

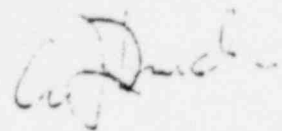
September 5, 1980

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

SECY-80-299A

**CONSENT CALENDAR ITEM**

For: The Commissioners

From: Daniel J. Donoghue, Director  
Office of Administration 

Thru: Executive Director for Operations

Subject: 10 CFR PART 25 - IMPLEMENTATION OF COMMISSION DECISION  
IN SECY-80-299

Purpose: To obtain Commission approval to publish a Federal Register Notice which amends 10 CFR Part 25 in accordance with the Commission's decision and recommendation in SECY-80-299.

Category: This paper covers a minor policy question.

Discussion: On July 17, 1980, the Commission approved the recommendation in SECY-80-299 which permits the certification of other federal agency security clearances and the granting of Nuclear Regulatory Commission (NRC) security clearances based on these certifications. The analysis of the certification procedure (Enclosure 1 to SECY-80-299) set forth the manner in which the procedure would be applied to licensee employees affected by 10 CFR Part 25, "Access Authorization for Licensee Personnel," now scheduled to become effective on October 1, 1980.

Enclosed is the Federal Register Notice outlining the necessary change to Part 25 as requested by the Commission and reflected in the Secretary's memorandum dated July 24, 1980.

This action involves no new resource requirements.

Recommendation: Recommend that the Commission approve the enclosed Federal Register Notice for publication.

Coordination: This paper has been concurred in by the Division of Rules and Records. The Office of the Executive Legal Director has no legal objection to the recommendation of this paper.

SEP 11 1980

Daniel J. Donoghue, Director  
Office of Administration

Enclosure: Federal Register Notice

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Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Monday, September 22, 1980.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT September 15, 1980, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an open meeting during the week of September 29, 1980. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

DISTRIBUTION

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 25

Access Authorization for Licensee Personnel

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

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SUMMARY: The Commission is amending its regulation "Access Authorization for Licensee Personnel" to comply with a Commission policy easing security forms requirements for those individuals already possessing a security clearance granted by another Federal agency.

EFFECTIVE DATE: October 1, 1980

FOR FURTHER INFORMATION CONTACT: Duane G. Kidd, Chief, Security Policy Branch, Division of Security, Office of Administration, United States Nuclear Regulatory Commission, Washington, DC 20555 (301) 427-4415.

SUPPLEMENTARY INFORMATION: 10 CFR Part 25, "Access Authorization for Licensee Personnel," was published in the Federal Register on March 5, 1980 (45 FR 14476) with an effective date of May 19, 1980. The effective date was changed to October 1, 1980 in a Federal Register Notice dated July 3, 1980 (45 FR 45256) to provide the Nuclear Regulatory Commission (NRC) additional time to furnish necessary administrative guidance and for licensees to be

able to achieve compliance with the regulations. The existing provisions of 25.17 require that a complete set of NRC personnel security forms be completed as part of an application for a security clearance with NRC. This requirement was based on existing procedures and the necessity for the NRC Division of Security to review these forms and then seek copies of existing reports of investigations or initiate requests for new investigations. Realizing that many individuals already possess a security clearance or access authorization granted by another Federal agency and realizing that these security clearances were based on the same or very similar criteria and procedures, NRC sought to eliminate or substantially reduce the burden on licensees and their employees in obtaining an NRC security clearance. In this regard, the Commission, on July 17, 1980, approved a policy change in NRC's personnel security program that permits the NRC Division of Security to accept the certification of an individual's existing security clearance granted by another Federal agency and that eliminates the requirement to review reports of investigation. Based on this decision and its application, the NRC Division of Security will not seek new investigations on those individuals who have or are in processing for another Federal security clearance by October 1, 1980. This action may expedite the security clearance processing of individuals affected by this Part and may reduce the cost to licensees since new investigations will not be initiated. Additionally, the NRC Division of Security has decided to waive the forms requirements of 25.17 for those individuals possessing or who are in processing for another Federal security clearance by October 1, 1980. These new amendments to 10

CFR Part 25 modify §25.17 to permit individuals and licensees affected by this Part to submit applications now in accordance with these revised procedures. Applications received after October 1, 1980 shall be processed in accordance with the provisions of Part 25 and guidance supplied to licensees by the NRC Division of Security.

These revisions will substantially reduce the public burden by cutting the cost and reporting time required of licensees seeking NRC security clearances for their employees. These revisions will also reduce the burden on NRC by cutting the time and cost in processing applications for clearance. Furthermore, these revisions strongly reflect public comments made during extensive discussion at public meetings held in Silver Spring, MD in April and May 1980. Therefore, the Commission for good cause finds that, in accordance with 5 U.S.C. 553(b) and (d), public comment procedures are not required, and these revisions become effective on October 1, 1980.

In consideration of the foregoing, 10 CFR Part 25 is amended by revising §25.17 to read as follows:

§25.17 Approval for processing applicants for access authorization.

\* \* \* \* \*

(c) \* \* \* \* \*

(6) Related forms where specified in accompanying instructions  
(NRC-254 and NRC-254A).

Forms identified in paragraphs (c) (1) and (2) of this section must be typed. Only a Security Acknowledgment (NRC Form 176) need be completed by any person possessing an active access authorization or in processing for an access authorization prior to the effective date of this rule. The access authorizations must be at an equivalent level to those required by NRC and granted or processed by another Federal agency.

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(e) Applications for access authorization processing must be accompanied by a check or money order, payable to the United States Nuclear Regulatory Commission, representing the current cost for the processing of each "Q" and "L" access authorization request. Access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year. Applications from individuals having current Federal access authorizations may be processed expeditiously at less cost, since the Commission may accept the certification of access authorizations and investigative data from other Federal Government agencies which grant personnel access authorizations.

(Sec. 161i, Pub. L. 83-703, 68 Stat. 948, Pub. L. 93-377, 88 Stat. 475; Sec. 201, Pub. L. 93-438, 88 Stat. 1242-2143, Pub. L. 94-79, 89 Stat. 413 (43 U.S.C. 2201, 5841))

Dated at Washington, DC this        day of August 1980.

For the Nuclear Regulatory Commission

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Secretary of the Commission