

U.S. Department of Energy
Washington, D.C.

NOTICE

DOE N 473.9

Approved: 7-8-04

Expires: 7-8-05

SUBJECT: SECURITY CONDITIONS

1. OBJECTIVE. To ensure that the Department of Energy (DOE) meets the requirements of the Homeland Security Advisory System outlined in Homeland Security Presidential Directive-3, (HSPD-3), *Threat Conditions and Associated Protective Measures*, dated 3-11-02, and provides the responses specified in Presidential Decision Directive 39, *U.S. Policy on Counterterrorism* (U), dated 6-21-95.
2. CANCELLATION. DOE N 473.8, *Security Conditions*, dated 8-7-02. Cancellation of a Notice does not, by itself, modify or otherwise affect any contractual obligation to comply with the Notice. A cancelled Notice that is incorporated by reference in a contract remains in effect until the contract is modified to delete the reference to the requirements in the cancelled Notice.
3. APPLICABILITY.
 - a. Primary DOE Organizations, including National Nuclear Security Administration (NNSA). Except for the exclusions in paragraph 3c, this Notice applies to all Primary DOE Organizations (see Attachment 1 for a complete list of Primary DOE Organizations). This Notice automatically applies to Primary DOE Organizations created after it is issued.

The Administrator of NNSA shall assure that NNSA employees and contractors comply with their respective responsibilities under this Notice.
 - b. Contracts.
 - (1) The Contractor Requirements Document (CRD), Attachment 2, sets forth requirements of this Notice that will apply to site/facility management contractors whose contracts include the CRD.
 - (2) This CRD must be included in all site/facility management contracts that contain DOE Acquisition Regulation (DEAR) clause 952.204-2, titled "Security requirements." Heads of Field Elements have the authority to increase the requirements of the CRD, as detailed in the requirements and responsibilities sections of this Notice. The authority to approve reductions in the requirements of the CRD resides with the Secretary of Energy; Deputy Secretary of Energy; Under Secretary for Energy, Science and Environment; the Administrator, NNSA; or the Director, Office of Security as detailed in the responsibilities section of this Notice.

- (3) This directive does not automatically apply to other than site/facility management contracts. Application of any of the requirements of this directive to other than site/facility management contracts will be communicated separately from this directive. [See paragraph 5a(3) in the responsibilities section.]
- (4) The officials identified in Section 5, Responsibilities, are responsible for notifying the contracting officers of which contracts are affected. Once notified, the contracting officer is responsible for incorporating the CRD into the affected contracts via the “Laws, regulations, and DOE directives” clause of the affected contracts.
- (5) As stated in DEAR clause 970.5204-2, “Laws, regulations, and DOE directives,” regardless of the performer of the work, the site/facility management contractors with the CRD incorporated into their contracts are responsible for compliance with the requirements of the CRD.
 - (a) Affected site/facility management contractors are responsible for flowing down the requirements of the CRD to subcontracts at any tier to the extent necessary to ensure compliance with the requirements.
 - (b) Contractors must not unnecessarily or imprudently flow down requirements to subcontractors. That is, contractors will—
 - 1 ensure that they and their subcontractors comply with the requirements of the CRD and
 - 2 incur only those costs that would be incurred by a prudent person in the conduct of competitive business.
- c. Exclusions. In accordance with the responsibilities and authorities assigned by Executive Order 12344 and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Director of the Naval Nuclear Propulsion Program will implement and oversee all requirements and practices pertaining to this DOE Notice for activities under the Director’s cognizance.

4. REQUIREMENTS.

- a. Managers of DOE facilities, including managers of NNSA facilities, must prepare those facilities for prompt implementation of the security measures described in Attachment 3, “Protecting Department of Energy Facilities from Terrorist and

Malevolent Acts,” incorporated herein by this reference.¹ Attachment 3 describes the specific security upgrades that must be implemented to coincide with each of the Security Conditions (SECONs).

- b. NNSA facilities must be prepared to respond to SECON directives issued by the Administrator, NNSA. Non-NNSA facilities must be prepared to respond to SECON directives issued by the Under Secretary for Energy, Science and Environment. Headquarters facilities must be prepared to respond to SECON directives issued by the Director of the Office of Security. At their discretion, the Heads of DOE Field Elements may increase protection measures for facilities under their cognizance if they determine that the local threat situation warrants additional security. (See paragraph 5a for a description of the positions that are considered to be Heads of Field Elements for the purposes of this Notice.) In this event, the DOE Headquarters Operations Center and the lead program Secretarial Office (LPSO) must be notified of the SECON level. If the Head of a DOE Field Element or LPSOs believe that the SECON level should be less than that issued by the Under Secretary for Energy, Science and Environment or the Administrator, NNSA, at their facility(ies), a request for exception must be submitted for consideration. Exceptions to the SECON level for Headquarters facilities must be submitted to the Director, Office of Security for consideration.
- c. Any deviation from the requirements of this Notice, with the exception of an increase to a SECON level being established as described in paragraph 4b above, must be considered an exception which must be approved by either the Under Secretary for Energy, Science and Environment or the Administrator, NNSA for field locations under their cognizance or by the Director of the Office of Security for Headquarters locations.
- d. To the extent possible throughout each increase or decrease in SECON, the cognizant security authority must:
 - (1) Keep employees informed.
 - (2) Coordinate, when appropriate, with the designated FBI office and state and local officials on actions taken regarding security and emergency planning.
 - (3) At each level of SECON, review Site Security Plans and Vulnerability Assessments, emergency response procedures, public affairs guidance and plans, legal authorities, any existing Memoranda of Understanding

¹ Attachment 3 will be disseminated to Departmental entities and contractors with a valid need to know. Attachment 3 contains Official Use Only Information and will not be available through the Departmental Directives System. Requests for copies of Attachment 3 should be made to the Office of Security at 301-903-3526.

(MOUs) or Memoranda of Agreement (MOAs) with military components or other mutual aid elements, and Continuity of Operations Plans.

- (4) Maintain a record of additional costs associated with maintaining any SECON level above SECON 3, Elevated Condition (Yellow)
- e. A record of specific actions taken for each measure must be maintained. A description of each SECON is outlined below.
 - (1) SECON 5, LOW CONDITION (GREEN): This condition is declared when there is a low risk of terrorist attacks. SECON 5, Low Condition (Green) exists when a general threat of possible malevolent or terrorist activity exists, but warrants only a routine security posture.
 - (2) SECON 4, GUARDED CONDITION (BLUE): This condition is declared when there is a general risk of terrorist attacks. SECON 4, Guarded Condition (Blue) applies when there is an increased general threat of possible malevolent or terrorist activity against personnel and facilities, and the nature and extent of which are unpredictable, and circumstances do not justify full implementation of SECON 3, Elevated Condition (Yellow) measures.
 - (3) SECON 3, ELEVATED CONDITION (YELLOW): This condition is declared when there is a significant risk of terrorist attack. SECON 3, Elevated Condition (Yellow) applies when an increased and more predictable threat of malevolent or terrorist activity exists.
 - (4) SECON 2, HIGH CONDITION (ORANGE): This condition is declared when there is a high risk of terrorist attacks. This condition applies when an incident occurs or intelligence is received indicating that some form of malevolent or terrorist action against personnel and facilities is imminent.
 - (5) SECON 1, SEVERE CONDITION (RED): A SECON 1, Severe Condition (Red) reflects a severe risk of terrorist attacks. This condition applies in the immediate area where a malevolent or terrorist attack has occurred that may affect the site or when an attack is initiated on the site. However, SECON 1, Severe Condition (Red) can be implemented DOE-wide at all facilities should multiple national contingencies call for such extreme measures.

5. RESPONSIBILITIES.

- a. Heads of Field Elements. (For the purpose of this Notice, this term includes the heads of operations offices, service centers, site offices, areas offices, and regional offices of federally staffed laboratories who are responsible for implementing Safeguards and Security Programs at their locations.)

- (1) Review and implement SECON requirements as issued by the Under Secretary for Energy, Science and Environment; the Administrator, NNSA; or the Director, Office of Security, as appropriate. Determine when the local threat situation warrants additional security and implement increased protection measures. When needed, initiate requests for exceptions to SECON levels. Approve increases to the requirements of the CRD for contracts (site/facility management contracts or other contracts, as appropriate, containing the clause 48 CFR 952.204-2, Security requirements) under their cognizance, as outlined in Section 4, Requirements.
- (2) Ensure that the DOE Operations Center is informed of the current SECON status for facilities under their cognizance. Notify the DOE Operations Center within 15 minutes of any approved changes to the SECON status for facilities under their cognizance.
- (3) Review procurement requests for new contracts that are not site/facility management contracts and, if appropriate, ensure that the DEAR clause at 48 CFR 952.204-2, "Security requirements," and the requirements of the CRD of this directive are included in the contract.

b. Under Secretary for Energy, Science and Environment.

- (1) Issues SECON direction and review and responds to requests for exceptions to the requirements of this Notice for operations under his/her cognizance.
- (2) Ensures that the lead program Secretarial Officers under his/her cognizance have incorporated the CRD of this directive in all affected site/facility management contracts.
- (3) Approves increases and reductions to the requirements of the CRD for all appropriate contracts (site/facility management contracts or other contracts, as appropriate, containing the DEAR clause 952.204-2, "Security requirements") under his/her cognizance. (Note that the Head of a Field Element may also approve an increase to protection measures based upon the local threat situation.)

c. Administrator, NNSA.

- (1) Issues SECON direction and reviews and responds to requests for exceptions to the requirements of this Notice.
- (2) Ensures that the CRD of this directive has been incorporated in all affected NNSA site/facility management contracts.

- (3) Approves increases and reductions to the requirements of the CRD for all appropriate NNSA contracts (site/facility management contracts or other contracts containing the DEAR clause 953.204-2, "Security requirements"). (Note that the Head of a Field Element may also approve an increase to protection measures based upon the local threat situation.)
 - (4) Ensures the DOE Operations Center tracks the SECON status, to include changes, for all DOE and NNSA facilities and notifies the Under Secretary for Energy, Science and Environment; the Administrator, NNSA; the Director, Office of Security and the Director, Office of Security and Safety Performance Assurance of all reported changes to SECON status.
- d. Heads of Primary DOE Organizations. Review procurement requests for new non-site/facility management contracts and, if appropriate, ensure that the DEAR clause 952.204-2, "Security requirements," and the requirements of the CRD of this directive are included in the contract.
- e. Director of the Office of Security.
 - (1) For Headquarters facilities, issues SECON direction and reviews and responds to requests for exception to the requirements of this Notice.
 - (2) Provides recommendations for SECON directives to the Secretary and Deputy Secretary, and when appropriate, relays DOE-wide SECON directives from the Secretary or Deputy Secretary to all DOE facilities through the Under Secretary for Energy, Science and Environment and the Administrator, NNSA for implementation.
 - (3) Reviews procurement requests for new Office of Security Headquarters contracts that are not site/facility management contracts, and, if appropriate, ensures that the DEAR clause 952.204-2, "Security requirements," and the requirements of the CRD of this directive are included in the contract.
- f. Lead Program Secretarial Officers.
 - (1) Ensure that facilities under their cognizance have implemented the authorized SECON level.
 - (2) Notify contracting officers of affected site/facility management contracts to incorporate the CRD of this directive into those contracts. Ensure procurement requests for new contracts that are not site/facility management contracts require inclusion in the resulting contracts, if appropriate, of the DEAR clause 952.204-2, "Security requirements," and the requirements of this CRD.

- (3) Remain cognizant of local changes to the authorized SECON level for their facilities.

g. Contracting Officers.

- (1) After notification by the appropriate program official, incorporate the CRD into the affected site/facility management contracts in accordance with the "Laws, regulations, and DOE directives" clause of the contracts.
- (2) Assist originators of procurement requests who want to incorporate the DEAR clause 952.204-2, "Security requirements," and the requirements of the CRD of this directive, in new contracts that are not site/facility management contracts, as appropriate.

6. CONTACT. To obtain assistance concerning this Notice, contact the Office of Security at 202-586-3345.

BY ORDER OF THE SECRETARY OF ENERGY:



KYLE E. McSLARROW
Deputy Secretary

**PRIMARY DEPARTMENT OF ENERGY ORGANIZATIONS TO WHICH
DOE N 473.9, *Security Conditions*, IS APPLICABLE**

Office of the Secretary
Chief Information Officer
Departmental Representative to the Defense Nuclear Facilities Safety Board
Energy Information Administration
National Nuclear Security Administration
Office of Civilian Radioactive Waste Management
Office of Congressional and Intergovernmental Affairs
Office of Counterintelligence
Office of Economic Impact and Diversity
Office of Electric Transmission and Distribution
Office of Energy Assurance
Office of Energy Efficiency and Renewable Energy
Office of Environment, Safety and Health
Office of Environmental Management
Office of Fossil Energy
Office of Legacy Management
Office of General Counsel
Office of Hearings and Appeals
Office of Independent Oversight and Performance Assurance
Office of Intelligence
Office of Legacy Management
Office of Management, Budget and Evaluation and Chief Financial Officer
Office of Nuclear Energy, Science and Technology
Office of Policy and International Affairs
Office of Public Affairs
Office of Science
Office of Security
Office of Security and Safety Performance Assurance
Office of the Inspector General
Secretary of Energy Advisory Board
Bonneville Power Administration
Southeastern Power Administration
Southwestern Power Administration
Western Area Power Administration

CONTRACTOR REQUIREMENTS DOCUMENT
DOE N 473.9, *Security Conditions*

This Contractor Requirements Document (CRD) establishes the requirements for Department of Energy (DOE) contractors, including National Nuclear Security Administration (NNSA) contractors. Regardless of the performer of the work, the contractor is responsible for compliance with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements. In doing so, the contractor must not unnecessarily or imprudently flow down requirements to subcontractors. That is, the contractor will ensure that it and its subcontractors comply with the requirements of this CRD and incur only those costs that would be incurred by a prudent person in the conduct of competitive business to meet the requirements of this CRD. The contractor shall:

1. Be prepared to implement the security measures described in DOE N 473.9, *Security Conditions*, Attachment 3, "Protecting Department of Energy Facilities from Terrorist and Malevolent Acts."¹
2. Be prepared to respond to Security Condition (SECON) directives provided by either the Under Secretary for Energy, Science and Environment; the Administrator, NNSA; or the Director, Office of Security as appropriate.
3. SECON levels are as follows.
 - a. SECON 5, LOW CONDITION (GREEN): This condition is declared when there is a low risk of terrorist attacks. SECON 5, Low Condition (Green) exists when a general threat of possible malevolent or terrorist activity exists, but warrants only a routine security posture.
 - b. SECON 4, GUARDED CONDITION (BLUE): This condition is declared when there is a general risk of terrorist attacks. SECON 4, Guarded Condition (Blue) applies when there is an increased general threat of possible malevolent or terrorist activity against personnel and facilities, and the nature and extent of which are unpredictable, and circumstances do not justify full implementation of SECON 3, Elevated Condition (Yellow) measures.
 - c. SECON 3, ELEVATED CONDITION (YELLOW): This condition is declared when there is a significant risk of terrorist attack. SECON 3, Elevated Condition (Yellow) applies when an increased and more predictable threat of malevolent or terrorist activity exists.

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- d. SECON 2, HIGH CONDITION (ORANGE): This condition is declared when there is a high risk of terrorist attacks. This condition applies when an incident occurs or intelligence information is received indicating that some form of malevolent or terrorist action against personnel and facilities is imminent.
- e. SECON 1, SEVERE CONDITION (RED): A SECON 1, Severe Condition (Red) reflects a severe risk of terrorist attacks. This condition applies in the immediate area where a malevolent or terrorist attack has occurred that may affect the site or when an attack is initiated on the site. However, SECON 1, Severe Condition (Red) can be implemented DOE-wide at all facilities should multiple national contingencies call for such extreme measures.

CANCELED