



Department of Energy

Washington, DC 20585

September 25, 1995

MEMORANDUM FOR ALL DEPARTMENTAL ELEMENTS

FROM: Archer L. Durham /s/

SUBJECT: DOE O 471.1, IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

The attached subject Order is being issued under the Department's Accelerated Directives Reduction Effort. The attached contractor requirements document, however, is approved for simultaneous implementation and coordination. The Order consolidates two Orders into one. These documents, prepared by the Office of Nonproliferation and National Security, improve the quality and usability of policies, requirements, and technical standards. The Order was fully coordinated and during the Issue Resolution process all major issues were resolved.

To meet the Secretary's commitment to reduce the Department's internal directives by 50 percent, DOE O 471.1, Identification and Protection of Unclassified Controlled Nuclear Information, is hereby approved.

Attachments

CANCELLED

Approved: 09-25-95
Sunset Review: 09-25-97
Expires: 09-25-99

SUBJECT: IDENTIFICATION AND PROTECTION OF UNCLASSIFIED
CONTROLLED NUCLEAR INFORMATION

1. OBJECTIVES.

- a. To prevent unauthorized dissemination of Unclassified Controlled Nuclear Information (UCNI).
- b. To ensure that the maximum amount of Government information is publicly available.

2. CANCELLATIONS. The Orders listed below are canceled. Cancellation of an Order does not, by itself, modify or otherwise affect any contractual obligation to comply with such an Order. Canceled Orders that are incorporated by reference in a contract shall remain in effect until the contract is modified to delete the reference to the requirements in the canceled Orders.

- a. DOE 5635.4, PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, of 2-3-88.
- b. DOE 5650.3A, IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, of 6-8-92.

3. APPLICABILITY.

- a. Departmental Elements. Except for the exclusion in paragraph 3c, all Departmental Elements that generate, possess, or have access to UCNI shall follow the provisions of this Order.
- b. Contractors. Except for the exclusion in paragraph 3c, any DOE contractor who generates, possesses, or has access to UCNI in the performance of the contract shall follow the provisions set forth in the Contractor Requirements Document (see Attachment 1) to the extent that these provisions are incorporated into the contract. Contractors shall be directed to continue to comply with the requirements of Orders canceled by this Order until their contracts are modified to delete the reference to the requirements of the canceled Orders.
- c. Exclusion. Requirements in this Order that overlap or duplicate requirements of the Nuclear Regulatory Commission (NRC) related to radiation protection, nuclear safety (including quality assurance), and safeguards and security of nuclear material do not apply to the design, construction, operation, and decommissioning of Office of Civilian Radioactive Waste Management (RW) facilities.

DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Nonproliferation
and National Security

4. **REQUIREMENTS.** Specific requirements for UCNI are delineated in Chapters I to III. Deviations (i.e., variances, waivers, and exceptions) from these requirements shall be processed according to DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM, with the following caveats:
- a. For any deviations from the requirements in Chapter I notifications of variances and waivers shall be made to the Director of Declassification rather than the Director of Safeguards and Security.
 - b. For any deviations from the requirements for routine access to UCNI in Chapter II, paragraph 1a(5), the Director of Safeguards and Security is the approval authority.
5. **RESPONSIBILITIES.** Any authority assigned to an individual by this Order is redelegable to subordinate officials within the individual's organization unless specifically prohibited by this Order. The Director of Declassification or the Director of Safeguards and Security shall concur in any such redelegation, as appropriate.
- a. Director of Nonproliferation and National Security shall oversee the program to identify and protect UCNI.
 - b. Director of Security Affairs.
 - (1) Establish policy for the program to identify and protect UCNI.
 - (2) Determine whether a material is a "nuclear material" under 10 CFR 1017.10.
 - (3) Make the final determination in all appeals involving the denial of a request for UCNI made under statute or Executive order. To avoid a conflict of interest, the Director of Security Affairs is not a Denying Official for UCNI.
 - c. Director of Declassification.
 - (1) Administer the program to identify UCNI by developing and interpreting policy and procedures (see Chapter I).
 - (2) Determine that specific Government information is or is not UCNI under 10 CFR 1017.7 to 1017.9.
 - (3) Develop and issue the UCNI General Guideline and all topical guidelines; approve all UCNI guidelines.
 - (4) Appoint Reviewing Officials for Headquarters Elements and their contractors and any organization not under a Classification Officer.

- (5) Appoint Reviewing Officials who may review matter for UCNI that is not under their own programmatic or organizational cognizance.
 - (6) Issue, and make available upon request to any interested person, a quarterly report as specified in 10 CFR 1017.11.
 - (7) Develop and conduct education programs on the identification of UCNI for Headquarters Elements.
 - (8) Conduct appraisals of Departmental Elements to ensure implementation of and adherence to those portions of this Order under the cognizance of the Director of Declassification.
 - (9) Provide analytical support and recommendations to assist the Director of Security Affairs in exercising his/her appeal authority concerning the denial of requests for UCNI in all appeals made under statute or Executive order.
 - (10) Notify the Director of Scientific and Technical Information and the originator of any unclassified scientific and technical report (as defined in DOE 1430.1D, SCIENTIFIC AND TECHNICAL INFORMATION MANAGEMENT) that is determined by the Director of Security Affairs on appeal to no longer contain UCNI.
- d. Director of Safeguards and Security.
- (1) Administer the DOE program to protect UCNI by developing and interpreting policy and procedures (with the exception of policy and procedures for protection of information being processed, stored, or transmitted in unclassified automated information systems, which is the responsibility of the Office of Information Management). See Chapters II and III.
 - (2) Approve categorical requests for special access to UCNI. (See Chapter II, 1b(6)).
- e. Heads of Headquarters Elements.
- (1) Grant special access to UCNI under their cognizance to persons who are not authorized routine access. (See Chapter II, paragraph 1b(2)).
 - (2) Appoint an individual to be responsible for bringing to the attention of the contracting officer each procurement falling within the scope of this Order. If such an individual is not appointed, this responsibility is that of the procurement request originator (the individual responsible for initiating a requirement on DOE F 4200.33, "Procurement Request Authorization").

- f. Heads of Field Elements.
- (1) Develop and conduct education and awareness programs on the identification and protection of UCNI for DOE and contractor employees under their cognizance.
 - (2) Conduct appraisals of contractors and subcontractors under their jurisdiction to determine their implementation of and adherence to those portions of this Order under the cognizance of the Director of Declassification.
 - (3) Appoint an individual to be responsible for bringing to the attention of the contracting officer each procurement falling within the scope of this Order. If such an individual is not appointed, this responsibility is that of the procurement request originator (the individual responsible for initiating a requirement on DOE F 4200.33, "Procurement Request-Authorization").
- g. Assistant Secretary for Environment, Safety and Health, through the Deputy Assistant Secretary for Independent Oversight and Appraisals, shall verify compliance with requirements in Chapter II through independent inspections and evaluations.
- h. Director of Information Management, shall develop and interpret policy and procedures for the overall Departmental program to protect information being processed, stored, or transmitted in unclassified automated information systems.
- i. Director, Naval Nuclear Propulsion Program, shall implement and oversee all policy and practices pertaining to this Order for activities under the Director's cognizance.
- j. Director, Scientific and Technical Information, shall establish and maintain a system to notify addressees on any special distribution list maintained by the Office of Scientific and Technical Information of any changes in the UCNI status of matter distributed by the Office of Scientific and Technical Information. Any other notification is a responsibility of the originator, as specified in Chapter I, part B, paragraph 8.
- k. Field Element and Contractor Classification Officers appointed under DOE 5650.2B, IDENTIFICATION OF CLASSIFIED INFORMATION, are Reviewing Officials and shall appoint other Reviewing Officials from their organizations, subordinate organizations, and contractors.
- l. Procurement Request Originators or such other individual(s) as appointed by the cognizant Head of the Departmental Element, shall bring to the attention of the cognizant contracting officer the following:

- (1) Each procurement requiring the application of this Order.
 - (2) Requirements for flow-down provisions of this Order to any subcontract or subaward.
 - (3) Identification of the portion(s) of this Order with which the awardee or, if different, a subawardee is to comply.
- m. Contracting Officers, based on advice received from the procurement request originator or other appointed individual, shall apply this Order to contracts as applicable. For awards other than management and operating contracts, this shall be by incorporation or reference using explicit language in a contractual action.
6. CONTACT. Direct any questions or comments regarding this Order to the Office of Declassification (301-903-5454). Specific questions or comments on Chapters II and III should be directed to the Office of Safeguards and Security (301-903-4805).

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM
Assistant Secretary for
Human Resources and Administration

TABLE OF CONTENTS

CHAPTER I - IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

PART A - CONTROL OF INFORMATION

1.	Unclassified Controlled Nuclear Information Guidelines	I-1
2.	General Guideline	I-1
3.	Topical Guidelines	I-2
4.	Internal Guidelines	I-2
5.	Basis Citation Exception	I-4
6.	Guidelines and Classification Guides	I-4

PART B - REVIEW OF MATTER

1.	Overview	I-5
2.	Reviewing Officials	I-5
3.	Review of Matter	I-6
4.	Denying Officials	I-8
5.	Denial of Matter by a Denying Official	I-8
6.	Appeal of the Denial of Matter by a Denying Official	I-9
7.	Joint Matter	I-9
8.	Notification of Determination	I-9
9.	Matter Retired to a Repository	I-10
10.	Widely Disseminated Matter or Information	I-10

PART C - MARKING OF MATTER

1.	Relationship to Other Types of Control Markings	I-11
2.	Unclassified Matter That May Contain Unclassified Controlled Nuclear Information	I-11
3.	Unclassified Matter That Contains Unclassified Controlled Nuclear Information	I-12
4.	Special Format Matter	I-13
5.	Transmittal Documents	I-13
6.	Use of Alternate Markings	I-13
7.	Unclassified Matter That No Longer Contains Unclassified Controlled Nuclear Information	I-14
8.	Unclassified Matter That Does Not Contain Unclassified Controlled Nuclear Information	I-14
9.	Existing Matter Containing Unclassified Controlled Nuclear Information	I-14
10.	Upgrading	I-14

CHAPTER II - PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

- 1. Access to Unclassified Controlled Nuclear Information II-1
- 2. Physical Protection Requirements II-5

CHAPTER III - VIOLATIONS AND INFRACTIONS

- 1. Violations III-1
- 2. Infractions III-1

CANCELED

CHAPTER I

IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Part A - Guidelines

1. UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION GUIDELINES. Three levels of UCNI guidelines shall be used by certain Reviewing Officials and all Denying Officials to review matter: the General Guideline, Topical Guidelines, and Internal Guidelines. The General Guideline contains topics based on control determinations. A Topical Guideline is usually based on the General Guideline and identifies what specific Government information is UCNI in one or more technical or programmatic areas. An Internal Guideline is based on Topical Guidelines or, if necessary, the General Guideline, and identifies what specific Government information of interest to the issuing organization is UCNI.
2. GENERAL GUIDELINE.
 - a. Purpose. The General Guideline identifies broad areas of information that are or are not UCNI. In addition, the General Guideline shall be used as the basis for the following:
 - (1) Topical Guidelines and Internal Guidelines.
 - (2) A Preliminary Review Determination by any Reviewing Official in any subject area where no Topical or Internal Guideline exists.
 - (3) A Final Review Determination by the Office of Declassification or by DOE Field Element or contractor Classification Officers or their delegates in any subject area where no Topical or Internal Guideline exists.
 - (4) A Denial Determination by any Denying Official in any subject area where no Topical or Internal Guideline exists.
 - b. Originator/Approval Authority. The General Guideline is approved and issued by the Office of Declassification.
 - c. Basis. The General Guideline is based on control determinations by the Director of Declassification that information is or is not UCNI.
 - d. Uses.
 - (1) Preliminary Review Determination. A Reviewing Official may use the General Guideline only to make a Preliminary Review Determination.

- (2) Final Review Determination. The Office of Declassification or the DOE Field Element or contractor Classification Officers or their delegates may use the General Guideline to make a Final Review Determination in any subject area where Topical or Internal Guidelines do not exist.
- (3) Denial Determination. A Denying Official may use the General Guideline to make a Denial Determination in any subject area where Topical or Internal Guidelines do not exist.
- e. Identification Number. Each topic in the General Guideline that states that information is UCNI shall include an identification number (e.g., GG #10).

3. TOPICAL GUIDELINES.

- a. Purpose. A Topical Guideline identifies what information in a specific technical or program area is or is not UCNI.
- b. Originator/Approval Authority. The Office of Declassification approves and issues Topical Guidelines.
- c. Basis. A Topical Guideline is based on and is consistent with the General Guideline or another Topical Guideline.
- d. Uses.
 - (1) Final Review Determination. Any Reviewing Official may use a Topical Guideline to make a Final Review Determination.
 - (2) Denial Determination. A Denying Official may use a Topical Guideline to make a Denial Determination.
- e. Basis Citation. Each topic in a Topical Guideline that designates information as UCNI shall cite the General Guideline identification number on which it is based. A Topical Guideline UCNI topic may also be based on a topic in another Topical Guideline; if so, it should cite the other Topical Guideline topic and not a General Guideline topic. Each topic in a Topical Guideline designated as UCNI shall include a Topical Guideline identification number (e.g., NV-TV #1) to be cited as the basis for either Topical or Internal Guideline topics.

4. INTERNAL GUIDELINES.

- a. Purpose. An Internal Guideline identifies information of interest to the issuing organization that is or is not UCNI.

- b. Originator/Approval Authority. DOE Elements and DOE contractor organizations may issue Internal Guidelines.
- (1) The Office of Declassification shall approve each Internal Guideline before it is issued or reissued. The Director of Declassification may delegate this authority in writing to Field Element Classification Officers on a case-by-case basis.
 - (2) Internal Guidelines are not required to be issued by any organization if Topical Guidelines and the General Guideline are adequate for the needs of the organization.
 - (3) Where UCNI Internal Guidelines are contained in a classification guide being revised or reissued, the originator shall submit a copy of the joint classification/UCNI guidance to the Office of Declassification for approval, even if the UCNI portion is not being revised, to ensure that the UCNI portion conforms with current policy.
- c. Basis. In general, an Internal Guideline is based on Topical Guidelines; however, where no applicable Topical Guideline exists, an Internal Guideline may be based directly on the General Guideline.
- d. Uses.
- (1) Preliminary Review Determination. Any Reviewing Official may use another organization's Internal Guideline only to make a Preliminary Review Determination.
 - (2) Final Review Determination. Only the Office of Declassification, Reviewing Officials within the issuing organization, and those Reviewing Officials who have been authorized within the Internal Guideline or otherwise in writing by the issuing organization, may use an Internal Guideline to make a Final Review Determination.
 - (3) Denial Determination. Any Denying Official may use an Internal Guideline generated by an organization under his/her cognizance to make a Denial Determination.
- e. Basis Citation. Each topic in an Internal Guideline that states that information is UCNI shall cite the General Guideline or Topical Guideline identification number on which the topic is directly based.
- f. Submission of Guideline for Approval. An organization that submits an Internal Guideline to the Office of Declassification for review and approval shall include the following:
- (1) The full text of the guideline (in joint classification/UCNI guidance, this includes the entire guidance document).

- (2) A justification for any deviations to current policy proposed in the draft guideline.
 - (3) A contact point for requesting approval for use of the guideline by Reviewing Officials not within the issuing organization or otherwise not authorized to use the Internal Guideline.
 - (4) A contact point for requesting copies of the guideline.
- g. Copies of the Guideline. Any organization that issues an Internal Guideline shall send the Office of Declassification one floppy diskette in either ASCII or WordPerfect 5.1 or higher format and five copies of the issued guideline.
5. BASIS CITATION EXCEPTION. UCNI guidelines approved prior to the issuance of this Order do not have to be revised merely to incorporate basis citations as required. However, basis citations must be added the next time these guidelines are revised.
 6. GUIDELINES AND CLASSIFICATION GUIDES. A Topical or Internal Guideline and a classification guide may be issued together in a single document. Such a document shall be titled to clearly indicate that it contains both classification and UCNI guidance (i.e., Classification and UCNI Guide for Project XYZ). UCNI topics in a program or topical classification guide are Topical Guideline topics. UCNI topics in a local classification guide are Internal Guideline topics. Approval and other requirements for joint classification/UCNI guidance are the same as they would be if the classification and UCNI guidance were issued separately.

Part B - Review of Matter

1. OVERVIEW. Any matter that may contain UCNI should be sent to a Reviewing Official prior to release. A Reviewing Official makes a Preliminary or Final Review Determination that the matter may contain, contains, or does not contain UCNI. In general, Reviewing Officials base their reviews on Topical Guidelines and Internal Guidelines. These guidelines contain detailed descriptions of what is or is not UCNI. If matter containing UCNI is requested under a statute or Executive order, the Reviewing Official shall send the matter to a Denying Official.
2. REVIEWING OFFICIALS.
 - a. Authority. A Reviewing Official with cognizance over information contained in matter (or as appointed by the Office of Declassification) is authorized to make a Preliminary or Final Review Determination that the matter may contain, contains, does not contain, or no longer contains UCNI. A Preliminary Review Determination that matter may contain UCNI is made only when no applicable Topical or Internal Guidelines (approved for use by the Reviewing Official) exist. When such UCNI guidelines exist, the Reviewing Official shall make a Final Review Determination. A Reviewing Official authorizes the application or removal of UCNI markings to or from matter. The Reviewing Official's authority may not be redelegated to anyone or exercised by a person acting for or in the absence of the Reviewing Official.
 - b. Appointment of Reviewing Officials.
 - (1) Field. DOE Field Element and contractor Classification Officers shall appoint additional Reviewing Officials as necessary from their organizations, subordinate organizations, and contractors. Any individual in a position that requires Reviewing Official authority should submit a request to the local Classification Officer following local procedures.
 - (2) Headquarters. The Office of Declassification appoints Reviewing Officials for Headquarters organizations and contractors and for any organization not under a Classification Officer. Any individual in a position that requires Reviewing Official authority shall submit a request signed by the office director or higher level official to the Office of Declassification. This request must contain the following information:
 - (a) Name of the individual requiring the authority.
 - (b) Title, mailing address (including organization code), and telephone number of the individual.

- (c) Whether the individual is a Federal employee or a contractor.
- (d) Why the authority is required.
- (e) The anticipated frequency of use of the authority (e.g., daily, weekly).
- (f) The UCNI guideline(s) to be used (a list of guidelines is available from the Office of Declassification).
- (g) Qualifications of the individual (include educational background and experience).

c. List of Current Reviewing Officials. Each appointing official shall maintain a current list of all Reviewing Officials under his/her cognizance. This list shall include:

- (1) name, title, and organization of each Reviewing Official;
- (2) the effective date of the appointment; and
- (3) any special instructions or limitations that apply to the appointment.

d. Termination of Appointment. Each Reviewing Official shall notify his/her appointing official when vacating the position for which the authority was granted or when the position no longer requires such authority.

3. REVIEW OF MATTER.

a. Responsibilities of Originator or Possessor of Matter. Existing matter in a person's possession is not required to be reviewed for UCNI. However, any person who thinks unclassified matter he/she originates or possesses may contain UCNI, based on any knowledge or experience of the UCNI program that the person may have, shall proceed as follows:

- (1) Mark the Matter. The originator or possessor shall mark the matter as soon as possible as described in Chapter I, part C, paragraph 2a.
- (2) Obtain a Review Determination.
 - (a) Newly Generated Matter. The originator of the matter shall send it to a Reviewing Official when it is to be finalized, sent outside the originator's organization, or filed.

- (b) Existing Matter. The possessor of the matter shall send it to a Reviewing Official when it is to be sent outside the possessor's organization or filed. (NOTE: Matter retrieved from the files for reference, inventory, or similar purposes does not have to be reviewed for UCNI as long as it will be returned to the files.)
 - (c) Exception to Obtaining a Review Determination. A review determination is not required of matter sent outside the originator's or possessor's organization for destruction. However, any matter being destroyed that is not marked as containing UCNI but that the originator or possessor believes may contain UCNI shall be destroyed in accordance with procedures in Chapter II, paragraph 2d.
- b. Responsibilities of the Reviewing Official. A Reviewing Official shall review matter potentially containing UCNI and make a Preliminary or Final Review Determination based on applicable UCNI guidelines authorized for use by the Reviewing Official.
 - (1) When to Make a Preliminary Review Determination. When no applicable Topical or Internal Guidelines exist, a Reviewing Official shall make a Preliminary Review Determination that matter may contain UCNI. The Reviewing Official may base such a determination on General Guideline topics or on knowledge or experience in the subject area covered by the matter. The Reviewing Official shall ensure that the matter is marked as described in Chapter I, part C, paragraph 2b.
 - (2) When to Make a Final Review Determination. When applicable Topical and Internal Guidelines exist, a Reviewing Official shall make a Final Review Determination that matter contains, does not contain, or no longer contains UCNI. The Reviewing Official shall ensure that the matter is marked as described in Chapter I, part C, paragraphs 3, 7, or 8.
 - (3) When a Final Review Determination is Needed and No Applicable Topical or Internal Guidelines Exist. If a Final Review Determination for matter is needed for any reason and no applicable Topical or Internal Guidelines exist, the Reviewing Official shall send the matter and recommendations on information that should be UCNI to the local Classification Officer, or for Headquarters, to the Office of Declassification. The local Classification Officer or the Office of Declassification shall then determine whether the matter contains UCNI.
- c. Review Responsibilities of Classification Officers.

- (1) When General Guideline Topics Exist. A Classification Officer may make a Final Review Determination that matter contains, does not contain, or no longer contains UCNI based on applicable General Guideline topics. The Classification Officer shall ensure that the matter is marked as described in Chapter I, part C, paragraphs 3, 7, or 8. A Classification Officer may delegate this authority to Reviewing Officials on his/her immediate staff; otherwise, this authority shall not be delegated.
 - (2) When No Applicable General Guideline Topics Exist. If there is a specific requirement for a Final Review Determination for the matter and no applicable General Guideline topics exist, the Classification Officer shall send the matter to the Office of Declassification with recommendations for a determination.
- d. Scientific and Technical Reports. A Reviewing Official shall report to the Office of Scientific and Technical Information and the originator the title, number, date, originating organization, author, and UCNI status of any unclassified scientific and technical report that he/she determines may contain, does contain, or no longer contains UCNI.
 - e. Requests for Matter. A Reviewing Official shall review for UCNI any matter containing information under his/her cognizance if the review is requested to fulfill requirements based on a statute, Executive order, regulation, or directive. A Reviewing Official may review for UCNI any matter containing information under his/her cognizance whenever appropriate.

4. DENYING OFFICIALS.

- a. Authority. A Denying Official with cognizance over the information contained in the matter shall deny a request made under a statute (e.g., the Freedom of Information Act) or Executive order for any portion of matter that he/she determines to contain UCNI. The Denying Official ensures that the Reviewing Official who determined that the matter contains UCNI correctly interpreted and applied UCNI guidelines. The Denying Official may not overrule or change UCNI guidelines.
- b. Appointment. A Denying Official for UCNI for a request made under a statute or Executive order is the same as a Denying Official for any other unclassified information as defined in DOE 1700.1, FREEDOM OF INFORMATION PROGRAM, regardless of whether the request was made under the Freedom of Information Act. There is no additional requirement for the separate appointment of a Denying Official for UCNI under this Order. Redelegation of this authority is subject to requirements contained in DOE 1700.1. To avoid a conflict of interest, the Director of Security Affairs is not a Denying Official for UCNI since the Director of Security Affairs is the appeal authority for denials of UCNI made by any Denying Official.

5. DENIAL OF MATTER BY A DENYING OFFICIAL.

- a. Denial Determination. Since UCNI is exempt from public release, a Reviewing Official shall transmit to the appropriate Denying Official any matter determined by the Reviewing Official to contain UCNI whose public release has been requested under statute (e.g., the Freedom of Information Act) or Executive order. Prior to such transmittal, the Reviewing Official shall bracket each reasonably segregable portion of the matter that contains UCNI. The Denying Official shall then review the requested matter and appropriate UCNI guidelines prior to making a denial determination. The Denying Official shall deny a request made under statute or Executive order for any portion of the matter that contains UCNI. This denial determination is based on the Reviewing Official's recommendation and applicable UCNI guidelines.
- b. Reporting Requirements.
 - (1) Office of Declassification. The Denying Official shall notify the Office of Declassification of each denial determination and shall provide that office with a copy of the request letter, the denial letter, and any analysis supporting the denial determination. The Denying Official shall not provide copies of the matter that was the subject of the request unless specifically requested by the Office of Declassification.
 - (2) Office of Scientific and Technical Information. A Denying Official shall notify the report originator and the Office of Scientific and Technical Information of the title, number, date, originating organization, and author of any unclassified scientific and technical report whenever a report previously marked to indicate it may contain or does contain UCNI is determined by the Denying Official to no longer contain UCNI.

6. APPEAL OF THE DENIAL OF MATTER BY A DENYING OFFICIAL.

- a. Authority. The Director of Security Affairs makes the determination regarding the denial of UCNI in all appeals involving requests for matter made under statute or Executive order. The Director of Hearings and Appeals issues the final appeal determination on behalf of the DOE.
- b. Analytical Support. The Office of Declassification provides analytical support and recommendations to assist the Director of Security Affairs in exercising his/her UCNI appeal authority. When requested by the Office of Declassification, a Denying Official shall provide supporting or background material concerning the denial determination that is the subject of the appeal. A Denying Official shall provide the same material to the Office of Hearings and Appeals when so requested by that office.

- c. Scientific and Technical Reports. The Office of Declassification shall report to the Office of Scientific and Technical Information and the originator the title, number, date, originating organization, and author of any unclassified scientific and technical report that is determined on appeal to no longer contain UCNI.
7. JOINT MATTER. A Reviewing Official or a Denying Official shall coordinate the review of matter for decontrol and public release with (a) the DOE organization or Federal agency originating the matter and (b) each DOE organization or Federal agency having cognizance over any information contained in the matter. The Director of Security Affairs has the authority to resolve disagreements between Reviewing Officials or Denying Officials as to whether or not the matter contains UCNI.
8. NOTIFICATION OF DETERMINATION. A Reviewing Official shall notify the originator of any unclassified matter determined by the Reviewing Official to contain or to no longer contain UCNI. To the extent practical, a Denying Official should notify the originator of the matter that was previously marked to indicate it may contain or does contain UCNI whenever the matter is released by the Denying Official because he/she has determined the report no longer contains UCNI. To the extent practical, the originator of the matter should notify all holders of the matter of the determination.
9. MATTER RETIRED TO A REPOSITORY. Any matter retired to a repository prior to the date of this Order is not required to be reviewed for UCNI while in the repository or when retrieved from the repository for reference, inventory, or similar purposes as long as it will be returned to the repository. However, any such unclassified matter that is requested for release under a statute or Executive order which is likely to contain UCNI shall be reviewed by a Reviewing Official; if determined to contain UCNI, it must be marked by the repository personnel in accordance with this chapter upon notification that the matter contains UCNI.
10. WIDELY DISSEMINATED MATTER OR INFORMATION.
 - a. Matter. Any matter widely disseminated in the public domain (e.g., a document that is available in a public or university library) is exempt from control under this Order regardless of its content. The determination as to whether matter has been widely disseminated is made by a Reviewing Official.
 - b. Information. Widespread public dissemination of matter containing information otherwise eligible for control as UCNI precludes control of the information as UCNI.

Part C - Marking of Matter

1. RELATIONSHIP TO OTHER TYPES OF CONTROL MARKINGS.

- a. Unclassified Matter. UCNI markings shall be applied to any unclassified matter that may contain or contains UCNI regardless of any other unclassified control marking (e.g., Official Use Only, company "confidential") that is also on the matter.
- b. Classified Matter. UCNI markings shall not be applied to classified matter that contains UCNI, unless such matter has been portion-marked to indicate classification level. In such cases, the acronym "UCNI" shall be used to indicate those unclassified portions containing UCNI.

2. UNCLASSIFIED MATTER THAT MAY CONTAIN UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.

a. Matter Pending Review.

- (1) Front Marking. If a person thinks that unclassified matter may contain UCNI, then prior to transmittal to a Reviewing Official, the person shall mark (a) a blank sheet of paper attached to the front of the matter so as not to deface it or (b) the front of the matter as follows:

NOT FOR PUBLIC DISSEMINATION

May contain Unclassified Controlled Nuclear Information subject to section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168). Approval by the Department of Energy prior to release is required.

- (2) Page Marking. No other front or internal page markings are required.
 - (3) Removal of Marking. This marking may be removed by (a) the person who applied it or (b) a Reviewing Official who makes a Preliminary or Final Review Determination.
- b. Preliminary Review Determination.
- (1) Front Marking. If a Reviewing Official determines that unclassified matter may contain UCNI, the Reviewing Official shall ensure that the front of the matter is marked as follows:

NOT FOR PUBLIC DISSEMINATION

May contain Unclassified Controlled Nuclear Information subject to section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168). Approval by the Department of Energy prior to release is required.

Reviewing
Official: _____
(Name/Organization)
Date: _____

- (2) Page Marking. The marking "MAY CONTAIN UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION" shall be placed on the bottom of the front of the matter and (a) on the bottom of each interior page of the matter or (b) if more convenient, on the bottom of only those interior pages that may contain UCNI.
- c. Removal of Preliminary Review Determination Markings. The markings may be removed by the Reviewing Official who applied them or a Reviewing Official who makes a Final Review Determination.

3. UNCLASSIFIED MATTER THAT CONTAINS UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.

- a. Front Marking. When a Reviewing Official makes a Final Review Determination that unclassified matter contains UCNI, the Reviewing Official shall ensure that the front of the matter is marked as follows:

UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION
NOT FOR PUBLIC DISSEMINATION

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

Reviewing
Official: _____
(Name/Organization)
Date: _____

- b. Page Marking. The marking "UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION" or "UCNI" shall be placed on the bottom of the front of the matter and (1) on the bottom of each interior page of the matter or (2) if more convenient, on the bottom of only those interior pages that contain UCNI.

- c. Removal of Markings. The removal of these markings may be authorized by (1) the Reviewing Official who applied them; (2) the local Classification Officer or his/her delegate or, for Headquarters, the Office of Declassification; or (3) a Denying Official.
4. SPECIAL FORMAT MATTER. Special formats of unclassified matter (e.g., photographs, viewgraphs, films, magnetic tapes, floppy diskettes, audio or videotapes, slides) shall be marked to the extent practical as described in paragraphs 2 and 3, above. Regardless of the precise markings used in such cases, any special-format, unclassified matter that contains UCNI shall be marked so that both a person in physical possession of the matter (e.g., markings on a viewgraph frame, a film reel and its container) and a person with access to the information in or on the matter (e.g., markings on the projected image of a slide, a warning on a film leader) are made aware that it contains UCNI. When space is limited, as on a 35 mm slide, the marking, "UCNI," will suffice.
5. TRANSMITTAL DOCUMENTS. A document that (a) transmits matter marked as potentially containing UCNI or as containing UCNI and (b) does not itself contain classified information or UCNI shall be marked on its front as follows:
- Matter transmitted may contain/contains Unclassified
Controlled Nuclear Information. When separated from
enclosures, this document is not UCNI.
6. USE OF ALTERNATE MARKINGS.
- a. Conditions of Use. A Reviewing Official shall authorize the application of alternate markings to unclassified matter determined by the Reviewing Official to contain UCNI only if both of the following conditions are true:
- (1) The matter is related to an atomic energy defense program, but does not contain any information explicitly indicating this relationship.
 - (2) The fact of the relationship of the matter to an atomic energy defense program is itself sensitive.
- b. Alternate Markings. The following markings shall be used only if a Reviewing Official determines that the conditions of use described above are satisfied. All other standard markings specified in this chapter shall be used as appropriate:
- (1) Alternate Determination Marking. The following marking shall be placed on the front of the matter:

NOT FOR PUBLIC DISSEMINATION

Unauthorized dissemination subject to civil and criminal sanctions under 42 U.S.C. 2168.

- (2) Alternate Page Marking. The following marking shall be placed on the bottom of the front of the matter and (a) on each interior page of the matter or (b) on only those interior pages that contain UCNI:

UNCLASSIFIED CONTROLLED INFORMATION

7. UNCLASSIFIED MATTER THAT NO LONGER CONTAINS UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. A Reviewing Official or a Denying Official may determine that unclassified matter marked as containing UCNI no longer contains UCNI. In such a case, the official shall ensure that all UCNI markings are removed or crossed out and that the front of the matter is marked as follows:

DOES NOT CONTAIN UNCLASSIFIED
CONTROLLED NUCLEAR
INFORMATION

Reviewing
Official: _____
(Name/Organization)

Date: _____

8. UNCLASSIFIED MATTER THAT DOES NOT CONTAIN UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. A Reviewing Official may determine that unclassified, unmarked matter does not contain UCNI. No markings are required in such a case; however, for documentation purposes, the Reviewing Official may mark the front of the matter with the same marking used in paragraph 7 above.
9. EXISTING MATTER CONTAINING UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. Matter originated prior to the date of this Order that has not previously been reviewed for UCNI shall be reviewed and appropriately marked when retrieved from the files for active use or dissemination. Existing matter containing UCNI need not be reviewed and marked when it is retrieved from the files for reference, inventory, or similar purposes as long as it will be returned to the files.
10. UPGRADING. Any notification that directs that existing, unmarked matter be marked UCNI shall itself be UCNI. Such a notification shall include:
- (a) sufficient information to allow the holder of the matter to identify it;

- (b) the name and organization of the Reviewing Official authorizing the upgrade; and
- (c) the date of the upgrade determination.

For notification distribution requirements, refer to Chapter I, part B, paragraph 8.

CANCELED

CHAPTER II

PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

1. ACCESS TO UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. Access to UCNI shall be provided only to those authorized routine or special access.
 - a. Routine Access. Routine access refers to the normal exchange of UCNI during the conduct of official business and allows for further dissemination of UCNI if the requirements in paragraph (2) below are met.
 - (1) Authorized Individual. Routine access to UCNI is granted by an Authorized Individual, who may be the originator or any person in authorized possession of the UCNI. A Reviewing Official is an Authorized Individual for matter that the Reviewing Official determines to contain UCNI. An Authorized Individual may determine that another person is an Authorized Individual who may be granted routine access to UCNI, and who may further disseminate UCNI under the procedures of paragraph (2) below. The recipient of UCNI from an Authorized Individual is also an Authorized Individual for the specific UCNI to which routine access has been granted. An Authorized Individual designates another person to be an Authorized Individual by the act of giving that person UCNI. No explicit designation or security clearance is required. This second Authorized Individual may further disseminate UCNI under the procedures in the following paragraph. Only those persons identified below may have routine access to UCNI.
 - (2) Eligibility for Routine Access. A person to be granted routine access to UCNI must have a need to know the specific UCNI in the performance of official duties or of DOE-authorized activities. In addition to the need-to-know requirement, the person must meet at least one of the following requirements:
 - (a) U.S. Citizen. The person is a U.S. citizen who is one of the following:
 - 1 A Federal employee or member of the U.S. Armed Forces.
 - 2 An employee of a Federal contractor or subcontractor or an employee of a prospective Federal contractor or subcontractor who will use the UCNI for the purpose of bidding on a Federal contract or subcontract.

- 3 A Federal consultant or DOE advisory committee member.
 - 4 A Member of Congress.
 - 5 A staff member of a congressional committee or of an individual Member of Congress.
 - 6 The Governor of a State, his/her designated representative, or a State government official.
 - 7 A local government official or an Indian tribal government official.
 - 8 A member of a State, local, or Indian tribal law enforcement or emergency response organization.
 - 9 A DOE access permittee authorized under 10 CFR Part 725 to have access to Restricted Data and is applicable to civil uses of atomic energy.
- (b) Other Than a U.S. Citizen. The person is other than a U.S. citizen and is one of the following:
- 1 A Federal employee or a member of the U.S. Armed Forces.
 - 2 An employee of a Federal contractor or subcontractor.
 - 3 A Federal consultant or DOE advisory committee member.
- (c) Other Than a U.S. Citizen and Otherwise Not Eligible for Routine Access. The person may be other than a U.S. citizen who is not otherwise eligible for routine access to UCNI under the above paragraph, but who requires routine access to specific UCNI in conjunction with one of the following:
- 1 An international nuclear cooperative activity approved by the U.S. Government.
 - 2 U.S. diplomatic dealings with foreign government officials.
 - 3 An agreement for cooperation under section 123 of the Atomic Energy Act.

- 4 Provisions of treaties, mutual defense acts, or Federal contracts or subcontracts.

The Authorized Individual who desires to release UCNI to a person under this paragraph shall coordinate such release with the Secretarial Officer with cognizance over the information. In addition, the individual must acknowledge in writing prior to receiving the UCNI that he/she agrees to afford the UCNI an equivalent level of protection as required by this Order.

- (3) Dissemination Limitations. An Authorized Individual may disseminate UCNI only to another Authorized Individual or to a person granted special access to that UCNI information (see paragraph 1b below).
 - (4) Access to UCNI Matter by Prospective Contractors in Bidrooms. To have access to matter that contains UCNI in bidrooms, a prospective contractor desiring access shall execute a self-certification that he/she is a U.S. citizen and will use the UCNI only in a manner consistent with the requirements in 10 CFR Part 1017. This self-certification shall be sent to the local contracting office.
 - (5) Deviation from Requirements. The Office of Safeguards and Security may approve a waiver or recommend approval of an exception to any requirement for routine access to specific UCNI. However, the Office of Safeguards and Security shall obtain the concurrence of the Secretarial Officer having cognizance over the UCNI prior to granting such a waiver for routine access to specific UCNI.
- b. Special Access. Special access may be granted to individuals not authorized routine access to UCNI. Examples of when special access might be granted include an attorney representing an employee in litigation with the DOE or a representative of a public interest group concerned about environmental issues at a DOE site.
- (1) Submission of a Request. A person not authorized routine access to UCNI may submit a request for special access to UCNI to the cognizant Secretarial Officer. Such a request must include the following:
 - (a) Requester's name, current residence or business address, birthplace, birth date, and country of citizenship.
 - (b) A description of the UCNI requested.
 - (c) A description of the purpose for which the UCNI is needed.

- (d) Certification by the requester of his/her understanding of, and willingness to abide by, the requirements in 10 CFR Part 1017.
- (2) Granting a Request. The Secretarial Officer shall base his/her decision to grant special access to UCNI on an evaluation of the following criteria:
- (a) The sensitivity of the UCNI for which special access is being requested (i.e., the worst-case, adverse effect on the health and safety of the public or the common defense and security that would result from unauthorized use of the UCNI).
 - (b) The purpose for which the UCNI is needed (e.g., will the UCNI be used for commercial or other private purposes or used for public benefit to fulfill statutory or regulatory responsibilities).
 - (c) The likelihood of unauthorized dissemination by the requester.
 - (d) The likelihood of the requester using the UCNI for illegal purposes.
- (3) Notification to the Office of Safeguards and Security. When special access is approved by the Secretarial Officer, he/she shall provide the Office of Safeguards and Security with the following information:
- (a) Name of individual granted special access.
 - (b) Description of the UCNI.
 - (c) Date of approval.
 - (d) Justification for granting the request.
- (4) Notification of Requester. Within 30 days of receipt of the request, the Secretarial Officer shall notify the requester of the determination or, if a determination cannot be made within 30 days, of the date when the determination will be made.
- (5) Special Access Limitations. A person granted special access to specific UCNI is not an Authorized Individual and shall not further disseminate the UCNI.
- (6) Categorical Special Access Approval. Requests for categorical special access approval shall be submitted to the Director of Safeguards and Security.

- (7) Notification of Responsibilities by Use of Cover Sheet. Each person granted special access to UCNI shall be notified of applicable regulations concerning UCNI prior to dissemination of the UCNI. Attaching a DOE F 5639.1, "Special Access Cover Sheet," to the front of the matter containing UCNI prior to its transmittal to the person constitutes notification.

2. PHYSICAL PROTECTION REQUIREMENTS. The following physical protection requirements apply to matter containing UCNI and that may contain UCNI.

- a. Protection in Use. An Authorized Individual shall maintain physical control over any matter marked as containing UCNI so as to prevent unauthorized access to the information.
- b. Protection in Storage. UCNI matter shall be stored to preclude disclosure. Storage of such matter with other unclassified matter in unlocked receptacles, such as file cabinets, desks, or bookcases, is adequate when Government or Government-contractor internal building security is provided during non-duty hours. When such internal building security is not provided, locked rooms or buildings provide adequate after-hours protection. If rooms or buildings are not locked or otherwise controlled, UCNI matter shall be stored in locked receptacles, such as file cabinets, desks, or bookcases.
- c. Reproduction. Matter marked as containing UCNI may be reproduced without permission of the originator to the minimum extent necessary consistent with the need to carry out official duties. The reproduced matter must be marked and protected in the same manner as the original matter. Copy machine malfunctions must be cleared with all paper paths checked for UCNI material. Excess paper containing UCNI shall be destroyed as described below.
- d. Destruction. At a minimum, UCNI matter must be destroyed by using strip cut shredders that result in particles of no more than 1/4-inch wide strips. Other ways providing sufficient destruction (e.g., an intact document buried in an onsite, controlled access landfill) may be approved by the local security office. Note that the decision to dispose of any DOE matter, whether or not it contains UCNI, must be consistent with the policies and procedures for records disposition.
- e. Transmission. Transmission shall be by means to preclude unauthorized disclosure or dissemination.
 - (1) Outside a Facility.
 - (a) Matter marked as containing UCNI shall be packaged in a single, opaque envelope or wrapping.

- (b) Any of the following U.S. mail methods may be used: U.S. First Class, Express, Certified, or Registered Mail may be used.
 - (c) Any commercial carrier using a signature service may be used.
 - (d) An Authorized Individual or a person granted special access may hand-carry the matter as long as he/she can control access to the matter being transmitted.
- (2) Within a Facility.
- (a) A standard distribution envelope, such as the U.S. Government Messenger Envelope (Standard Form No. 65-B) or equivalent, may be used.
 - (b) An Authorized Individual or a person granted special access may hand-carry the matter as long as he/she can control access to the matter being transmitted.
- (3) Over Telecommunications Circuits. The use of telecommunications services, including voice (telephonic, point-to-point), facsimile, narrative message, communications facilities and radio communications, must consider and use the most security readily available for the transmission of UCNI over this form of media. These considerations include, but may not be limited to, physical, personnel, administrative, and communications protective features and any other supplemental controls established to provide an acceptable level of protection for UCNI. These protective features must deter access to UCNI by unauthorized individuals and restrict public releasability.
- If UCNI is transmitted over public switched broadcast communications paths (e.g., Internet) then the information must be protected by encryption. In emergency situations, facility management may make a determination to waive encryption requirements.
- f. Automated Information Systems (AIS). The AIS or AIS network must ensure that only personnel authorized access to UCNI can access that information. For instance, networks interconnected with a public switched - broadcast network - like Internet, must provide provisions (e.g., authentication, file access controls, etc.) to ensure that UCNI is protected against unauthorized access. UCNI being transmitted over broadcast networks like the Internet, where unauthorized access is possible, must provide protection (e.g., encryption) to ensure that the information is not improperly accessed.

CHAPTER III

VIOLATIONS AND INFRACTIONS

1. VIOLATIONS. Violation means any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure or UCNI; or any knowing willful, or negligent action to control information as UCNI for prohibited reasons (see 10 CFR 1017.5). Violations are reported under DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM. Heads of Departmental Elements may recommend to the Office of Safeguards and Security the imposition of a civil or criminal penalty for an alleged violation, as appropriate. The Director of Safeguards and Security shall advise the Director of Security Affairs of each alleged violation. The Director of Security Affairs may recommend the Secretary impose a civil penalty or seek imposition of the criminal penalty by referring the matter to the Attorney General for investigation and prosecution.
2. INFRACTIONS. Infraction means any knowing, willful, or negligent action contrary to the requirements of this Order that does not comprise a violation. A DOE employee who commits an infraction is subject to an administrative penalty as outlined in DOE 3750.1, WORK FORCE DISCIPLINE; a DOE contractor employee who commits such an infraction is subject to such penalty as the contractor may impose.

CONTRACTOR REQUIREMENTS DOCUMENT

IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

In the performance of this contract, a contractor shall do the following relative to Unclassified Controlled Nuclear Information.

1. If formally appointed as a Classification Officer, serve as a Reviewing Official for information under its cognizance. In addition, such a Classification Officer shall appoint other Reviewing Officials in its organization, subordinate organizations, and subcontractors; inform these Reviewing Officials of their responsibilities/ authorities; determine if additional training is necessary and, if so, provide such training; and maintain a current list of all Reviewing Officials.
2. Use the three levels of UCNI Guidelines, as appropriate (see Attachment 1, Chapter I, part A, for description and usage of each guideline), to review matter and identify what specific Government information is UCNI, following provisions contained in Attachment 1, Chapter I, part B.
3. Develop and issue UCNI Internal Guidelines, as necessary and with the approval of the Director of Declassification, following the requirements found in Attachment 1, Chapter I, part A, paragraph 4.
4. Apply UCNI markings to any unclassified matter that may contain or does contain UCNI following the provisions contained in Attachment 1, Chapter I, part C.
5. Protect unclassified matter identified as UCNI following the provisions contained in Attachment 1, Chapter II.
6. Recommend to the local Security Office the imposition of a civil or criminal penalty for any alleged knowing, willful, or negligent action that could reasonably be expected to result in an authorized disclosure of UCNI or for any knowing, willful, or negligent action to control information as UCNI for prohibited reasons (see 10 CFR 1017.5).
7. Impose a penalty as deemed appropriate on any contractor employee who commits a knowing, willful, or negligent action which would not require the imposition of a civil or criminal penalty, but which is still contrary to the requirements of this Contractor Requirements Document (CRD).

TABLE OF CONTENTS

Chapter I - IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Part A - Control of Information

1.	Unclassified Controlled Nuclear Information Guidelines	I-1
2.	General Guideline	I-1
3.	Topical Guidelines	I-2
4.	Internal Guidelines	I-2
5.	Basis Citation Exception	I-4
6.	Guidelines and Classification Guides	I-4

Part B - Review of Matter

1.	Overview	I-5
2.	Reviewing Officials	I-5
3.	Review of Matter	I-6
4.	Denial of Matter by a Denying Official	I-8
5.	Joint Matter	I-8
6.	Notification of Determination	I-8
7.	Matter Retired to a Repository	I-8
8.	Widely Disseminated Matter or Information	I-8

Part C - Marking of Matter

1.	Relationship to Other Types of Control Markings	I-9
2.	Unclassified Matter That May Contain Unclassified Controlled Nuclear Information	I-9
3.	Unclassified Matter That Contains Unclassified Controlled Nuclear Information	I-10
4.	Special Format Matter	I-11
5.	Transmittal Documents	I-11
6.	Use of Alternate Markings	I-11
7.	Unclassified Matter That No Longer Contains Unclassified Controlled Nuclear Information	I-12
8.	Unclassified Matter That Does Not Contain Unclassified Controlled Nuclear Information	I-12
9.	Existing Matter Containing Unclassified Controlled Nuclear Information	I-12
10.	Upgrading	I-12

Chapter II - PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

1.	Access to Unclassified Controlled Nuclear Information	II-1
2.	Physical Protection Requirements	II-5

CHAPTER I

IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Part A - Guidelines

1. UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION GUIDELINES. Three levels of UCNI guidelines shall be used by certain Reviewing Officials and all Denying Officials to review matter: the General Guideline, Topical Guidelines, and Internal Guidelines. The General Guideline contains topics based on control determinations. A Topical Guideline is usually based on the General Guideline and identifies what specific Government information is UCNI in one or more technical or programmatic areas. An Internal Guideline is based on Topical Guidelines or, if necessary, the General Guideline, and identifies what specific Government information of interest to the issuing organization is UCNI.
2. GENERAL GUIDELINE.
 - a. Purpose. The General Guideline identifies broad areas of information that are or are not UCNI. In addition, the General Guideline shall be used as the basis for the following:
 - (1) Topical Guidelines and Internal Guidelines.
 - (2) A Preliminary Review Determination by any Reviewing Official in any subject area where no Topical or Internal Guideline exists.
 - (3) A Final Review Determination by the Office of Declassification or by DOE Field Element or contractor Classification Officers or their delegates in any subject area where no Topical or Internal Guideline exists.
 - (4) A Denial Determination by any Denying Official in any subject area where no Topical or Internal Guideline exists.
 - b. Originator/Approval Authority. The General Guideline is approved and issued by the Office of Declassification.
 - c. Basis. The General Guideline is based on control determinations by the Director of Declassification that information is or is not UCNI.
 - d. Uses.
 - (1) Preliminary Review Determination. A Reviewing Official may only use the General Guideline to make a Preliminary Review Determination.

- (2) Final Review Determination. The Office of Declassification or the DOE Field Element or contractor Classification Officers or their delegates may use the General Guideline to make a Final Review Determination in any subject area where Topical or Internal Guidelines do not exist.
- (3) Denial Determination. A Denying Official may use the General Guideline to make a Denial Determination in any subject area where Topical or Internal Guidelines do not exist.
- e. Identification Number. Each topic in the General Guideline that states that information is UCNI shall include an identification number (e.g., GG #10).

3. TOPICAL GUIDELINES.

- a. Purpose. A Topical Guideline identifies what information in a specific technical or program area is or is not UCNI.
- b. Originator/Approval Authority. The Office of Declassification approves and issues Topical Guidelines.
- c. Basis. A Topical Guideline is based on and is consistent with the General Guideline or another Topical Guideline.
- d. Uses.
 - (1) Final Review Determination. Any Reviewing Official may use a Topical Guideline to make a Final Review Determination.
 - (2) Denial Determination. A Denying Official may use a Topical Guideline to make a Denial Determination.
- e. Basis Citation. Each topic in a Topical Guideline that designates information as UCNI shall cite the General Guideline identification number on which it is based. A Topical Guideline UCNI topic may also be based on a topic in another Topical Guideline; if so, it should cite the other Topical Guideline topic and not a General Guideline topic. Each topic in a Topical Guideline designated as UCNI shall include a Topical Guideline identification number (e.g., NV-TV #1) to be cited as the basis for either Topical or Internal Guideline topics.

4. INTERNAL GUIDELINES.

- a. Purpose. An Internal Guideline identifies information of interest to the issuing organization that is or is not UCNI.

- b. Originator/Approval Authority. DOE Elements and DOE contractor organizations may issue Internal Guidelines.
- (1) The Office of Declassification shall approve each Internal Guideline before it is issued or reissued. The Director of Declassification may delegate this authority in writing to Field Element Classification Officers on a case-by-case basis.
 - (2) Internal Guidelines are not required to be issued by any organization if Topical Guidelines and the General Guideline are adequate for the needs of the organization.
 - (3) Where UCNI Internal Guidelines are contained in a classification guide being revised or reissued, the originator shall submit a copy of the joint classification/UCNI guidance to the Office of Declassification for approval, even if the UCNI portion is not being revised, to ensure that the UCNI portion conforms with current policy.
- c. Basis. In general, an Internal Guideline is based on Topical Guidelines; however, where no applicable Topical Guideline exists, an Internal Guideline may be based directly on the General Guideline.
- d. Uses.
- (1) Preliminary Review Determination. Any Reviewing Official may only use another organization's Internal Guideline to make a Preliminary Review Determination.
 - (2) Final Review Determination. Only the Office of Declassification, Reviewing Officials within the issuing organization, and those Reviewing Officials who have been authorized within the Internal Guideline or otherwise in writing by the issuing organization may use an Internal Guideline to make a Final Review Determination.
 - (3) Denial Determination. Any Denying Official may use an Internal Guideline generated by an organization under his/her cognizance to make a Denial Determination.
- e. Basis Citation. Each topic in an Internal Guideline that states that information is UCNI shall cite the General Guideline or Topical Guideline identification number on which the topic is directly based.
- f. Submission of Guideline for Approval. An organization that submits an Internal Guideline to the Office of Declassification for review and approval shall include the following.
- (1) The full text of the guideline (in joint classification/UCNI guidance, this includes the entire guidance document).
 - (2) A justification for any deviations to current policy proposed in the draft guideline.

- (3) A contact point for requesting approval for use of the guideline by Reviewing Officials not within the issuing organization or otherwise not authorized to use the Internal Guideline.
 - (4) A contact point for requesting copies of the guideline.
- g. Copies of the Guideline. Any organization that issues an Internal Guideline shall send the Office of Declassification one floppy diskette in either ASCII or WordPerfect 5.1 or higher format and five copies of the issued guideline.
5. BASIS CITATION EXCEPTION. UCNI guidelines approved prior to the issuance of this Contractor Requirement Document (CRD) do not have to be revised merely to incorporate basis citations as required in this CRD. However, basis citations must be added the next time these guidelines are revised.
6. GUIDELINES AND CLASSIFICATION GUIDES. A Topical or Internal Guideline and a classification guide may be issued together in a single document. Such a document shall be titled to clearly indicate that it contains both classification and UCNI guidance (i.e., Classification and UCNI Guide for Project XYZ). UCNI topics in a program or topical classification guide are Topical Guideline topics. UCNI topics in a local classification guide are Internal Guideline topics. Approval and other requirements for joint classification/UCNI guidance are the same as they would be if the classification and UCNI guidance were issued separately.

Part B - Review of Matter

1. OVERVIEW. Any person who thinks that matter may contain UCNI should send it to a Reviewing Official prior to release. A Reviewing Official makes a Preliminary or Final Review Determination that the matter may contain, contains, or does not contain UCNI. In general, Reviewing Officials base their reviews on Topical Guidelines and Internal Guidelines. These guidelines contain detailed descriptions as to what information is or is not UCNI. If matter containing UCNI is requested under a statute or Executive order, the Reviewing Official shall send the matter to a Denying Official.

2. REVIEWING OFFICIALS.
 - a. Authority. A Reviewing Official with cognizance over information contained in matter (or as appointed by the Office of Declassification) is authorized to make a Preliminary or Final Review Determination that the matter may contain, contains, does not contain, or no longer contains UCNI. A Preliminary Review Determination that matter may contain UCNI is made only when no applicable Topical or Internal Guidelines (approved for use by the Reviewing Official) exist. When such UCNI guidelines exist, the Reviewing Official shall make a Final Review Determination. A Reviewing Official authorizes the application or removal of UCNI markings to or from matter. Reviewing Official authority may not be redelegated to anyone or exercised by a person acting for or in the absence of the Reviewing Official.

 - b. Appointment of Reviewing Officials. Contractor Classification Officers shall appoint additional Reviewing Officials as necessary in their organizations, subordinate organizations, and subcontractors. Any individual in a position that requires Reviewing Official authority should submit a request to the local Classification Officer following local procedures.

 - c. List of Current Reviewing Officials. Each appointing official shall maintain a current list of all Reviewing Officials under his/her cognizance. This list shall include:
 - (1) name, title, and organization of each Reviewing Official;

 - (2) the effective date of the appointment; and

 - (3) any special instructions or limitations that apply to the appointment.

 - d. Termination of Appointment. Each Reviewing Official shall notify his/her appointing official when vacating the position for which the authority was granted or when the position no longer requires such authority.

3. REVIEW OF MATTER.

- a. Responsibilities of Originator or Possessor of Matter. Existing matter in a person's possession is not required to be reviewed for UCNI. However, any person who thinks unclassified matter he/she originates or possesses may contain UCNI, based on any knowledge or experience of the UCNI program that the person may have, shall proceed as follows.
- (1) Mark the Matter. The originator or possessor shall mark the matter as soon as possible as described in Attachment 1, Chapter I, part C, paragraph 2a.
 - (2) Obtain a Review Determination.
 - (a) Newly Generated Matter. The originator of the matter shall send it to a Reviewing Official when it is to be finalized, sent outside the originator's organization, or filed.
 - (b) Existing Matter. The possessor of the matter shall send it to a Reviewing Official when it is to be sent outside the possessor's organization or filed. (NOTE: Matter retrieved from the files for reference, inventory, or similar purposes does not have to be reviewed for UCNI as long as it will be returned to the files.)
 - (c) Exception to Obtaining a Review Determination. A review determination is not required of matter sent outside the originator's or possessor's organization for destruction. However, any matter being destroyed that is not marked as containing UCNI but that the originator or possessor believes may contain UCNI shall be destroyed in accordance with procedures in Attachment 1, Chapter II, paragraph 2d.
- b. Responsibilities of the Reviewing Official. A Reviewing Official shall review matter potentially containing UCNI and make a Preliminary or Final Review Determination based on applicable UCNI guidelines authorized for use by the Reviewing Official.
- (1) When to Make a Preliminary Review Determination. When no applicable Topical or Internal Guidelines exist, a Reviewing Official shall make a Preliminary Review Determination that matter may contain UCNI. The Reviewing Official may base such a determination on General Guideline topics or on knowledge or experience in the subject area covered by the matter. The Reviewing Official shall ensure that the matter is marked as described in Attachment 1, Chapter I, part C, paragraph 2b.

- (2) When to Make a Final Review Determination. When applicable Topical and Internal Guidelines exist, a Reviewing Official shall make a Final Review Determination that matter contains, does not contain, or no longer contains UCNI. The Reviewing Official shall ensure that the matter is marked as described in Attachment 1, Chapter I, part C, paragraphs 3, 7, or 8.
 - (3) When a Final Review Determination is Needed and No Applicable Topical or Internal Guidelines Exist. If a Final Review Determination for matter is needed for any reason and no applicable Topical or Internal Guidelines exist, the Reviewing Official shall send the matter and recommendations as to what information should be UCNI to the local Classification Officer. The local Classification Officer shall then determine whether the matter contains UCNI.
- c. Review Responsibilities of Classification Officers.
- (1) When General Guideline Topics Exist. A Classification Officer may make a Final Review Determination that matter contains, does not contain, or no longer contains UCNI based on applicable General Guideline topics. The Classification Officer shall ensure that the matter is marked as described in Attachment 1, Chapter I, part C, paragraphs 3, 7, or 8. A Classification Officer may delegate this authority to Reviewing Officials on his/her immediate staff; otherwise, this authority shall not be delegated.
 - (2) When No Applicable General Guideline Topics Exist. If there is a specific requirement for a Final Review Determination for the matter and no applicable General Guideline topics exist, the Classification Officer shall send the matter to the Office of Declassification with recommendations as to what information should be UCNI. The Office of Declassification shall determine whether it contains UCNI.
- d. Scientific and Technical Reports. A Reviewing Official shall report to the Office of Scientific and Technical Information and the originator the title, number, date, originating organization, author, and UCNI status of any unclassified scientific and technical report that he/she determines may contain, does contain, or no longer contains UCNI.
- e. Requests for Matter. A Reviewing Official shall review for UCNI any matter containing information under his/her cognizance if the review is requested to fulfill requirements based on a statute, Executive order, regulation, or directive. A Reviewing Official may review for UCNI any matter containing information under his/her cognizance whenever appropriate.

4. DENIAL OF MATTER BY A DENYING OFFICIAL. Since UCNI is exempt from public release, a Reviewing Official shall transmit to the appropriate Denying Official, as defined in DOE 1700.1, FREEDOM OF INFORMATION PROGRAM, any matter determined by the Reviewing Official to contain UCNI whose public release has been requested under statute (e.g., the Freedom of Information Act) or Executive order. Prior to such transmittal, the Reviewing Official shall bracket each reasonably segregable portion of the matter that contains UCNI.
5. JOINT MATTER. A Reviewing Official shall coordinate the review of matter for decontrol and public release with (a) the DOE or contractor organization or Federal agency originating the matter and (b) each DOE or contractor organization or Federal agency having cognizance over any information contained in the matter. The Director of Security Affairs has the authority to resolve disagreements between Reviewing Officials or Denying Officials as to whether or not the matter contains UCNI.
6. NOTIFICATION OF DETERMINATION. A Reviewing Official shall notify the originator of any unclassified matter determined by the Reviewing Official to contain or to no longer contain UCNI. To the extent practical, the originator of the matter should notify all holders of the matter of the determination.
7. MATTER RETIRED TO A REPOSITORY. Any matter retired to a repository prior to the date of this CRD is not required to be reviewed for UCNI while in the repository or when retrieved from the repository for reference, inventory, or similar purposes as long as it will be returned to the repository. However, any such unclassified matter that is requested for release under a statute or Executive order which is likely to contain UCNI shall be reviewed by a Reviewing Official; if determined to contain UCNI, it must be marked by the repository personnel in accordance with this chapter upon notification that the matter contains UCNI.
8. WIDELY DISSEMINATED MATTER OR INFORMATION.
 - a. Matter. Any matter widely disseminated in the public domain (e.g., a document that is available in a public or university library) is exempt from control under this CRD regardless of its content. The determination as to whether matter has been widely disseminated is made by a Reviewing Official.
 - b. Information. Widespread public dissemination of matter containing information otherwise eligible for control as UCNI precludes control of the information as UCNI.

Part C - Marking of Matter

1. RELATIONSHIP TO OTHER TYPES OF CONTROL MARKINGS.

- a. Unclassified Matter. UCNI markings shall be applied to any unclassified matter that may contain or contains UCNI regardless of any other unclassified control marking (e.g., Official Use Only, company "confidential") that is also on the matter.
- b. Classified Matter. UCNI markings shall not be applied to classified matter that contains UCNI, unless such matter has been portion marked to indicate classification level. In such cases, the acronym "UCNI" shall be used to indicate those unclassified portions containing UCNI.

2. UNCLASSIFIED MATTER THAT MAY CONTAIN UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.

a. Matter Pending Review.

- (1) Front Marking. If a person thinks that unclassified matter may contain UCNI, then prior to transmittal to a Reviewing Official, the person shall mark (a) a blank sheet of paper attached to the front of the matter so as not to deface it or (b) the front of the matter as follows:

NOT FOR PUBLIC DISSEMINATION

May contain Unclassified Controlled Nuclear Information subject to section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168). Approval by the Department of Energy prior to release is required.

- (2) Page Marking. No other front or internal page markings are required.
- (3) Removal of Marking. This marking may be removed by (a) the person who applied it or (b) a Reviewing Official who makes a Preliminary or Final Review Determination.

b. Preliminary Review Determination.

- (1) Front Marking. If a Reviewing Official determines that unclassified matter may contain UCNI, the Reviewing Official shall ensure that the front of the matter is marked as follows:

NOT FOR PUBLIC DISSEMINATION

May contain Unclassified Controlled Nuclear Information subject to section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168). Approval by the Department of Energy prior to release is required.

Reviewing
Official: _____
(Name/Organization)

Date: _____

(2) Page Marking. The marking "MAY CONTAIN UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION" shall be placed on the bottom of the front of the matter and (a) on the bottom of each interior page of the matter or (b) if more convenient, on the bottom of only those interior pages that may contain UCNI.

c. Removal of Preliminary Review Determination Markings. The markings may be removed by the Reviewing Official who applied them or a Reviewing Official who makes a Final Review Determination.

3. UNCLASSIFIED MATTER THAT CONTAINS UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.

a. Front Marking. When a Reviewing Official makes a Final Review Determination that unclassified matter contains UCNI, the Reviewing Official shall ensure that the front of the matter is marked as follows:

UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION
NOT FOR PUBLIC DISSEMINATION

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

Reviewing
Official: _____
(Name/Organization)

Date: _____

b. Page Marking. The marking "UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION" or "UCNI" shall be placed on the bottom of the front of the matter and (1) on the bottom of each interior page of the matter or (2) if more convenient, on the bottom of only those interior pages that contain UCNI.

- c. Removal of Markings. The removal of these markings may be authorized by (1) the Reviewing Official who applied them; (2) the local Classification Officer or his/her delegate; or (3) a Denying Official.

4. SPECIAL FORMAT MATTER. Special formats of unclassified matter (e.g., photographs, viewgraphs, films, magnetic tapes, floppy diskettes, audio or videotapes, slides) shall be marked to the extent practical as described in paragraphs 2 and 3, above. Regardless of the precise markings used in such cases, any special-format, unclassified matter that contains UCNI shall be marked so that both a person in physical possession of the matter (e.g., markings on a viewgraph frame, a film reel and its container) and a person with access to the information in or on the matter (e.g., markings on the projected image of a slide, a warning on a film leader) are made aware that it contains UCNI. When space is limited, as on a 35 mm slide, the marking, "UCNI," will suffice.

5. TRANSMITTAL DOCUMENTS. A document that (a) transmits matter marked as potentially containing UCNI or as containing UCNI and (b) does not itself contain classified information or UCNI shall be marked on its front as follows.

Matter transmitted may contain/contains Unclassified Controlled Nuclear Information. When separated from enclosures, this document is not UCNI.

6. USE OF ALTERNATE MARKINGS.
 - a. Conditions of Use. A Reviewing Official shall authorize the application of alternate markings to unclassified matter determined by the Reviewing Official to contain UCNI only if both of the following conditions are true.
 - (1) The matter is related to an atomic energy defense program, but does not contain any information explicitly indicating this relationship.
 - (2) The fact of the relationship of the matter to an atomic energy defense program is itself sensitive.

 - b. Alternate Markings. The following markings shall be used only if a Reviewing Official determines that the conditions of use described above are satisfied. All other standard markings specified in this chapter shall be used as appropriate.
 - (1) Alternate Determination Marking. The following marking shall be placed on the front of the matter:

NOT FOR PUBLIC DISSEMINATION

Unauthorized dissemination subject to civil and criminal sanctions under 42 U.S.C. 2168.

- (2) Alternate Page Marking. The following marking shall be placed on the bottom of the front of the matter and (a) on each interior page of the matter or (b) on only those interior pages that contain UCNI:

UNCLASSIFIED CONTROLLED INFORMATION

7. UNCLASSIFIED MATTER THAT NO LONGER CONTAINS UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. A Reviewing Official may determine that unclassified matter marked as containing UCNI no longer contains UCNI. In such a case, the official shall ensure that all UCNI markings are removed or crossed out and that the front of the matter is marked as follows:

DOES NOT CONTAIN UNCLASSIFIED
CONTROLLED NUCLEAR INFORMATION

Reviewing
Official: _____
(Name/Organization)

Date: _____

8. UNCLASSIFIED MATTER THAT DOES NOT CONTAIN UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. A Reviewing Official may determine that unclassified, unmarked matter does not contain UCNI. No markings are required in such a case; however, for documentation purposes, the Reviewing Official may mark the front of the matter with the same marking used in paragraph 7 above.
9. EXISTING MATTER CONTAINING UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. Matter originated prior to the date of this CRD which has not previously been reviewed for UCNI shall be reviewed and appropriately marked when retrieved from the files for active use or dissemination. Existing matter containing UCNI need not be reviewed and marked when it is retrieved from the files for reference, inventory, or similar purposes as long as it will be returned to the files.
10. UPGRADING. Any notification that directs that existing, unmarked matter be marked UCNI shall itself be UCNI. Such a notification shall include:
- (a) sufficient information to allow the holder of the matter to identify it,
 - (b) the name and organization of the Reviewing Official authorizing the upgrade, and

- (c) the date of the upgrade determination.

For notification distribution requirements, refer to Attachment 1, Chapter I, part B, paragraph 6.

CANCELED

CHAPTER II

PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

1. ACCESS TO UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION. Access to UCNI shall be provided only to those authorized routine or special access.
 - a. Routine Access. Routine access refers to the normal exchange of UCNI during the conduct of official business and allows for further dissemination of UCNI if the requirements in paragraph (2) below are met.
 - (1) Authorized Individual. Routine access to UCNI is granted by an Authorized Individual, who may be the originator or any person in authorized possession of the UCNI. A Reviewing Official is an Authorized Individual for matter that the Reviewing Official determines to contain UCNI. An Authorized Individual may determine that another person is an Authorized Individual who may be granted routine access to UCNI, and who may further disseminate UCNI under the procedures of paragraph (2) below. The recipient of UCNI from an Authorized Individual is also an Authorized Individual for the specific UCNI to which routine access has been granted. An Authorized Individual designates another person to be an Authorized Individual by the act of giving that person UCNI. No explicit designation or security clearance is required. This second Authorized Individual may further disseminate UCNI under the procedures in the following paragraph. Only those persons identified below may have routine access to UCNI.
 - (2) Eligibility for Routine Access. A person to be granted routine access to UCNI must have a need to know the specific UCNI in the performance of official duties or of DOE-authorized activities. In addition to the need-to-know requirement, the person must meet at least one of the following requirements.
 - (a) U.S. Citizen. The person is a U.S. citizen who is one of the following:
 - 1 A Federal employee or member of the U.S. Armed Forces.
 - 2 An employee of a Federal contractor or subcontractor or an employee of a prospective Federal contractor or subcontractor who will use the UCNI for the purpose of bidding on a Federal contract or subcontract.

- 3 A Federal consultant or DOE advisory committee member.
 - 4 A Member of Congress.
 - 5 A staff member of a congressional committee or of an individual Member of Congress.
 - 6 The Governor of a State, his/her designated representative, or a State government official.
 - 7 A local government official or an Indian tribal government official.
 - 8 A member of a State, local, or Indian tribal law enforcement or emergency response organization.
 - 9 A DOE access permittee authorized under 10 CFR Part 725 to have access to Restricted Data and is applicable to civil uses of atomic energy.
- (b) Other Than a U.S. Citizen. The person is other than a U.S. citizen and is one of the following:
- 1 A Federal employee or a member of the U.S. Armed Forces.
 - 2 An employee of a Federal contractor or subcontractor.
 - 3 A Federal consultant or DOE advisory committee member.
- (c) Other Than a U.S. Citizen and Otherwise Not Eligible for Routine Access. The person may be other than a U.S. citizen who is not otherwise eligible for routine access to UCNI under the above paragraph, but who requires routine access to specific UCNI in conjunction with one of the following.
- 1 An international nuclear cooperative activity approved by the U.S. Government.
 - 2 U.S. diplomatic dealings with foreign government officials.
 - 3 An agreement for cooperation under section 123 of the Atomic Energy Act.

4 Provisions of treaties, mutual defense acts, or Federal contracts or subcontracts.

The Authorized Individual who desires to release UCNI to a person under this paragraph shall coordinate such release with the Secretarial Officer with cognizance over the information. In addition, the individual must acknowledge in writing prior to receiving the UCNI that he/she agrees to afford the UCNI an equivalent level of protection as required by this CRD.

- (3) Dissemination Limitations. An Authorized Individual may disseminate UCNI only to another Authorized Individual or to a person granted special access to that UCNI information (see paragraph 1b below).
 - (4) Access to UCNI Matter by Prospective Contractors in Bidrooms. To have access to matter that contains UCNI in bidrooms, a prospective contractor desiring access shall execute a self-certification that he/she is a U.S. citizen and will use the UCNI only in a manner consistent with the requirements in 10 CFR Part 1017. This self-certification shall be sent to the local contracting office.
 - (5) Deviation from Requirements. The Office of Safeguards and Security may approve a waiver or recommend approval of an exception to any requirement for routine access to specific UCNI. However, the Office of Safeguards and Security shall obtain the concurrence of the Secretarial Officer having cognizance over the UCNI prior to granting such a waiver for routine access to specific UCNI.
- b. Special Access. Special access may be granted to individuals not authorized routine access to UCNI. Examples of when special access might be granted include an attorney representing an employee in litigation with the DOE or a representative of a public interest group concerned about environmental issues at a DOE site.
- (1) Submission of a Request. A person not authorized routine access to UCNI may submit a request for special access to UCNI to the cognizant Secretarial Officer. Such a request must include the following.
 - (a) Requester's name, current residence or business address, birthplace, birth date, and country of citizenship.
 - (b) A description of the UCNI requested.
 - (c) A description of the purpose for which the UCNI is needed.

- (d) Certification by the requester of his/her understanding of, and willingness to abide by, the requirements in 10 CFR Part 1017.
- (2) Granting a Request. The Secretarial Officer shall base his/her decision to grant special access to UCNI on an evaluation of the following criteria.
- (a) The sensitivity of the UCNI for which special access is being requested (i.e., the worst-case, adverse effect on the health and safety of the public or the common defense and security that would result from unauthorized use of the UCNI).
 - (b) The purpose for which the UCNI is needed (e.g., will the UCNI be used for commercial or other private purposes or used for public benefit to fulfill statutory or regulatory responsibilities).
 - (c) The likelihood of unauthorized dissemination by the requester.
 - (d) The likelihood of the requester using the UCNI for illegal purposes.
- (3) Notification to the Office of Safeguards and Security. When special access is approved by the Secretarial Officer, he/she shall provide the Office of Safeguards and Security with the following information.
- (a) Name of individual granted special access.
 - (b) Description of the UCNI.
 - (c) Date of approval.
 - (d) Justification for granting the request.
- (4) Notification of Requester. Within 30 days of receipt of the request, the Secretarial Officer shall notify the requester of the determination or, if a determination cannot be made within 30 days, of the date when the determination will be made.
- (5) Special Access Limitations. A person granted special access to specific UCNI is not an Authorized Individual and shall not further disseminate the UCNI.
- (6) Categorical Special Access Approval. Requests for categorical special access approval shall be submitted to the Director of Safeguards and Security.

- (7) Notification of Responsibilities by Use of Cover Sheet. Each person granted special access to UCNI shall be notified of applicable regulations concerning UCNI prior to dissemination of the UCNI. Attaching a DOE F 5639.1, "Special Access Cover Sheet," to the front of the matter containing UCNI prior to its transmittal to the person constitutes notification.

2. PHYSICAL PROTECTION REQUIREMENTS. The following physical protection requirements apply to matter containing UCNI and that may contain UCNI.

- a. Protection in Use. An Authorized Individual shall maintain physical control over any matter marked as containing UCNI so as to prevent unauthorized access to the information.
- b. Protection in Storage. UCNI matter shall be stored to preclude disclosure. Storage of such matter with other unclassified matter in unlocked receptacles, such as file cabinets, desks, or bookcases, is adequate when Government or Government-contractor internal building security is provided during non-duty hours. When such internal building security is not provided, locked rooms or buildings provide adequate after-hours protection. If rooms or buildings are not locked or otherwise controlled, UCNI matter shall be stored in locked receptacles, such as file cabinets, desks, or bookcases.
- c. Reproduction. Matter marked as containing UCNI may be reproduced without permission of the originator to the minimum extent necessary consistent with the need to carry out official duties. The reproduced matter must be marked and protected in the same manner as the original matter. Copy machine malfunctions must be cleared with all paper paths checked for UCNI material. Excess paper containing UCNI shall be destroyed as described below.
- d. Destruction. At a minimum, UCNI matter must be destroyed by using strip cut shredders that result in particles of no more than 1/4-inch wide strips. Other ways providing sufficient destruction (e.g., an intact document buried in an onsite, controlled access landfill) may be approved by the local security office. Note that the decision to dispose of any DOE matter, whether or not it contains UCNI, must be consistent with the policies and procedures for records disposition.
- e. Transmission. Transmission shall be by means to preclude unauthorized disclosure or dissemination.
 - (1) Outside a Facility.
 - (a) Matter marked as containing UCNI shall be packaged in a single, opaque envelope or wrapping.

- (b) Any of the following U.S. mail methods may be used: U.S. First Class, Express, Certified, or Registered Mail may be used.
 - (c) Any commercial carrier using a signature service may be used.
 - (d) An Authorized Individual or a person granted special access may hand-carry the matter as long as he/she can control access to the matter being transmitted.
- (2) Within a Facility.
- (a) A standard distribution envelope, such as the U.S. Government Messenger Envelope (Standard Form No. 65-B) or equivalent, may be used.
 - (b) An Authorized Individual or a person granted special access may hand-carry the matter as long as he/she can control access to the matter being transmitted.
- (3) Over Telecommunications Circuits. The use of telecommunications services, including voice (telephonic, point-to-point), facsimile, narrative message, communications facilities and radio communications, must consider and use the most security readily available for the transmission of UCNI over this form of media. These considerations include, but may not be limited to, physical, personnel, administrative, and communications protective features and any other supplemental controls established to provide an acceptable level of protection for UCNI. These protective features must deter access to UCNI by unauthorized individuals and restrict public releasability.
- If UCNI is transmitted over public switched broadcast communications paths (e.g., Internet) then the information must be protected by encryption. In emergency situations, facility management may make a determination to waive encryption requirements.
- f. Automated Information Systems (AIS). The AIS or AIS network must ensure that only personnel authorized access to UCNI can access that information. For instance, networks interconnected with a public switched - broadcast network - like Internet, must provide provisions (e.g., authentication, file access controls, etc.) to ensure that UCNI is protected against unauthorized access. UCNI being transmitted over broadcast networks like the Internet, where unauthorized access is possible, must provide protection (e.g., encryption) to ensure that the information is not improperly accessed.