

(a) **Source.** This clause implements Homeland Security Presidential Directive 12 (HSPD-12), "Policy for a Common Identification Standard for Federal Employees and Contractors", as well as other DOE security requirements relating to badging and security clearances.

(b) **Badge Requirement.** Seller employees may gain access to the Y-12 National Security Complex (NSC), or a site leased by the Company, only after they have been issued badges by the Company. An HSPD-12 credential, hereafter referred to as the DOE security badge, must be issued to and worn by all Seller employees who possess a DOE security clearance. Seller employees who do not possess a DOE security clearance, and those awaiting issuance of a DOE security badge, will be issued a local site-specific only (LSSO) badge. Those Seller employees requiring infrequent access may be issued a visitor badge. The STR will notify the Seller of the information required to request a visitor badge. Except as provided in the "Foreign National" clause of this subcontract, DOE security, LSSO, and visitor badges will be issued only to United States citizens.

(c) **Badge Procedure.**

(1) For Seller employees who will not require a DOE security clearance, the Seller must submit a "Y-12 NSC Badge Request Form" to the STR. The STR will verify the information on the request, to include the contract number and associated data, and submit the form to the badge office.

(2) All Seller employees must attend a security briefing and present proof of U.S. Citizenship before being issued a Y-12 NSC badge. Acceptable proof of citizenship includes:

- State or county certified copy of the employee's birth certificate with a raised or colored official seal.
- Certificate of Naturalization (Form N-550 or N-570)
- Certificate of U.S. Citizenship (Form N-560 or N-561)
- Report of Birth Abroad of a Citizen of the United States of America (Form FS-240)
- U.S. passport (active - not expired)

(3) Seller employees must report in person to the Y-12 Visitor Center to sign for and be issued a badge by presenting a valid state or federal government issued photo identification document.

(4) Seller employees on an extended absence from work in excess of 30 calendar days must turn in his/her badge to the Badge Office for safekeeping. If an absence exceeding 30 calendar days is anticipated, the Seller employee must turn in the badge at the start of the absence. Otherwise, upon reaching the 30 day absence threshold, the badge

must be turned in to the Badge Office. Upon the Seller employee's return to work the badge will be reissued after verification of the security clearance status, if applicable. (Extended absences include any period of time longer than 30 calendar days where an LSSO badge or DOE security badge is not required.)

(d) Security Clearance Requirement.

(1) Seller employees working on a subcontract which requires a DOE security clearance must be processed as described below. The Seller, working with the Company's Subcontract Technical Representative (STR), must carefully consider the duties of the employee to determine the level of access required and, therefore, the clearance level (L or Q) to be requested. All clearance requests for B&W Y-12 subcontractor employees are reviewed to determine whether the clearance requested is properly justified through the submitted documents to meet the DOE requirement to maintain security clearances at the minimum number necessary.

(2) Seller employees requiring a security clearance must be submitted under the company that actually employs them. Seller employees must not be submitted under a higher tier subcontractor to facilitate obtaining a security clearance because the actual employer does not hold an active Foreign Ownership, Control, or Influence (FOCI).

(3) For those Seller employees who hold an active DOE security clearance with another company, the clearance must be extended to the new company. For those Seller employees who do not hold an active DOE security clearance, a clearance must be requested (employees who previously held a DOE security clearance or hold another agency's security clearance, may be submitted for reinstatement or reciprocity, as appropriate.) In all instances, the Seller must complete and submit to the STR a "Clearance Action Request/Personal Identity Verification" and "Y-12 NSC Badge Request Form". The STR's organization will complete the "DOE Security Clearance Questionnaire For Y-12 NSC, which will be included as part of the clearance request. The STR will submit all forms to Personnel Security. (The forms, with detailed instructions, are available at the Company external web site at <http://www.y12.doe.gov/library/forms/procurement.php>.)

(4) Seller employees awaiting a clearance grant may be issued an uncleared LSSO badge by following the requirements in paragraph (b) above. All employees must attend a security briefing before being issued a Y-12 NSC badge. Once a security clearance is granted, the employee must also attend a comprehensive security briefing before being issued a DOE security badge or cleared LSSO badge.

(5) Upon receipt of the required documentation, the Y-12 clearance office will notify the Seller employee, via e-mail, of the steps to be taken to complete a clearance application. The Company recommends that the Seller provide its employees a hard copy of the Standard Form 86, Questionnaire for National Security Positions (SF-86), for use as a worksheet to ensure entry of all required information. The SF-86 is available at <http://www.opm.gov/forms/html/sf.asp> and other internet sites. The clearance process consists of the following components:

(A) Electronic Questionnaires for Investigations Processing (e-QIP) – The employee must enter all information required on the SF-86 into e-QIP within the time requirements provided by the clearance office. Incomplete submissions will be rejected.

(B) Enrollment for Personal Identity Verification – The employee must complete enrollment through USAccess. Enrollment will include providing identity documents and electronic fingerprints.

(C) Drug Testing – The employee must submit to a 7-Panel (DOT 49 CFR Part 40) drug test from an approved laboratory and the results provided by the Seller to the clearance processing office. The tests must be conducted at a Substance Abuse and Mental Health Services Administration (SAMHSA) approved laboratory. The results of the tests, signed by the Medical Review Officer (MRO) or a company representative, must be included with every clearance request submitted by the Y-12 Clearance office to the NNSA Service Center. More information regarding drug testing can be found at <http://hss.energy.gov>. Additionally, all applicants for security clearances who have been determined to have used illegal drugs within the twelve months preceding their completion of an SF-86 will be disqualified from further consideration for a security clearance until such time as they can demonstrate non-use of illegal drugs for twelve consecutive months.

(D) Pre-employment Background Investigation – The Seller must provide certification that a favorable pre-employment background investigation was completed, reviewed, and evaluated in accordance with the Seller's personnel policies, and shall, at minimum, include the following:

- Verification of applicant's or employee's education background, including high school diploma obtained within the past five (5) years or degrees or diplomas granted by an institution of higher learning;
- Contact listed employers for the last three (3) years;
- Contacted listed personal references;
- Local law enforcement checks (unless prohibited by law) for applicants/employees who reside in the local jurisdiction; and,
- A credit check.

The results of the background check must be submitted in the form of a letter to the Y-12 Clearance Office on the employing company's letterhead. A template, UCN-22440, Pre-Employment Certification, is available at the Y-12 external web site <http://www.y12.doe.gov/library/forms/procurement.php>.)

(6) Once all components are complete, the clearance processing office will submit the clearance package to the NNSA Service Center (SC), Albuquerque, NM for review and submission to the Office of Personnel Management (OPM) to conduct a background investigation. If the Seller employee will not be reporting for work, or if the job

duties have changed and the security clearance is no longer required, Seller shall notify the Subcontract Administrator (SA) and when applicable, the sponsoring organization immediately.

(7) Upon notification that a clearance has been granted, the clearance office will notify the sponsor and/or organization.

(8) If the Seller employee was previously badged with an uncleared badge, the Seller must submit a new "Y-12 NSC Badge Request Form" to the STR. The STR will verify the information on the request, to include the contract number and associated data, and submit the form to the badge office.

(9) Once the employee has completed the comprehensive briefing, he/she will be issued a badge reflecting the level of the security clearance held.

(e) Seller Reporting Requirements.

(1) All Sellers shall make notification, within 2 working days followed by written confirmation within the next 10 working days [except for item (C) below], to Y-12 Personnel Security of the following conditions affecting the status of an employee clearance applicant or incumbent:

(A) When an applicant declines an offer of employment or fails to report for duty;

(B) When an employee is terminated from employment, a security clearance is no longer needed, the employee is on a leave of absence for 90 consecutive working days, or the employee leaves for foreign travel, employment, assignment, education, or residence of more than 3 months duration (not involving U.S. Government business);

(C) When an employee who holds a security clearance is hospitalized for mental illness or has received other treatment for a condition that in the Seller's opinion may cause a significant defect in the individual's judgment or reliability, verbal notification must be made within 8 working hours and written confirmation within the next 10 working days;

(D) When made aware of information of personnel security interest related to the employee;

(E) When an employee's citizenship changes;

(F) When the Seller restricts or withdraws the employee's access to classified matter without DOE direction.

(f) Employee Reporting Requirements.

(1) The Seller must notify employees and applicants who are applying for or have been granted a security clearance that they must:

(A) Fully cooperate with all aspects of the investigation. An employee who elects not to cooperate may prevent DOE from granting a security clearance.

(B) Provide notification to Y-12 Personnel Security of the following (verbal notification is required within 2 working days followed by written notification within the next 3 working days):

(1) All arrests, criminal charges or detentions for violations of the law, other than traffic violations for which only a fine of \$250 or less was imposed, unless the traffic violation was drug or alcohol related;

(2) Personal or business related filing for bankruptcy;

(3) Garnishment of wages;

(4) Legal action effected for name change;

(5) Change in citizenship;

(6) Employment by, representation of, or other business related association with a foreign owned interest, or foreign national;

(7) Hospitalization for mental illness, treatment of drug abuse; or treatment for alcohol abuse;

(8) Approach or contact by any individual seeking unauthorized access to classified information;

(9) Marriage or Cohabitation must be reported within 45 working days on DOE Form 5631.34, Data Report on Spouse/Cohabitant. The form is available through the DOE website at <http://www.cio.energy.gov/documents/5631-34.pdf>.

(g) Other Requirements.

(1) The Company will notify the Seller when DOE has determined that an employee's security clearance has been suspended or revoked. DOE will directly notify the employee in writing of the reasons for suspension or revocation and the procedures to appeal DOE's decision. In all cases of suspension or revocation, the employee's badge must immediately be retrieved and provided to the Y-12 badge office.

(2) The Company may restrict a Seller employee's access to classified matter by directing that the employee report to the badge office to turn in the cleared badge and be issued an uncleared badge.

(h) Use of Badges.

(1) Security badges must be worn at all times on site. Badges must be worn

above the waist, with the photo facing out. Badges must not be worn off-site in public places, and may not be used for employment verification, establishing credit, or other unofficial identification purposes. While on official travel, DOE security badges may be used for identification purposes at airports and government facilities, as well as obtaining U.S. Government rates for lodging.

(2) Seller employees must report lost, misplaced, or stolen badges within 1 working day in writing to the Y-12 badge office.

(i) **Privacy Act.** The Seller shall comply with applicable provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, in collecting or maintaining records on individuals in connection with this clause.

(j) **Subcontracts.** The Seller must include this clause in lower-tier subcontracts requiring work to be performed on-site at the Y-12 National Security Complex or at a site leased by the Company.