

SECURITY REQUIREMENTS (6-93)

(a) Terms and Conditions Clause. The "Security" clause in the terms and conditions of this subcontract generally requires the Seller to "conform to all security regulations and requirements of DOE." This clause identifies DOE security requirements in five specific areas of concern.

(b) Reportable Incidents. DOE Orders 5631.2C, "Personnel Security Program," and 5631.5, "Violations of Laws, Losses, and Incidents of Security Concern," identify incidents that must be reported to DOE. These incidents include actions or behaviors specified in the security "criteria" in 10 CFR 710.11. The criteria address, among others: illnesses or mental conditions that cause or may cause significant defect in the judgment or reliability of an individual; use of alcohol habitually to excess; and use, possession, or trafficking in illegal drugs. In addition, DOE requires that the Seller report to DOE and the Company whenever a Q- or L-cleared employee is admitted to a medical facility to receive treatment for drug or alcohol abuse or emotional or mental illnesses. The initial report should be made to the DOE Personnel Clearance and Assurance Branch by telephone (615-576-1708). A confirming written report should follow within five days, with a copy being provided to the Company's security department.

(c) Termination Statements. (1) DOE Order 5631.2C requires that access authorizations be terminated when:

(i) They are no longer required (as, for example, when the need to access DOE's Company-operated plants no longer exists); or

(ii) An individual is on leave-of-absence or extended leave and will not require access for at least 90 days; or

(iii) Access is no longer required because of termination of employment or transfer to a position not requiring access (exceptions may be authorized upon certification by the employer that the individual will be reemployed or reassigned with access within three months and that DOE and the Company will be kept informed of the individual's status); or

(iv) An individual leaves for foreign travel, employment, education, or residence (not involving official U.S. Government business) of more than three months.

(2) When access is to be terminated, the Seller shall notify the Company's security department in writing within 30 days. The notice shall be accompanied by a completed Form DOE F 5631.29, "Security Termination Statement." When the Form DOE F 5631.29 cannot be provided, the reasons shall be explained in the written notice.

(d) Preclearance Investigations. (1) The DOE Acquisition Regulation requires that before DOE begins processing an applicant for a DOE clearance, the organization submitting the application must ensure that an investigation is conducted to establish the applicant's job qualifications and suitability. DEAR 970.2201(ii), as interpreted by the Oak Ridge Operations Office, requires that the Seller conduct a preclearance personnel investigation to include:

(i) A check of the applicant's credit status.

(ii) Verification of high school degrees or diplomas received within the past five years.

(iii) Verification of all degrees or diplomas from institutions of higher learning.

(iv) Telephone interviews with at least two listed personal references and at least one developed personal reference (a developed reference is one who was not listed by the applicant but was developed during the investigation) to establish the applicant's character, habits, aberrant behavior or other information which may reveal the applicant's suitability for a clearance.

(v) Telephone interviews with all employers for the past three years (excluding employment of less than 60 days duration, part-time employment, and craft/union employment) to verify dates worked and to determine eligibility for rehire.

(vi) A check of court records for the preceding five-year period for information concerning criminal (felony and misdemeanor), civil, and domestic cases (when not prohibited by state or local law or regulation) when the individual has resided in the jurisdiction where the Seller is located (except jurisdictions resided in for less than sixty days).

(vii) A check of the applicant's driving record in the state of residence.

(2) The Seller shall submit the results of the preclearance investigation with the Questionnaire for Sensitive Positions (QSP) forms submitted to the Company. Forms for this purpose will be provided by the Company's security department.

(e) Reinvestigations. DOE Order 5631.2C requires that the access authorizations of individuals holding DOE security clearances be reevaluated every five years. Each month DOE notifies the Company of subcontractor employees scheduled for reinvestigation. The Company will notify the Seller of required reinvestigations of its employees and the dates established by DOE by which reinvestigation forms (Questionnaires for Sensitive Positions, fingerprint cards, security acknowledgements, etc.) must be returned. Failure to complete and return the forms by the required date may result in the termination of the security clearances.

(f) Security Education. (1) DOE Order 5631.1B, "Security Education Briefing and Awareness Program," requires that individuals be familiar with their responsibilities to protect personal and Government property from theft, loss, or damage by attending several different security briefings and awareness programs. Required briefings include:

(i) An "Initial Security Briefing" to acquaint newly hired individuals with local security procedures and familiarize individuals with their responsibilities to protect personal and Government property.

(ii) A "Comprehensive Briefing" for individuals who are granted a DOE security clearance. The briefing must discuss the individual's responsibilities to protect classified information and materials and must be provided prior to allowing access to classified information or special nuclear materials. As a condition of access, all individuals must complete Standard Form 312 (SF-312).

(iii) An annual "Refresher Briefing" to reinforce information on security policy and information relating to security responsibilities for individuals who possess a clearance.

(iv) A "Foreign Travel Briefing" for individuals who possess or who have in the last five years possessed a DOE access authorization and are traveling to a sensitive country. The Seller shall notify the Company's security department of proposed travel to sensitive countries not less than 45 days prior to actual travel.

(v) A "Termination Briefing" to remind individuals of their continuing security responsibilities when their access authorizations are terminated. The briefing should be conducted on the last day a person possesses a clearance or when the person no longer requires access to classified matter. (See (c)(2) above.)

(2) The Seller shall provide written verification that required briefings have been conducted to the Company's security department within ten working days after the briefing has occurred. Failure of an individual to attend or the Seller to conduct required briefings shall be grounds for denying an individual access to classified information and security areas.

(g) Subcontracts. The Seller shall include this clause, including this paragraph (g), in each lower-tier subcontract hereunder that requires access to classified information or special nuclear material as defined in the Security clause of this subcontract.