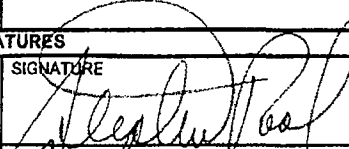
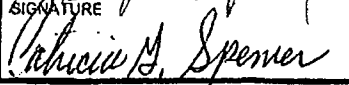


NRC FORM 662 U.S. NUCLEAR REGULATORY COMMISSION (03-2007)		1. DATE OF ISSUE	2. AGREEMENT NUMBER NRC-HQ-12-I-10-0003	3. MOD NO. M001	
AWARD OF INTERAGENCY AGREEMENT		4. AGENCY LOCATOR NO. 31000001	5. B & R NUMBER 2012-40-51-F-170		
6. ISSUED BY U.S. Nuclear Regulatory Commission Division of Contracts Attn: Lisa Kauffman, 301-492-3683 Mail Stop: TWB-01-B26M Washington, DC 20555		7. JOB CODE D2372	8. APPROPRIATION SYMBOL 31X0200		
		9. BOC 253A	10. DOCUMENT IDENTIFICATION NUMBER ADM-13-019 FAIMIS: N/A		
		11. NAME AND ADDRESS OF SERVICING AGENCY U.S. Department of Energy Capital Accounting Center 19901 Germantown Road Germantown, MD 20874			
PROJECT MANAGER Valerie Kerben, (301) 492-3527, Valerie.Kerben@nrc.gov					
12. JOB CODE TITLE Security Investigation and Support Modification to extend the period of performance (MOU dated 3/12/10)			13. AGREEMENT PERFORMANCE PERIOD BEGIN 11/17/2011 END 11/30/2013		
14. OBLIGATION AVAILABILITY PROVIDED BY					
A. THIS ACTION			\$	0.00	
B. TOTAL PLACED PRIOR TO THIS ACTION WITH THE PERFORMING ORGANIZATION UNDER THIS JOB CODE FOR THIS FISCAL YEAR			\$	0.00	
C. TOTAL ORDERS TO DATE FOR THIS JOB CODE FOR THIS FISCAL YEAR			\$	0.00	
D. TOTAL ORDERS TO DATE FOR THIS AGREEMENT			\$	18,000.00	
15. ATTACHMENTS THE FOLLOWING ATTACHMENTS ARE MADE A PART OF THIS AGREEMENT <input type="checkbox"/> STATEMENT OF WORK <input type="checkbox"/> ADDITIONAL TERMS AND CONDITIONS <input checked="" type="checkbox"/> OTHER (Specify) Memorandum of Understanding		16. SECURITY <input type="checkbox"/> WORK ON THIS AGREEMENT INVOLVES CLASSIFIED INFORMATION <input checked="" type="checkbox"/> WORK ON THIS AGREEMENT INVOLVES SENSITIVE UNCLASSIFIED INFORMATION <input type="checkbox"/> WORK ON THIS AGREEMENT IS UNCLASSIFIED AND NOT SENSITIVE			
17. FEE BILLABLE UNDER 10 CFR PART 170 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
18. REMARKS The purpose of this modification is to extend the period of performance to November 30, 2013. This modification does not obligate any funds. Reference attached Memorandum of Understanding dated March 12, 2010. DUNS: 106426034 NAICS: 541219					
19. AUTHORITY TO ENTER INTO INTERAGENCY AGREEMENT (Check only one) <input type="checkbox"/> ENERGY REORGANIZATION ACT OF 1974, AS AMENDED <input checked="" type="checkbox"/> OTHER (Specify) 10 CFR Part 10, 10.24-10.26 <input type="checkbox"/> THE ECONOMY ACT OF 1932 <input type="checkbox"/> THE CLINGER-COHEN ACT OF 1996					
20. ADVANCE PAYMENT <input checked="" type="checkbox"/> IS NOT AUTHORIZED <input type="checkbox"/> IS AUTHORIZED (Requires approval by Director, DFS/OCFO)					
21. ESTIMATED COST FOR FULL PERFORMANCE OF THIS AGREEMENT					
FY 2012	FY 2013	FY	FY	FY	TOTAL
\$ 18,000.00	\$ 0.00	\$	\$	\$	\$ 18,000.00
22. CERTIFICATION OF FUNDS This certifies that funds in the amount cited in Block 14.A. are available in the current fiscal year allowance for work authorized by this agreement.					
FUNDS CERTIFICATION OFFICIAL (Typed Name) N/A		SIGNATURE		DATE	
23. SIGNATURES					
NRC ISSUING AUTHORITY (Typed Name and Title) Stephen M. Pool, Contracting Officer		SIGNATURE 		DATE 10/2/12	
SERVICING AGENCY OFFICIAL/DESIGNEE (Typed Name and Title) Patricia Spencer, Administrative Office		SIGNATURE 		DATE 10/2/12	

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

OCT 04 2012

ADM002

NRC CONTACTS TECHNICAL:

FULL NAME Valerie Kerben, Project Manager		ADDRESS
TELEPHONE NUMBER (301) 492-3527	FACSIMILE NUMBER (301) 492-3442	U.S. Nuclear Regulatory Commission Mail Stop: TWB-05-B32M Washington, DC 20555
E-MAIL ADDRESS Valerie.Kerben@nrc.gov		

ADMINISTRATIVE:

FULL NAME Lisa Kauffman, Contract Specialist		ADDRESS
TELEPHONE NUMBER (301) 492-3683	FACSIMILE NUMBER (304) 492-3438	U.S. Nuclear Regulatory Commission Mail Stop: TWB-01-B26M Washington, DC 20555
E-MAIL ADDRESS Lisa.Kauffman@nrc.gov		

OTHER AGENCY'S CONTACTS TECHNICAL:

FULL NAME Fred Brown		ADDRESS
TELEPHONE NUMBER (202) 287-1545	FACSIMILE NUMBER (202) 287-1415	Office of Hearing and Appeals U.S. Department of Energy HG-1/L'Enfant Plaza Building 100 Independence Avenue, SW Washington, DC 20585-0107
E-MAIL ADDRESS Fred.Brown@hq.doe.gov		

ADMINISTRATIVE:

FULL NAME Patricia Spencer		ADDRESS
TELEPHONE NUMBER (202) 287-1550	FACSIMILE NUMBER (202) 287-1415	Office of Hearing and Appeals U.S. Department of Energy HG-1/L'Enfant Plaza Building 100 Independence Avenue, SW Washington, DC 20585-0107
E-MAIL ADDRESS Patricia.Spencer@hq.doe.gov		

BILLING INFORMATION: To receive reimbursement under this agreement, forward to NRC on a (check one):

monthly quarterly other _____ basis, an original and three copies of Standard Form

1081 in accordance with the Treasury Fiscal Requirements Manual, Bulletin No. 78-09, or, if possible, bill monthly through the OPAC system. Send reimbursement requests to the following address:

Department of the Interior
National Business Center
Attn: Fiscal Services Branch - 02770
7301 West Mansfield Ave.
Denver, CO 80235-2230

NRC Payments_NBC Denver@NBC.gov

Any NRC funds remaining unexpended at the end of a fiscal year may be carried over into future fiscal years unless otherwise notified by NRC.

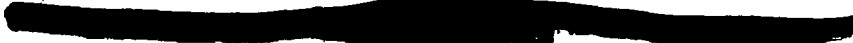
REPORTING REQUIREMENTS: Submit reports to the NRC in accordance with the statement of work. Submit financial status reports on a (check one):

monthly quarterly other on an agreed upon _____ basis. These reports shall contain a brief letter status report

which summarizes the expenditure of NRC funds. This report shall address the following categories, as applicable: (1) staff effort; (2) travel; (3) equipment and supplies; and (4) subcontract costs. Each report shall include by category: (a) costs for the previous month; (b) cumulative costs and uncosted obligations to date; and (c) projections for the remainder of the NRC obligated funds. The first monthly report shall provide the initial projections, and subsequent reports shall either indicate revised projections or indicate "no change in the cost and uncosted expenditure projection."

Submit these reports to the NRC Technical Contact by the 20th day of the month following the reporting period.


TERMINATING THE AGREEMENT: This agreement may be unilaterally terminated by either party generally upon 30 days' written notice to the other party. NRC will pay its share of any project expenses up to the termination date. Any expenses incurred in terminating this agreement will be paid by the party terminating the agreement. Any unexpended funds shall be returned to the NRC.


MEMORANDUM OF UNDERSTANDING
BETWEEN THE U.S. NUCLEAR REGULATORY COMMISSION (NRC) AND THE
DEPARTMENT OF ENERGY FOR THE CONDUCT OF NRC PERSONNEL SECURITY
ADMINISTRATIVE REVIEW HEARINGS AND REVIEW PANELS

A. PURPOSE

The Department of Energy-U.S. Nuclear Regulatory Commission (DOE-NRC) Memorandum of Understanding (MOU) dated September 16, 1999, addresses broad policy matters between the two agencies and provides that additional agreements shall be established to further its purposes. This memorandum establishes an agreement and procedures to obtain the services of attorneys from the DOE Office of Hearings and Appeals (OHA) for the conduct of hearings and administrative reviews of questions concerning an individual's eligibility for an access authorization and/or employment clearance. These attorneys shall serve as hearing examiners to conduct NRC personnel security Administrative Review Hearings and serve as members of Personnel Security Review Panels. Unless specified separately, Administrative Review Hearings and Review Panels are hereinafter referred to collectively as hearings.

B. BACKGROUND

1. Since its establishment in 1975, the NRC has conducted a relatively low number of personnel security hearings. The low number of hearings conducted to date has made it extremely difficult for the NRC to recruit and maintain a pool of qualified attorneys to serve as hearing examiners and members of Personnel Security Review Panels.
 2. The NRC is limited in its selection of hearing examiners by 10 CFR Part 10. In accordance with this regulation, an NRC hearing examiner shall possess an NRC "Q" access authorization and may be an employee of the NRC, its contractors, agents, or licensees. However, no employee or consultant of the NRC shall serve as a hearing examiner reviewing the case of an employee, consultant, or applicant for employment with the NRC. Additionally, no employee or consultant of an NRC contractor, agent, or licensee may serve as a hearing examiner reviewing the case of an employee, consultant, or applicant for employment of that contractor, agent, or licensee.
 3. In addition, the NRC is limited in its selection of members of Personnel Security Review Panels by 10 CFR Part 10. In accordance with this regulation, an NRC Personnel Security Review Panel shall be comprised of three members, two of whom shall be selected from outside the security field. To qualify as an NRC Personnel Security Review Panel member, the person designated shall have an NRC "Q" access authorization and may be an employee of the NRC, its contractors, agents, or licensees. However, no employee or consultant of the NRC shall serve as an NRC Personnel Security Review Panel member reviewing the case of an employee, consultant, or applicant for employment with the NRC. Additionally, no employee or consultant of an NRC contractor, agent, or licensee may serve as an NRC Personnel Security Review
- 

Panel member reviewing the case of an employee, consultant, or applicant for employment of that contractor, agent, or licensee.

4. Accordingly, at the request of the NRC Office of Administration (ADM), Division of Facilities and Security (DFS), the OHA has agreed to provide a pool of qualified attorneys to serve as hearing examiners and members of Personnel Security Review Panels for NRC. NRC will reimburse OHA for salary and related expenses incurred in the conduct of NRC personnel security hearings.

C. AGENCY INTERFACE PROCEDURES

1. There shall be a designated point of contact between each agency for matters concerning NRC personnel security hearings. The NRC point of contact shall be the Director, DFS. The DOE point of contact shall be the Director, OHA.
2. As the need arises, the Director, ADM, NRC, shall request the Director, OHA, DOE, in writing to designate three qualified attorneys who are available to serve as hearing examiners in an NRC Administrative Review Hearing. The request letter shall state the issue(s) to be determined at the hearing and identify the hearing procedures that shall apply. NRC shall select one individual from the three OHA-designated attorneys and notify OHA of its selection in writing. Similarly, as the need arises, the Director, ADM, NRC, shall request the Director, OHA, DOE, in writing to designate five qualified attorneys who are available to serve as members of a Review Panel. The request letter shall state the issues(s) to be determined by the Review Panel and identify the procedures that shall apply. NRC shall select three individuals from the five OHA-designated attorneys and notify OHA of its selection in writing. Should the selected attorney(s) withdraw or otherwise not be able to serve as the hearing examiner or member of the Review Panel, NRC, in consultation with OHA, shall select another qualified individual(s). All attorneys must meet the requirements of an NRC "Q" level access authorization.
3. When NRC/DOE agree to the selection of a DOE attorney as hearing examiner or member of the Review Panel, NRC will initiate an interagency agreement to provide a mechanism for reimbursement of all DOE expenses related to salary and per diem for DOE provided attorneys. The implementing agreement will include funding and a ceiling value for DOE expenses related to salary and per diem for DOE provided attorneys.
4. Administrative support for hearings will be provided by the NRC Personnel Security Branch. This includes the provision of hearing rooms, court reporter/transcription services, and such other support as may be requested by the hearing examiner, Review Panel, or OHA.

D. HEARING PROCEDURES

1. The establishment of hearing dates and the rules for the conduct of hearings shall be in accordance with the procedures identified below. Copies of applicable procedures will be provided to OHA by NRC under separate cover.
2. Hearings will normally be conducted in accordance with the procedures specified in Subpart C of 10 CFR Part 10, "Criteria and Procedures for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance." These procedures establish methods for the conduct of hearings and administrative review of questions concerning an individual's eligibility for an access authorization and/or employment clearance pursuant to the Atomic Energy Act of 1954, as amended, and Executive Orders 12968, 10865, and 10450 when resolution favorable to the individual cannot be made on the basis of an interview or other investigation.
3. Subpart C, 10 CFR Part 10 procedures are also used for the conduct of hearings and administrative review of questions concerning an individual's eligibility for access to or control over Special Nuclear Material pursuant to 10 CFR Part 11, Section 11.21, "Criteria and Procedures for Determining Eligibility for Access to Control Over Special Nuclear Material."
4. Hearings may also be conducted pursuant to 5 U.S.C. 7532 to determine whether an individual's continued employment with the NRC is clearly consistent with national security. The procedures for the conduct of hearings under 5 U.S.C. 7532 are contained in NRC Management Directive and Handbook 12.3, "NRC Personnel Security Program" (MD 12.3).
5. Additionally, procedures have been established by NRC in MD 12.3 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 and access to sensitive NRC information technology systems and data under the NRC personnel screening program.
6. The finding(s) and recommendation(s) of the hearing examiner/review panel shall be made and provided to NRC in accordance with the applicable procedures established by NRC for the conduct of hearings.

E. LOCATIONS OF HEARINGS

Administrative Review Hearings may be conducted at NRC headquarters in Rockville, Maryland, at or near NRC Regional Offices located in King of Prussia, Pennsylvania; Atlanta, Georgia; Lisle, Illinois; or Arlington, Texas; or near NRC licensee sites. Review Panels will normally meet at or near NRC headquarters, in Rockville, Maryland.

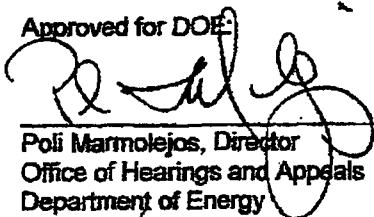
F. RESOURCE IMPLICATIONS

1. NRC is responsible for reimbursing OHA for all appropriate hearing-related costs which it incurs, including the salary of its Hearing Officers. Travel costs and per diem expenses incidental to NRC hearings will be borne by NRC in accordance with NRC travel regulations. NRC will provide airline tickets, if needed, through its contract travel service. Travel expenses will be authorized on NRC Form 279 and may be claimed on NRC Form 64.
2. This MOU is subject to the availability of appropriated funds. All activities undertaken pursuant to this MOU are subject to the availability of appropriated funds and each agency's budget priorities.
3. This MOU is neither a fiscal nor a funds obligation document. Funding of all activities undertaken pursuant to this MOU shall be obligated through a separate agreement negotiated by the parties on an as needed basis.
4. This MOU is strictly for informal purposes of the respective agencies. This MOU shall not be construed to provide a private right of action for or by a person or entity.

G. ADMINISTRATIVE MATTERS

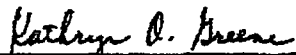
1. **Effective Date:** This MOU is effective upon signature by both parties and will remain in effect unless and until terminated as provided for under Article G, Item 3, of this MOU.
2. **Amendments:** This MOU may be modified or amended by mutual written agreement of the parties.
3. **Termination:** This MOU may be terminated by either party upon providing the other party with 6 months written notice of intent to terminate.

Approved for DOE:


Poli Marmolejos, Director
Office of Hearings and Appeals
Department of Energy

March 12, 2010
Date

Approved for NRC:


Kathryn O. Greene, Director
Office of Administration
U.S. Nuclear Regulatory Commission

March 1, 2010
Date