physical evidence that the Division of Facilities and Security (DFS), Office of Administration (ADM), relied on to determine a substantial doubt exists concerning the individual's eligibility for unescorted access to nuclear power facilities, access to unclassified SGI, or access to sensitive NRC information technology systems and data.



## **Exhibit 1 (continued)**

### **NRC Hearing Counsel (C) (continued)**

When the presence of a witness and the production of documents and other physical evidence are deemed by the hearing counsel to be necessary or desirable for a determination of the issues, the Director, DFS shall make arrangements for the production of this evidence and for the witnesses to appear at the hearing by subpoena or by other means. (1)

The hearing counsel is authorized to communicate directly with the individual's counsel or representative, or the individual if the individual is not so represented, for purposes of mutually agreeing upon arrangements for expeditious hearing of the case. (2)

The individual is responsible for producing witnesses in his or her own behalf and presenting other evidence before the hearing official to support his or her position. The hearing counsel may at his or her discretion request the Director, DFS, to arrange for the issuance of subpoenas for witnesses to attend the hearing in the individual's behalf or for the production of specific documents or other physical evidence, provided the necessity for this assistance has been shown. (3)

### **Appointment of Hearing Official (D)**

The NRC shall appoint a hearing official from a list of qualified attorneys possessing the highest degree of integrity, ability, and good judgment. To qualify, an attorney must have an NRC "Q" access authorization. No hearing official will be selected who has knowledge of the case or of any information relevant to the disposition of the case, or who for any reason would be unable to issue a fair and unbiased recommendation.

### **Prehearing Proceedings (E)**

Before the hearing, the hearing official will be furnished the record in the case, consisting of the statement of charges and any associated amendment(s), the request for the hearing and the notice of hearing if it has been issued, and any agreements between the individual and the hearing counsel. (1)

The parties will be notified by the hearing official at least 10 days in advance of the hearing of the date, hour, and place of the hearing. The hearing official may order postponements or continuances from time to time for good cause shown. If, after due notice, the individual fails to appear at the hearing, or appears but is not prepared to proceed, the hearing official shall, unless good cause is shown, return the case to the DEDM who shall make the final determination on the basis of the information in the NRC's possession. (2)

### **Conduct of Hearing (F)**

The hearing official shall conduct the hearing in an orderly, impartial, and decorous manner. Technical rules of evidence may be relaxed so that a full evidentiary record may be made based on all material and relevant facts. (1)

## Exhibit 1 (continued)

### Conduct of Hearing (F) (continued)

The proceedings will be open only to duly authorized NRC staff representatives, the individual, his or her counsel or representative, and those persons as may be officially authorized by the hearing official. Witnesses shall not testify in the presence of other witnesses except that the hearing official may, at his or her discretion, allow for expert witnesses to be present during testimony relevant to their own testimony. (2)

Witnesses, including the individual, shall be examined under oath or affirmation by the party who called them and may be cross-examined by the other party. The hearing official will rule on all evidentiary matters, may further examine any witness, and may call for additional witnesses or the production of documentary or other physical evidence if, in the exercise of his or her discretion, this additional evidence is deemed necessary to the resolution of an issue. (3)

If it appears during the hearing that Restricted Data or National Security Information may be disclosed, the hearing official shall ensure that disclosure is made only to persons authorized to receive it. (4)

The hearing official may permit the hearing counsel to amend the statement of charges to add or modify charges to be considered at any time during the hearing. In the event of such an amendment, the individual shall be given an opportunity to answer the amended charges. If the changes are of such a substantial nature that the individual cannot answer the amended charges without additional time, the hearing official shall grant such additional time as he or she deems necessary. (5)

The hearing official may receive and consider evidence in the form of depositions or responses to interrogatories upon a showing that the witness is not available for good reason, such as death, serious illness, or similar cause, or in the form of depositions, interrogatories, affidavits, or statements with agreement of the parties. The hearing official may take official notice at any stage of the proceeding, where appropriate, of any fact not subject to reasonable dispute in that it is either generally known within the United States or capable of accurate and ready determination by resorting to sources whose accuracy cannot reasonably be questioned. A party is entitled, upon timely request, to an opportunity to be heard as to the propriety of taking such official notice. In the absence of prior notification, the request may be made after notice is taken. (6)

Records provided by investigative agencies that were compiled as a regular or routine procedure by the business or agency from which obtained, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that the investigative agency furnished this information to the NRC pursuant to its responsibilities in connection with assisting the NRC in determining the individual's eligibility. (7)

Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue that may not be inspected by the individual because they are classified may be received and considered, provided—(8)

## **Exhibit 1 (continued)**

### **Conduct of Hearing (F) (continued)**

- • The DEDM has made a determination that the records or other physical evidence appears to be material. (a)
- • The DEDM has made a determination that failure to receive and consider the records or other physical evidence would, in view of the fact that access eligibility is being sought, be substantially harmful to the NRC programs. (b)
- To the extent that national security permits, a summary or description of the records or other physical evidence is made available to the individual. In every such case, information as to the authenticity and accuracy of the physical evidence furnished by the investigative agency must be considered. (c)

Whenever information is made part of the record under Section (F)(7) or (F)(8) of this exhibit, the record must contain certification evidencing that the required determinations have been made. (9)

If the hearing official determines that additional investigation of any material information is required, he or she shall request in writing that the Director, DFS, arrange for the investigation and shall specify those issues for which more evidence is requested and identify, when possible, any persons or sources that might provide the evidence sought. (10)

A written transcript of the entire proceeding shall be made by a person possessing appropriate NRC access authorization and, except for portions containing Restricted Data or National Security Information, or other lawfully withholdable information, a copy of this transcript will be furnished the individual without cost. (11)

### **Recommendation of the Hearing Official (G)**

The hearing official's findings and recommendation shall be on the basis of the entire record, consisting of the transcript of the hearing, the documentary and other evidence adduced therein, and the statement of charges and any associated amendment and answer. The hearing official also shall consider the circumstances of the receipt of evidence and the nature and sensitivity of the job the individual is performing or may be expected to perform. (1)

The hearing official shall make specific findings on each charge in the statement of charges, including the reasons for his or her findings, and shall make a recommendation as to the action that should be taken in the case. (2)

The hearing official's recommendation shall be predicated upon his or her findings. If, after considering all the factors, the hearing official is of the opinion that the individual has clearly demonstrated that approving him or her for unescorted access to nuclear power facilities or for

## Exhibit 1 (continued)

### Recommendation of the Hearing Official (G) (continued)

access to unclassified SGI does not constitute an unreasonable risk to the public health and safety; or approving him or her for access to sensitive NRC information technology systems and data does not constitute an unreasonable risk to the security of such systems and data, a favorable recommendation must be made; otherwise, an adverse recommendation must be made. (3)

The hearing official shall submit his or her findings and recommendation in a signed report with the record of the case to the DEDM as soon as possible. (4)

The hearing official shall not consider the possible impact of the loss of the individual's services upon the NRC program. (5)

### New Evidence (H)

After the close of the hearing, in the event the individual discovers new evidence not previously available or known to him or her, the individual may petition the hearing official if the hearing official's recommendation has not yet been issued, or thereafter, the DEDM to reopen the record to receive that evidence. If the hearing official or the DEDM, respectively, deems it material and appropriate, the record may be reopened to accept the evidence either by stipulation, with the agreement of the hearing counsel, or in a reconvened hearing.

### Actions by the DEDM on the Recommendations (I)

Upon receipt of the findings and recommendation from the hearing official, and the record, the DEDM at his or her discretion may return the record for further proceedings by the hearing official with respect to specific matters designated by the DEDM. (1)

If no further proceedings are necessary, upon receipt of the findings and the recommendation by the hearing official, the DEDM, on the basis of the record accompanied by all findings and recommendations, shall make a final determination on whether the individual is eligible for unescorted access to nuclear power facilities, for access to unclassified SGI, or for access to sensitive NRC information technology systems and data. (2)

In making his or her determination, the DEDM shall give due consideration to the favorable as well as the unfavorable information concerning the individual. (3)

In the event of an adverse determination, the DEDM shall promptly notify the individual of his or her final decision concerning the individual's eligibility and of his or her findings with respect to each charge contained in the statement of charges. (4)

In the event of a favorable determination, the DEDM shall promptly notify the individual. (5)

## Exhibit 2

### Format for a Request for a Preappointment Investigation Waiver

MEMORANDUM TO: \_\_\_\_\_, Director  
Office of Human Resources

FROM: (Requesting Office Director or Regional Administrator)

SUBJECT: AUTHORITY TO APPROVE THE EMPLOYMENT OF  
AN INDIVIDUAL BEFORE COMPLETION OF THE  
REQUIRED INVESTIGATION AND REPORT WHEN  
ACCESS TO CLASSIFIED MATTER IS NOT INVOLVED

This relates to the authority vested in the Deputy Executive Director for Management Services (DEDM) for approving employment of an NRC applicant before the completion of the required investigation when access to classified matter will not initially be required.

I request DEDM approval to employ the following individual(s) before the completion of the security investigation and report required by Section 145b of the Atomic Energy Act of 1954, as amended. The individual(s) has/have been selected to fill the position(s) indicated. Favorable preemployment checks have been conducted.

<u>(Name(s))</u>	<u>(Position(s))</u>
------------------	----------------------

(Provide adequate justification for each request. Justification should not be standardized and should detail why a serious delay or interference to an NRC operation or program will result if the request is not approved. Note: If the request involves interim unescorted access to nuclear power plants for inspectors and resident clerical aides or a recommendation for waiving personnel reference checks for NRC consultants or experts, it should be clearly stated in the justification.)

Administrative controls will be established to ensure that (the individual(s)) will not have access to National Security Information or Restricted Data until he/she/they is/are granted an access authorization by the Division of Facilities and Security, Office of Administration.

### Exhibit 3

## Preemployment Screening and Section 145b Processing Procedures for NRC Applicants

The headquarters Human Resources (HR) specialist or the Regional HR Officer will—(A)

- Obtain security forms from the selectee (1)
- Ensure that character and employment reference checks covering the required number of years are conducted in accordance with the standard operating procedures of Exhibit 4 to this handbook (2)
- Evaluate and certify the acceptability of the character and employment reference checks (3)

The required documentation for all acceptable packages (consisting of the Standard Form 86, Parts 1 and 2; two fingerprint charts; and NRC Form E-1, 176 and 354) will be forwarded to the Division of Facilities and Security (DFS), Office of Administration. This documentation will include the memorandum requesting a preappointment waiver and certifying need by the regional administrator, the office director, or the deputy office director, pursuant to Section 145b of the Atomic Energy Act of 1954, as amended. (B)

Upon receipt of the Section 145b package, DFS will—(C)

- Request the Office of Personnel Management to conduct a National Crime Information Center (NCIC) check on the selectee (1)
- Conduct an online computer credit check of the selectee (2)
- If deemed necessary, telephonically conduct a security assurance interview with the selected applicant to discuss in detail the answers provided on the SF 86, as well as any other matters of security concern (3)
- Evaluate the eligibility of the applicant for a Section 145b *employment waiver* on the basis of a review of the final package and the results of the credit check, the NCIC check, and the security interview, if conducted, and recommend approval or disapproval (4)

## **Exhibit 4**

### **Standard Operating Procedures for Preemployment Screening of NRC Applicants**

- The headquarters Human Resources (HR) specialist or the Regional HR Officer will obtain a current Optional Form (OF) 612, Standard Form (SF) 171, or equivalent and security forms package (consisting of the SF 86, Parts 1 and 2; two fingerprint charts; and NRC Forms E-1, 176, and 354) from the selectee. The HR specialist or the Regional HR Officer will ensure that appropriate reference checks are conducted using the OF 612, SF 171, or equivalent and the SF 86, Part 1, as the source documents. (A)

The reference checks will generally follow the format of NRC Form 212, "Qualifications Investigation," plus additional requirements as indicated below. Questions 23, 24, 25, and 26 must be asked of each source. Space is provided on the form for annotations and appropriate comments. Additional pages should be used as needed. (B)

The following additional requirements apply: (C)

- All personnel conducting reference checks must be thoroughly familiar with the NRC Form 212 and reference check techniques. (1)
- Using the OF 612, SF 171, or equivalent and the SF 86, Part 1, as guides, identify employers for at least the past 5 years, where applicable. (2)
- On the basis of the answer to each item or question on NRC Form 212, ask as many followup questions as needed to develop a full response. (3)
- For applicants other than students being considered for temporary summer appointments, reference checks must cover at a minimum the last 5 years. For applicants who do not have 5 years of employment experience, obtain, if possible, references from high school or college sources, as appropriate, to cover at least the past 5 years. For students being considered for temporary summer employment, conduct supervisory reference checks for all jobs held during the past 2 years, where applicable. For students who do not have 2 years of employment experience, obtain, if possible, references from school and other sources. In either case, at least two references are required. If any adverse employment or security-related information is noted or developed during processing, the student will be processed in accordance with the normal processing procedures. Summer employees other than students are subject to the normal processing procedures. (4)
- In all cases, verify dates of attendance at the educational institution, the highest educational level attained, and the type and year of degree. (5)

**Exhibit 4 (continued)**  
**Standard Operating Procedures for Preemployment  
Screening of NRC Applicants (continued)**

- To supplement the education and employment history for applicants other than students being considered for summer employment, develop at least one additional source on the applicant (developed references are not required for students being considered for summer employment). This additional source must not be an individual listed on the OF 612, SF 171, or equivalent or the SF 86 or otherwise provided by the applicant. This source may be developed by asking employers or those responding to education questions if they can name anyone else who has personal knowledge of the applicant. Use NRC Form 212 to obtain the reference from the developed source. (6)

The HR specialist or the Regional HR Officer will review the results of all the reference checks to determine acceptability of the applicant. If either the HR specialist or the Regional HR Officer has any doubt as to the applicant's acceptability, he or she must discuss whether to proceed with the selecting official. If the decision is to proceed with the applicant, the HR specialist or the Regional HR Officer will certify the acceptability of the Section 145b package and will send the complete security forms package, the Section 145b request memorandum, all reference checks, and any other documentation normally required to DFS by overnight mail if from a region or by interoffice mail if from a headquarters office. (D)



## Exhibit 5

### Expedited Temporary Unescorted Access Approval for NRC Employees, Including Inspectors and Resident Clerical Aides

The preemployment screening and processing procedures to meet Section 145b requirements for NRC applicants (Exhibit 3 of this handbook) will proceed as usual. The following steps, as applicable, are to be followed when temporary unescorted access is required:

- The Regional Human Resources (HR) Officer will initiate processing of security forms from the selectee. The Regional HR Officer will immediately forward to Division of Facilities and Security (DFS), by overnight mail, an advance copy of Standard Form (SF) 86, "Questionnaire for National Security Positions," two fingerprint cards, and a copy of the Optional Form (OF) 612, SF 171, or equivalent completed by the individual. (1)
- Upon receipt of these forms, DFS will conduct a National Crime Information Center (NCIC) check and the required online credit checks. The credit and NCIC checks must be completed before unescorted access is granted. (2)
- Upon the Regional HR Officer's completion and evaluation of character and employment reference checks on the selectee, the Regional HR Officer will forward the results of these checks to HR via overnight mail. If the Regional HR Officer has been delegated the authority to submit the documentation directly to DFS by the Director, HR, the Regional HR Officer may make and certify the acceptability of reference checks in accordance with paragraph (5) of this exhibit. The original security forms on the selected applicant, the memorandum requesting a preappointment waiver and certifying need for immediate employment by the regional administrator or the deputy pursuant to Section 145b, and all other documentation normally required also will be forwarded if it has not already been submitted. (3)
- The regional administrator will document the need for an additional security interview by DFS for *temporary unescorted access* to the protected or vital areas of a nuclear power plant, pending the grant of an NRC security clearance. (4)
- HR will evaluate the acceptability of character and employment reference checks and will forward the acceptable packages to DFS. (5)
- Upon receipt of the final acceptable package from HR, DFS will conduct a security assurance interview by telephone with the selected applicant to discuss in detail the answers provided on the SF 86, as well as any other matters of security concern. DFS will then evaluate the applicant based on a review of the final package and the results of the credit check, the NCIC check, and the security interview. DFS will advise the regional administrator of its "no objection" or "objection" to the approval of temporary

**Exhibit 5 (continued)**

**Expedited Temporary Unescorted Access Approval for  
NRC Employees, Including Inspectors and  
Resident Clerical Aides (continued)**

unescorted access, pending the grant of the security clearance. DFS must be provided with a copy of the regional administrator's final decision. (6)

- DFS will advise the regional office and HR when DFS receives any significant adverse information on an individual who is on board or being processed that raises immediate security concerns. DFS will recommend to the regional administrator whether temporary unescorted access approval, if access has been granted, should be rescinded pending the resolution of security concerns under the provisions of 10 CFR Part 10. The regional administrator will decide whether temporary unescorted access approval should be rescinded and shall notify DFS of the decision. (7)

## **Exhibit 6**

### **“Q” and “L” Reinvestigation Program Requirements**

#### **“Q” and Sensitive Compartmented Information (SCI) Reinvestigation Requirements (I)**

For employees, consultants experts, panel members, former senior NRC officials, contractors and agents of the NRC, and congressional staff members—

- Each individual to be reinvestigated shall submit a new Questionnaire for National Security Positions (QSP, Standard Form 86) and related forms, including an NRC Form 176, “Security Acknowledgment.” These forms will be the basis for an investigation as specified below. (1)
- An OPM single-scope background investigation periodic reinvestigation (SSBI--PR) will be conducted for “Q” and SCI cleared individuals other than the Chairman, Commissioners, and the Inspector General who are subject to an FBI (re)investigation in connection with their presidential appointment. (2)
- Further investigative coverage may be undertaken on a case-by-case basis if the scheduled coverage is insufficient to obtain the required information. (3)

#### **“L” Reinvestigation Program Requirements (II)**

Each individual to be reinvestigated shall submit a new QSP and related forms, including an NRC Form 176, “Security Acknowledgment.” These forms will be the basis for an investigation as follows:

- A national agency check with law and credit (NACLC) shall be conducted. The investigation may be expanded as necessary to determine if access is clearly consistent with national security. (1)
- Further investigative coverage may be undertaken on a case-by-case basis if the scheduled coverage is insufficient to obtain the required information (2)
- Although not normally required for “Q” or “L” reinvestigations, a new set of fingerprint cards may be requested on a case-by-case basis. (3)

## Exhibit 7

### Procedures for the Conduct of Hearings Under 5 U.S.C. 7532

#### Purpose of the Procedures (A)

The procedures set forth below are established for the conduct of hearings pursuant to 5 U.S.C. 7532 to determine whether an individual's continued employment with the NRC is clearly consistent with the national security. Guidance is provided in 10 CFR 10.10 and 10.11 as to the types of information that raise questions concerning the consistency of an individual's employment and the national security.

#### Notification to Individual of Hearing (B)

A notification letter providing the date, hour, and place of the hearing and the identity of the hearing official will be presented to each individual who has requested a hearing. Where practicable, this letter will be presented to the individual in person at least 10 days in advance of the hearing, which will be scheduled with due regard for the convenience and necessity of the parties. The letter will be accompanied by a copy of these procedures and other administrative instructions, as necessary. (1)

The individual will have the right to appear personally before the hearing official and present evidence in his or her behalf through witnesses or by document or both, and may call, examine, and cross-examine witnesses. The individual may be present during the hearing to the extent permitted by national security concerns. The individual may be accompanied, represented, and advised by counsel or other representatives of his or her own choosing. In this case, the individual shall file with the Deputy Executive Director for Management Services (DEDM) a document designating the attorney or representative and authorizing him or her to receive all correspondence pertaining to the hearing. (2)

#### NRC Hearing Counsel (C)

The NRC hearing counsel assigned shall, before the scheduling of the hearing, review the information in the case and shall request the presence of witnesses and the production of documents and other physical evidence relied upon in suspending the individual pursuant to the provisions of 5 U.S.C. 7532. When the presence of a witness and the production of documents and other physical evidence are deemed by the hearing counsel to be necessary or desirable for a determination of the issues, the Director, Division of Facilities and Security (DFS), Office of Administration, shall make arrangements for the production of this evidence and for the witnesses to appear at the hearing by subpoena or by other means. (1)

The hearing counsel is authorized to communicate directly with the individual's counsel or representative, or the individual if the individual is not so represented, for purposes of mutually agreeing upon arrangements for expeditious hearing of the case. (2)

**Exhibit 7 (continued)**  
**Procedures for the Conduct of Hearings**  
**Under 5 U.S.C. 7532 (continued)**

**NRC Hearing Counsel (C) (continued)**

The individual is responsible for producing witnesses in his or her own behalf and presenting other evidence before the hearing official to support his or her position. The hearing counsel may at his or her discretion request the Director, DFS, to arrange for the issuance of subpoenas for witnesses to attend the hearing in the individual's behalf or for the production of specific documents or other physical evidence, provided the necessity for this assistance has been shown. (3)

**Appointment of Hearing Official (D)**

The NRC shall appoint a hearing official from a list of qualified attorneys possessing the highest degree of integrity, ability, and good judgment. To qualify, an attorney must have an NRC "Q" access authorization. No hearing official will be selected who has knowledge of the case or of any information relevant to the disposition of the case, or who for any reason would be unable to issue a fair and unbiased recommendation.

**Prehearing Proceedings (E)**

Before the hearing, the hearing official will be furnished the record in the case, consisting of the statement of charges and any associated amendment(s), the request for the hearing and the notice of hearing if it has been issued, and any agreements between the individual and the hearing counsel. (1)

The parties will be notified by the hearing official at least 10 days in advance of the hearing of the date, hour, and place of the hearing. The hearing official may order postponements or continuances from time to time for good cause shown. If, after due notice, the individual fails to appear at the hearing, or appears but is not prepared to proceed, the hearing official shall, unless good cause is shown, return the case to the DEDM who shall make the final determination on the basis of the information in the NRC's possession. (2)

**Conduct of Hearing (F)**

The hearing official shall conduct the hearing in an orderly, impartial, and decorous manner. Technical rules of evidence may be relaxed so that a full evidentiary record may be made based on all material and relevant facts. (1)

**Exhibit 7 (continued)**  
**Procedures for the Conduct of Hearings**  
**Under 5 U.S.C. 7532 (continued)**

**Conduct of Hearing (F) (continued)**

The proceedings will be open only to duly authorized NRC staff representatives, the individual, his or her counsel or representative, and those persons as may be officially authorized by the hearing official. Witnesses shall not testify in the presence of other witnesses except that the hearing official may, at his or her discretion, allow for expert witnesses to be present during testimony relevant to their own testimony. (2)

Witnesses, including the individual, shall be examined under oath or affirmation by the party who called them and may be cross-examined by the other party. The hearing official will rule on all evidentiary matters, may further examine any witness, and may call for additional witnesses or the production of documentary or other physical evidence if, in the exercise of his or her discretion, this additional evidence is deemed necessary to the resolution of an issue. (3)

If it appears during the hearing that Restricted Data or National Security Information may be disclosed, the hearing official shall ensure that disclosure is made only to persons authorized to receive it. (4)

The hearing official may permit the hearing counsel to amend the statement of charges to add or modify charges to be considered at any time during the hearing. In the event of such an amendment, the individual shall be given an opportunity to answer the amended charges. If the changes are of such a substantial nature that the individual cannot answer the amended charges without additional time, the hearing official shall grant such additional time as he or she deems necessary. (5)

The hearing official may receive and consider evidence in the form of depositions or responses to interrogatories upon a showing that the witness is not available for good reason, such as death, serious illness, or similar cause, or in the form of deposition, interrogatories, affidavits, or statements with agreement of the parties. The hearing official may take official notice at any stage of the proceeding, where appropriate, of any fact not subject to reasonable dispute in that it is either generally known within the United States or capable of accurate and ready determination by resorting to sources whose accuracy cannot reasonably be questioned. A party is entitled, upon timely request, to an opportunity to be heard as to the propriety of taking such official notice. In the absence of prior notification, the request may be made after notice is taken. (6)

## **Exhibit 7 (continued)**

### **Procedures for the Conduct of Hearings Under 5 U.S.C. 7532 (continued)**

#### **Conduct of Hearing (F) (continued)**

Records provided by investigative agencies that were compiled as a regular or routine procedure by the business or agency from which obtained, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that the investigative agency furnished this information to the NRC pursuant to its responsibilities in connection with assisting the NRC in determining the individual's eligibility for reinstatement consistent with the national security. (7)

Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue that, because they are classified, may not be inspected by the individual, may be received and considered, provided—(8)

- • The DEDM has made a determination that the records or other physical evidence appears to be material. (a)
- • The DEDM has made a determination that failure to receive and consider the records or other physical evidence would, in view of the fact that access authorization and/or employment clearance is being sought, be substantially harmful to the national security. (b)
- To the extent that national security permits, a summary or description of the records or other physical evidence is made available to the individual. In every such case, information as to the authenticity and accuracy of the physical evidence furnished by the investigative agency must be considered. (c)

Whenever information is made part of the record under Section (F)(7) or (8) of this exhibit, the record must contain certification evidencing that the required determinations have been made. (9)

If the hearing official determines that additional investigation of any material information is required, he or she shall request in writing that the Director, DFS, arrange for the investigation and shall specify those issues upon which more evidence is requested and identify, where possible, any persons or sources that might provide the evidence sought. (10)

A written transcript of the entire proceeding shall be made by a person possessing appropriate NRC access authorization and/or employment clearance and, except for portions containing Restricted Data or National Security Information, or other lawfully withholdable information, a copy of this transcript shall be furnished the individual without cost. (11)

**Exhibit 7 (continued)**  
**Procedures for the Conduct of Hearings**  
**Under 5 U.S.C. 7532 (continued)**

**Recommendation of the Hearing Official (G)**

The hearing official's findings and recommendation shall be based upon the entire record consisting of the transcript of the hearing, the documentary and other evidence adduced therein, and the statement of charges and any associated amendment and answer. The hearing official also shall consider the circumstances of the receipt of evidence and the nature and sensitivity of the job the individual was performing. (1)

The hearing official shall make specific findings on each charge in the statement of charges, including the reasons for his or her findings, and shall make a recommendation as to the action that should be taken in the case. (2)

The hearing official's recommendation shall be predicated upon his or her findings. If, after considering all the factors, the hearing official is of the opinion that the individual has clearly demonstrated that reinstating his or her access authorization and/or employment clearance, or reinstatement of employment will not endanger the national security, a favorable recommendation must be made; otherwise, an adverse recommendation must be made. (3)

The hearing official shall submit his or her findings and recommendation in a signed report with the record of the case to the DEDM as soon as possible. (4)

The hearing official shall not consider the possible impact of the loss of the individual's services upon the NRC program. (5)

**New Evidence (H)**

After the close of the hearing, in the event the individual discovers new evidence not previously available or known to him or her, the individual may petition the hearing official if the hearing official's recommendation has not yet been issued, or thereafter, the DEDM to reopen the record to receive that evidence. If the hearing official or the DEDM, respectively, deems it material and appropriate, the record may be reopened to accept the evidence either by stipulation, with the agreement of the hearing counsel, or in a reconvened hearing.



**Exhibit 7 (continued)**  
**Procedures for the Conduct of Hearings**  
**Under 5 U.S.C. 7532 (continued)**

**■ Actions by the DEDM on the Recommendations (I)**

**■** Upon receipt of the findings and recommendation from the hearing official, and the record, the DEDM at his or her discretion may return the record for further proceedings by the hearing official with respect to specific matters designated by the DEDM. (1)

**■** If no further proceedings are necessary, upon receipt of the findings and the recommendation by the hearing official, the DEDM, on the basis of the record accompanied by all findings and recommendations, shall make a final determination whether the individual will be reinstated or removed in the interest of national security. (2)

**■** In making the determination as to whether the individual will be reinstated or removed in the interest of national security, the DEDM shall give due recognition to the favorable as well as the unfavorable information concerning the individual. (3)

**■** In the event of an adverse determination, the DEDM shall promptly notify the individual of his or her final decision to remove that individual in the interest of national security and of his or her findings with respect to each charge contained in the statement of charges. (4)

**■** In the event of a favorable determination, the DEDM shall promptly notify the individual. (5)