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IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION MANUAL



U.S. DEPARTMENT OF ENERGY
Office of Security and Emergency Operations
Office of Security Affairs
Office of Nuclear and National Security Information
Office of Safeguards and Security

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INITIATED BY:
Office of Security Affairs

IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION MANUAL

1. PURPOSE. This Manual provides detailed requirements to supplement DOE O 471.1A, IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.
2. SUMMARY. This Manual is composed of three chapters that provide the requirements for identifying and protecting Unclassified Controlled Nuclear Information (UCNI). Chapter I describes how UCNI is identified in matter, including the authority needed to review matter, the guidelines that are used, and the markings that are placed on the matter. Chapter II describes the access and physical protection requirements. Chapter III describes how violations and infractions of requirements in this Manual are handled.
3. REFERENCES.
 - a. DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM, dated 9-28-95.
 - b. DOE O 471.1A, IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, dated 6-30-00.
 - c. DOE M 475.1-1, IDENTIFYING CLASSIFIED INFORMATION, dated 5-8-98.
 - d. DOE 3750.1, WORK FORCE DISCIPLINE, dated 3-23-83.
 - e. 10 CFR Part 1004, "Freedom of Information."
 - f. 10 CFR Part 1017, "Identification and Protection of Unclassified Controlled Nuclear Information."
 - g. Atomic Energy Act of 1954, as amended, section 123, "Cooperation with Other Nations" (42 U.S.C. 2153), and section 148, "Dissemination of Unclassified Information" (42 U.S.C. 2168).
4. DEVIATIONS FROM REQUIREMENTS.
 - a. Deviations from Chapter I Requirements. A Classification Officer may propose an alternate or equivalent means of meeting a specific requirement in Chapter I or he/she may request an exemption. Such a proposal shall describe the variance or waiver and explain why it is needed. The proposal must be submitted to the Director of Nuclear and National Security Information for approval. The

Director's decision must be made within 30 days. Each approved deviation will be examined during an oversight review to ensure it is still needed.

- b. Deviations from Chapter II or III Requirements. Deviations from requirements contained in Chapter II or III will be approved through procedures established in DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM.
4. CONTACT. Questions concerning this Manual should be addressed as follows:
- a. Questions on Chapter I should be directed to the Office of Nuclear and National Security Information at 301-903-5454.
 - b. Questions on Chapters II and III should be directed to the Office of Safeguards and Security at 301-903-4805.

BY ORDER OF THE SECRETARY OF ENERGY:



T. J. GLAUTHIER
DEPUTY SECRETARY

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CHAPTER I

IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Part A - Guidelines

1. UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (UCNI) GUIDELINES.
Reviewing and Denying Officials must use UCNI guidelines as their basis for determining whether matter contains UCNI. Such guidelines may be separate documents or integrated in classification guides. These guidelines are of three types: the General Guideline, Topical Guidelines, and Internal Guidelines.
2. GENERAL GUIDELINE.
 - a. Purpose. The General Guideline contains general policies and identifies whether broad areas of information are UCNI. In addition, the General Guideline is the basis for Topical and Internal Guidelines.
 - b. Originator/Approval Authority. The General Guideline is approved and issued by the Office of Nuclear and National Security Information.
 - c. Basis. The General Guideline is based on determinations by the Director of Nuclear and National Security Information.
 - d. Uses.
 - (1) Review of Matter. A Reviewing Official in the Office of Nuclear and National Security Information or a DOE field element or contractor Classification Officer may use the General Guideline to determine whether information is UCNI in any subject area for which Topical or Internal Guidelines do not exist.
 - (2) Denial of Matter. A Denying Official may use the General Guideline to determine whether information is UCNI in any subject area for which Topical or Internal Guidelines do not exist.
 - e. Identification Number. Each topic in the General Guideline which states that information is UCNI must include a unique and permanent identification number (e.g., GG #10).

3. TOPICAL GUIDELINES.

- a. Purpose. A Topical Guideline identifies whether information in a specific technical or program area is UCNI.
- b. Originator/Approval Authority. The Office of Nuclear and National Security Information approves and issues Topical Guidelines.
- c. Basis. A Topical Guideline is based on the General Guideline or another Topical Guideline.
- d. Uses.
 - (1) Review of Matter. Any Reviewing Official may use a Topical Guideline to determine whether information is UCNI.
 - (2) Denial of Matter. A Denying Official may use a Topical Guideline to determine whether information is UCNI.
- e. Basis Citation. Each topic in a Topical Guideline that designates information as UCNI must cite the identification number of either the General or Topical Guideline on which it is based. In addition, each topic in a Topical Guideline that indicates information is UCNI must include a Topical Guideline identification number (e.g., NV-TG #1) to be cited as the basis for either Topical or Internal Guideline topics.

4. INTERNAL GUIDELINES.

- a. Purpose. An Internal Guideline identifies whether information of interest to the issuing organization is UCNI.
- b. Originator/Approval Authority. DOE elements, including National Nuclear Security Administration (NNSA), and contractor organizations may issue Internal Guidelines.
 - (1) The Office of Nuclear and National Security Information must approve each Internal Guideline before it is issued or reissued. The Director of Nuclear and National Security Information may delegate this authority in writing to field element Classification Officers.
 - (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.

- c. Basis. An Internal Guideline is based on a Topical Guideline; however, if no applicable Topical Guideline exists, the Internal Guideline may be based directly on the General Guideline.
- d. Uses. The issuing organization should specify in the Internal Guideline which organizations are authorized to use the Internal Guideline to determine whether information is UCNI.
 - (1) Review of Matter. Only Reviewing Officials in the Office of Nuclear and National Security Information, 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 determine whether information is UCNI.
 - (2) Denial of Matter. Any Denying Official may use an Internal Guideline generated by an organization under his/her cognizance to determine that information is UCNI.
- e. Basis Citation. Each topic in an Internal Guideline that states that information is UCNI must 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 Nuclear and National Security Information for review and approval must include the following:
 - (1) the full text of the guideline;
 - (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 or Denying Officials not authorized to use the Internal Guideline; and
 - (4) a contact point for requesting copies of the guideline.
- g. Copies of the Guideline. Any organization that issues an Internal Guideline must send the Office of Nuclear and National Security Information one floppy diskette in either ASCII or WordPerfect 5.1 or higher format and five copies of the issued guideline.

Part B - Review of Matter

1. OVERVIEW. Any matter that may contain UCNI must be sent to a Reviewing Official prior to release. A Reviewing Official determines whether the matter contains UCNI. A Reviewing Official bases his/her determination on Topical Guidelines and Internal Guidelines. If matter containing UCNI is requested under a statute or Executive order, the Reviewing Official must send the matter to a Denying Official.
2. REVIEWING OFFICIALS.
 - a. Authority. A Reviewing Official with cognizance over information contained in matter (or as designated by the Office of Nuclear and National Security Information) must determine whether the matter contains UCNI. A Reviewing Official authorizes UCNI markings to be applied to or removed 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. Designation of Reviewing Officials.
 - (1) Field. DOE field element and contractor Classification Officers train and designate additional Reviewing Officials as necessary within their organizations, subordinate organizations, and contractors. Any individual in a position that requires Reviewing Official authority must submit a request to the local Classification Officer following local procedures.
 - (2) Headquarters. The Office of Nuclear and National Security Information trains and designates Reviewing Officials for Headquarters and NNSA elements and their contractors and for any organization or contractor with no Classification Officer. Any individual in a position that requires Reviewing Official authority must submit a request signed by the office director or higher-level official to the Office of Nuclear and National Security Information. 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) anticipated frequency of use of the authority (e.g., daily, weekly);
 - (f) UCNi guideline(s) to be used (a list of guidelines is available from the Office of Nuclear and National Security Information); and
 - (g) qualifications of the individual (include educational background and experience).
- c. List of Current Reviewing Officials. Each designating official must maintain a current list of all Reviewing Officials under his/her cognizance. This list must include the following information:
 - (1) name, title, and organization of each Reviewing Official;
 - (2) effective date of each designation; and
 - (3) any special instructions or limitations that apply to each designation.
- d. Cancellation of Authority. The Reviewing Official's office director, the designating official, the field element Classification Officer for contractors under his/her cognizance, the Chief of Defense Nuclear Security for NNSA elements, or the Director of Nuclear and National Security Information may cancel Reviewing Official authority when the employee's position no longer requires such authority or the employee cannot or does not exercise that authority reliably.
 - (1) By the Reviewing Official's Office Director. The office director who cancels the Reviewing Official authority for an employee must notify the employee and inform the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
 - (2) By the Designating Official. The designating official who cancels the Reviewing Official authority for an employee must notify the employee and inform the employee's office director of the employee's name and position, the reason for cancellation, and the date the authority will end.
 - (3) By the Field Element Classification Officer. The field element Classification Officer who cancels the Reviewing Official authority for a contractor employee under his/her cognizance must notify the employee and inform the employee's office director and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.

4. By the Chief of Defense Nuclear Security. Upon canceling the Reviewing Official authority for an employee within NNSA, the Chief of Defense Nuclear Security must notify the employee and inform the employee's office director and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
- (5) By the Director of Nuclear and National Security Information. Upon canceling the Reviewing Official authority for an employee, the Director of Nuclear and National Security Information must notify the employee and inform the employee's office director and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.

3. REVIEW RESPONSIBILITIES.

- a. Responsibilities of Originator or Possessor of Matter.
 - (1) Review Requirement. Any person who thinks unclassified matter he/she originates or possesses may contain UCNI must send it to a Reviewing Official before it is finalized, sent outside of the 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 and is not accessible by individuals who are not authorized access to UCNI.)
 - (2) Review Requirement Exception. Review 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 must be destroyed in accordance with procedures in Chapter II, paragraph 2d.
- b. Responsibilities of the Reviewing Official. A Reviewing Official must first determine whether the matter is widely disseminated in the public domain (e.g., a document that is available in a public or university library or over the Internet); such matter is exempt from control as UCNI regardless of its content. If not widely disseminated, the Reviewing Official determines whether the matter contains UCNI.
 - (1) When Applicable Topical or Internal Guidelines Exist. A Reviewing Official uses applicable Topical or Internal Guidelines authorized for his/her use to determine whether matter contains UCNI. The Reviewing Official applies or authorizes UCNI markings to be applied to the matter and notifies the originator.

- (2) When No Applicable Topical or Internal Guidelines Exist. When no applicable Topical or Internal Guidelines exist, the Reviewing Official must send the matter and written recommendations on information that should be designated as UCNI to the local Classification Officer, or for Headquarters, to the Office of Nuclear and National Security Information.
 - c. Review Responsibilities of Classification Officers.
 - (1) When Applicable General Guideline Topics Exist. A Classification Officer may determine whether matter contains UCNI based on applicable General Guideline topics. The Classification Officer applies or authorizes UCNI markings to be applied to the matter and notifies the Reviewing Official who referred the matter. A Classification Officer may delegate this authority to Reviewing Officials on his/her immediate staff; otherwise, this authority must not be delegated.
 - (2) When No Applicable General Guideline Topics Exist. When no applicable General Guideline topics exist, the Classification Officer must send the matter and written recommendations on information that should be designated as UCNI to the Office of Nuclear and National Security Information for a determination.
 - d. Notification of Determination. A Reviewing Official must notify the originator of any unclassified matter determined to contain or no longer contain UCNI. To the extent practical, the originator should notify all holders of the matter of the determination.
 - e. Scientific and Technical Reports. The originator must report to the Office of Scientific and Technical Information the title, number, date, originating organization, author, and UCNI status of any unclassified scientific and technical report that he/she determines contains UCNI.
4. DENIAL OF MATTER CONTAINING UCNI REQUESTED UNDER STATUTE OR EXECUTIVE ORDER.
- a. Denial Determination. UCNI is exempt from public release. Therefore, whenever any matter determined to contain UCNI by a Reviewing Official is requested under statute or Executive order, a Denying Official may deny the request for those portions. This is true regardless of whether the matter previously had UCNI markings. Denying Officials for Headquarters and field elements are defined in 10 CFR 1004.2(b) and deny unclassified matter requested under any statute or Executive order. The Reviewing Official processing the request must bracket each portion of the matter that the Reviewing Official believes contains UCNI prior to sending the matter to the

appropriate Denying Official. The Denying Official must then review the requested matter and ensure that the Reviewing Official has correctly interpreted and applied the UCNI guidelines. The Denying Official's determination is based on the Reviewing Official's recommendation and applicable UCNI guidelines.

b. Denial Notification Requirements.

- (1) Originator. To the extent practical, the Denying Official should notify the originator of any 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 it no longer contains UCNI. To the extent practical, the originator should notify all holders of the matter of the determination.
- (2) Office of Nuclear and National Security Information. The Denying Official must notify the Office of Nuclear and National Security Information (ATTN: SO-221) of each denial determination and must provide that office with a copy of the request letter, the denial letter, and any analysis supporting the denial determination. (The Denying Official does not have to provide copies of the matter that was the subject of the request unless specifically requested by the Office of Nuclear and National Security Information.)
- (3) Office of Scientific and Technical Information. A Denying Official must notify the Office of Scientific and Technical Information of the title, number, date, originating organization, and author when an unclassified scientific or technical report previously marked to indicate it may contain or does contain UCNI is determined by the Denying Official to no longer contain UCNI.

5. 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 for 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 DOE for requests made under statute; the Director of Security Affairs issues the final appeal determination for requests made under Executive order.
- b. Analytical Support. The Office of Nuclear and National Security Information provides analytical support and recommendations to assist the Director of Security Affairs in exercising his/her UCNI appeal authority.

- c. Scientific and Technical Reports. The Office of Nuclear and National Security Information must report to the Office of Scientific and Technical Information and the originator the title, number, date, originating organization, and author of any unclassified scientific or technical report that is determined on appeal to no longer contain UCNI.
- 6. JOINT MATTER. Prior to determining that matter under the cognizance of another DOE element no longer contains UCNI, the Reviewing Official must either send the matter to that organization for review or obtain the concurrence of that organization that the matter no longer contains UCNI.
- 7. MATTER SENT TO FILES. Any matter that has been filed is not required to be reviewed for UCNI while in the files or when retrieved from the files for reference, inventory, or similar purposes as long as it will be returned to the files and is not accessible by individuals who are not authorized access to UCNI. Such matter may or may not have any UCNI markings. However, any such unclassified matter that is proposed for release that is likely to contain UCNI must be reviewed by a Reviewing Official with cognizance over the information. Such circumstances requiring this proposed release might be a formal request for the matter under a statute or Executive order, response to a court order, or simply to answer a question from a DOE customer. If the matter is determined to contain UCNI, it must be marked by the document custodian in accordance with this chapter upon notification that the matter contains UCNI.

Part C - Marking of Matter1. RELATIONSHIP TO OTHER TYPES OF CONTROL MARKINGS.

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

2. UNCLASSIFIED MATTER THAT CONTAINS UCNI.

- a. Front Marking. When a Reviewing Official determines that unclassified matter contains UCNI, the Reviewing Official marks or authorizes the front of the matter to be 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: _____

Guidance Used: _____
(List all UCNI guidance used)

- b. Page Marking. The marking “UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION” or “UCNI” must be placed on the top and bottom of the front of the matter and (1) on the top and bottom of each interior page of the matter or (2) if more convenient, on the top and 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 Nuclear and National Security Information; or (3) a Denying Official.

3. USE OF ALTERNATE MARKINGS.

- a. Conditions of Use. Alternate markings may be applied to unclassified matter determined by a 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 may 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 must be used as appropriate.
 - (1) Alternate Determination Marking. The Reviewing Official marks or authorizes the front of the matter to be marked as follows:

NOT FOR PUBLIC DISSEMINATION

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

- (2) Alternate Page Marking. The marking “UNCLASSIFIED CONTROLLED INFORMATION” must be placed on the top and bottom of the front of the matter and (1) on the top and bottom of each interior page of the matter or (2) if more convenient, on the top and bottom of only those interior pages that contain UCI.
- 4. CAVEAT. UCNI matter may be marked with the caveat “DISSEMINATION CONTROLLED” when programmatic requirements place special dissemination or reproduction limitations on information controlled as UCNI. This marking indicates that reproduction, extraction of information, or redistribution of such matter requires the permission of the cognizant DOE program office. If this caveat is applied, the originator must ensure that the following marking is placed immediately above the matter’s front marking:

DISSEMINATION CONTROLLED

Distribution authorized to DOE and DOE contractors only. Other requests shall be approved by the cognizant DOE program office, which is _____, before release.

5. SPECIAL FORMAT MATTER. Special formats of unclassified matter (e.g., photographs, viewgraphs, films, magnetic tapes, floppy diskettes, audio or videotapes, slides) must 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 must 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 "UCNI" marking will suffice.
6. TRANSMITTAL DOCUMENTS. A document that (a) transmits matter marked as containing UCNI and (b) does not itself contain classified information or UCNI must be marked on its front as follows:

Matter transmitted contains Unclassified Controlled
Nuclear Information. When separated from
enclosures, this transmittal document does not contain
UCNI.

7. UNCLASSIFIED MATTER THAT NO LONGER CONTAINS UCNI. 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 must 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 UCNI. 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 or may authorize the front of the matter to be marked with the same marking used in paragraph 7 above.

9. UPGRADING. A Reviewing or Denying Official may determine that existing, unmarked matter contains UCNI. The Reviewing or Denying Official making the determination must notify the originator or document custodian, providing sufficient information for the originator or document custodian to identify the specific matter being upgraded. This notification must itself be marked UCNI. To the extent practical, the originator or document custodian should notify all holders of the matter of the determination.

CANCELED

CHAPTER II

PROTECTION OF UCNI

1. ACCESS TO UCNI. Access to UCNI must be provided only to those authorized for 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. An Authorized Individual, who may be the originator or possessor of UCNI, may grant routine access to UCNI to another person eligible for routine access to UCNI (see paragraph 1a(2) below) simply by giving that person UCNI. No explicit designation or security clearance is required. The recipient of the UCNI becomes an Authorized Individual for that specific UCNI. A Reviewing Official is an Authorized Individual for matter that the Reviewing Official determines to contain UCNI.
 - (2) Eligibility for Routine Access. To be granted routine access to UCNI, a person must need to know the specific UCNI in the performance of official duties or 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.
- (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 for the reasons listed in this paragraph must coordinate such release with the DOE Secretarial Officer or NNSA Deputy Administrator or Chief with cognizance over the information. (For example, release of security-related UCNI at any site requires the approval of the Director of Safeguards and Security, not the program office that manages the site.)

- (3) Dissemination Limitations. An Authorized Individual may disseminate UCNI only to a person who is eligible for routine access to UCNI (see paragraph 1a(2) above) or to a person granted special access to UCNI (see paragraph 1b below).
 - (4) Access to UCNI Matter by Prospective Contractors in Bid Rooms. To have access to matter that contains UCNI in bid rooms, a prospective contractor desiring access must 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 must 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 must obtain the concurrence of the DOE Secretarial Officer or NNSA Deputy Administrator of Chief 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 for routine access to UCNI. For example, special access might be granted to an attorney representing an employee in litigation with DOE.
- (1) Submission of a Request. A person not authorized for routine access to UCNI may submit a request for special access to UCNI through the cognizant DOE or NNSA security office to the cognizant DOE Secretarial Officer or NNSA Deputy Administrator or Chief. 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; and
 - (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 DOE Secretarial Officer or NNSA Deputy Administrator or Chief must 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 for public benefit to fulfill statutory or regulatory responsibilities);
 - (c) the likelihood of unauthorized dissemination by the requester; and
 - (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 DOE Secretarial Officer or the NNSA Deputy Administrator or Chief, he/she must 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, and
 - (d) justification for granting the request.
- (4) Notification of Requester. Within 30 days of receipt of the request, the DOE Secretarial Officer or the NNSA Deputy Administrator or Chief must 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 must not further disseminate the UCNI.
- (6) Categorical Special Access Approval. A related group of individuals may be eligible for approval of special access to UCNI. In such a case, the relationship of the individuals must be described, but the individuals themselves need not be identified. (Example: All attorneys and paralegals of a law firm who are representing a client in a lawsuit against a DOE site.) Requests for such categorical special access approval are submitted to the Director of Safeguards and Security.
- (7) Notification of Responsibilities by Use of Cover Sheet. Each person granted special access to UCNI must be notified of applicable regulations concerning

UCNI prior to dissemination of the UCNI. Attaching DOE F 5639.1, "Unclassified Controlled Nuclear Information (UCNI) (Controlled)," 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.
 - a. Protection in Use. An Authorized Individual must maintain physical control over any matter marked as containing UCNI to prevent unauthorized access to the information.
 - b. Protection in Storage. UCNI matter must be stored to preclude unauthorized 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 must 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 and all paper paths checked for UCNI material. Excess paper containing UCNI must be destroyed as described below.
 - d. Destruction.
 - (1) 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 methods that provide sufficient destruction (e.g., an intact document buried in an onsite, controlled-access landfill) may be approved by the cognizant DOE security office.
 - (2) The decision to dispose of any DOE matter, whether or not it contains UCNI, must be consistent with the authorities for Federal records disposition which emanate solely from Departmental records disposition schedules (Standard Form 115) approved by the National Archives and Records Administration (NARA) or from the General Records Schedules published by NARA and applicable throughout the Government. The unauthorized destruction of Federal records is punishable under laws of the United States.

- e. Transmission. Transmission must be by means that preclude unauthorized disclosure or dissemination.

(1) Outside a Facility.

- (a) Matter marked as containing UCNI must 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 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 (Optional 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. UCNI must be protected by encryption when transmitted by telecommunications services, including voice (telephonic, point-to-point), facsimile, narrative message, communications facilities and radio communications. If UCNI is transmitted over public-switched broadcast communications paths (e.g., Internet) then the information must always be protected by encryption. This may be accomplished through DOE public key systems or use of encryption algorithms that comply with all applicable Federal laws, regulations, and standards that address the protection of sensitive unclassified information (see Chapter 9 of DOE M 200.1-1, "Public Key Cryptography and Key Management").

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 for access to UCNI can access that information. For example, networks interconnected with a public-switched broadcast network (e.g., Internet) must provide methods (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 encryption in accordance with paragraph 2e(c) above to ensure that the information is not improperly accessed.

CANCELED

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 of 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 program and support offices within DOE and NNSA may recommend to the Office of Safeguards and Security the imposition of a civil or criminal penalty for a violation, as appropriate. The Director of Safeguards and Security must 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 Manual that does not comprise a violation. A DOE employee who commits an infraction is subject to an administrative penalty, as outlined in DOE O 3750.1, WORK FORCE DISCIPLINE; a DOE contractor employee who commits such an infraction is subject to such penalty as the contractor may impose.