

Discussion of NRC's Facility Security Clearance Program - Requirements and Process for Applicants

U.S. Nuclear Regulatory Commission
Public Information Meeting
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Agenda

- NRC Classified Information Security Requirements
- Facility Security Clearances
 - Requirements and Process
- Personnel Security Clearances
 - Requirements and Process
- Summary

NRC's Classified Information Security Requirements

- Classified information includes national security information, restricted data, and formerly restricted data, under the following authorities:
 - Executive Order 13526, “Classified National Security Information,”
 - Atomic Energy Act of 1954, as amended
- Applicable requirements for the protection of classified information:
 - 10 CFR Part 95, “Facility Security Clearance and Safeguarding of National Security Information and Restricted Data”
 - 10 CFR Part 25, “Access Authorization”
 - 32 CFR Part 117, “National Industrial Security Program Operating Manual (NISPOM)”

What is a Facility Security Clearance (FCL)?

- An FCL is an administrative determination that a company is eligible for access to classified information
 - Required for certain NRC licensees, applicants, and contractors to access classified information needed to conduct certain NRC regulated activities
 - Organizations must demonstrate compliance with physical and information security requirements
- Types of FCLs
 - Possessing FCL – Allows possession, creation, use, and transmission of classified information at specific locations designated by the licensee/applicant and approved by the NRC
 - Non-possessing FCL – Allows access to classified information at an NRC-approved location

NRC's Non-possession FCL Process

- In general, the FCL process will follow these steps:
 - NRC makes “need-to-know” determination
 - Applicant prepares and submits FCL package, in accordance with 10 CFR 95.15
 - NRC reviews FCL package; issues provisional approval letter
 - Applicant submits personnel security clearance packages for key management personnel and others requiring access
 - After key personnel are cleared, FCL becomes active
- FCL package will consist of:
 - Cover Letter requesting an FCL, with Standard Practice Procedures Plan (SPPP) and Contract Security Classification Specification (CSCS) Data Sheet, as enclosures
 - Foreign Ownership, Control and Influence (FOCI) information:
 - The NRC utilizes a system called E-FOCI to receive initial FOCI information, as well as receive FOCI updates
 - NRC will provide applicant information on how to submit their FOCI information through that system

NRC's Non-possession FCL Process (cont.)

- [NUREG/BR-0532](#), “NRC Facility Security Clearance Program: Helpful Resources For Licensees, Applicants, And Other Entities” (ADAMS Accession No. ML25010A266)
 - Provides detailed information about the non-possession FCL process for NRC applicants

NRC's Non-possession FCL Process (cont.)

- NRC estimates 6-8 weeks for FCL package review and provisional approval
 - Assumes high-quality, complete FCL package
 - Staff review costs are fee-recoverable
- After provisional approval, applicant submits personnel security clearance packages for key management personnel (KMP) and other personnel needing access
- FCL is not considered active until KMP clearances are issued
- Applicant/licensee may request NRC approval to change a non-possession FCL to a possession FCL
 - Requires submission of revised FCL package specific to the location where classified information will be possessed
 - Each licensee/applicant location will need a separate possession FCL

NRC's Personnel Clearance Process

- Application for personnel security clearances for KMPs and other personnel should be submitted to NRC's Personnel Security Branch
- NRC staff will provide the forms needed to apply for personnel clearances, which detail the fees and information to be submitted
- Estimated timelines for processing personnel clearance:
 - L-clearance (S-NSI): 6-9 months
 - Q-clearance (S-RD): 9-12 months
- The applicant may request reciprocity for personnel clearances issued by other government CSAs; additional information provided in NRC forms for clearance application

NRC's Personnel Clearance Process (cont.)

- Costs and timelines required to obtain personnel security clearances can be substantial
- NRC recommends applicants carefully consider and anticipate the number of personnel, and corresponding access authorization levels (L or Q), required to access classified information needed to prepare a license application required by the type of NRC license needed, and for conducting those regulated activities
- 10 CFR Part 11 specifies criteria and procedures for determining eligibility for access to or control over special nuclear material that can affect personnel clearance level
- Applicant/licensee personnel with security clearances will be subject to additional requirements (e.g., SEAD-3 notification requirements)

Summary

- Early engagement with NRC is encouraged for applicants and prospective licensees that require access to classified information
- [NUREG/BR-0532](#) provides useful information and resources about NRC's FCL process