

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

ORDER  
DOE 5650.3A  
6-8-92

SUBJECT: IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

1. PURPOSE. To establish policy and procedures for identifying Unclassified Controlled Nuclear Information (UCNI) and for reviewing and marking documents and material containing UCNI.
2. CANCELLATION. DOE 5650.3, IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, of 2-29-88.
3. SCOPE. The provisions of this Order apply to all Departmental Elements and contractors performing work for the Department as provided by law and/or contract and as implemented by the appropriate contracting officer.
4. REFERENCES.
  - a. DOE 1430.1C, MANAGEMENT OF SCIENTIFIC AND TECHNICAL INFORMATION of 2-27-92, which defines the policies, objectives, and responsibilities for management of the Department of Energy's (DOE) scientific and technical information component of its Information Resources Management Program.
  - b. DOE 1700.1, FREEDOM OF INFORMATION PROGRAM, of 11-19-79, which establishes guidelines and procedures for processing requests made to the DOE under the Freedom of Information Act (FOIA).
  - c. DOE 3750.1, WORK FORCE DISCIPLINE, of 3-23-83, which provides guidance and procedures and states responsibilities for maintaining work force discipline in the DOE.
  - d. DOE 5635.4, PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION, of 2-3-88, which establishes DOE policy and procedures for the protection of UCNI.
  - e. DOE 5650.2B, IDENTIFICATION OF CLASSIFIED INFORMATION, of 12-31-91, which specifies responsibilities, authorities, policy, and procedures for the management of the DOE program to identify classified information, documents, or material.
  - f. Title 42 United States Code (U.S.C.) 2011 et seq., the Atomic Energy Act of 1954, as amended, which is the statutory basis for this Order.
  - g. Title 5 U.S.C. 552, the Freedom of Information Act, which establishes policies and procedures concerning the release of information in Government documents and material to the public.
  - h. Title 42 U.S.C. 4321 et seq., the National Environmental Policy Act of 1969, which establishes a national policy for the environment and provides for the establishment of a Council on Environmental Quality.
  - i. Title 10 Code of Federal Regulations (CFR) Part 1017,

Identification and Protection of Unclassified Controlled Nuclear Information, which establishes overall policies and procedures for the identification and protection of UCNI.

5. POLICY.

- a. Government information shall be made publicly available to the fullest extent possible. This Order shall be interpreted and implemented so as to apply the minimum restrictions needed to protect the health and safety of the public and the common defense and security of the Nation consistent with the requirement of section 148 of the Atomic Energy Act (42 U.S.C. 2168) and its implementing regulations (10 CFR Part 1017) to prohibit the unauthorized dissemination of UCNI.
- b. UCNI is not subject to disclosure under the FOIA. However, a document or material requested under the FOIA containing both UCNI and other information shall have all reasonably segregable portions of the document or material not containing UCNI released, to the maximum possible extent, to the FOIA requester, subject to the other exemptions of the FOIA (e.g., classified information and Official Use Only information).
- c. The fundamental DOE policy of full disclosure of documents prepared under the National Environmental Policy Act and its implementing regulations shall be followed to the fullest extent possible. In some cases, this means that UCNI may be excised from a document to be made publicly available and the UCNI prepared as an appendix, or otherwise segregated, so as to allow the release of as much of the document as possible.

6. DEFINITIONS. See Attachment 1.

7. RESPONSIBILITIES AND AUTHORITIES.

- a. The Secretary (S-1).
  - (1) Oversees the overall program to identify UCNI.
  - (2) Is a controlling official and a reviewing official.
  - (3) Determines whether or not a person has committed a violation.
  - (4) Determines the amount of and imposes any civil penalty for a violation.
  - (5) Requests that the Attorney General institute a civil action to collect any civil penalty imposed as a result of a violation.
  - (6) Requests that the Attorney General institute any criminal action under section 223 of the Atomic Energy Act against a person who has committed a violation.
- b. Director of Security Affairs (SA-1):

- (1) Implements overall Departmental policy for the program to identify UCNI.
  - (2) Is a controlling official and a reviewing official.
  - (3) Designates controlling officials.
  - (4) Concurs on those parts of appeal decisions and makes the final appeal determination regarding the denial of the release of UCNI in all appeals involving requests for a document or material made under statute or Executive order. In order to avoid the appearance of a conflict of interest, SA-1 is not a denying official for UCNI.
  - (5) Recommends, with the concurrence of the General Counsel, to S-1 imposition of any civil penalty for a violation.
  - (6) Recommends, with the concurrence of the General Counsel, to S-1 that S-1 request the Attorney General institute a criminal action under section 223 of the Atomic Energy Act for a violation.
- c. Assistant Secretary for Defense Programs (DP-1) is a controlling official and a reviewing official.
- d. Assistant Secretary for Nuclear Energy (NE-1) is a controlling official and a reviewing official.
- e. Deputy Assistant Secretary for Naval Reactors (NE-60) shall, in accordance with the responsibilities and authorities assigned by Executive Order 12344 (statutorily prescribed by 42 U.S.C. 7158, note) and to ensure consistency throughout the joint Navy/DOE organization of the Naval Nuclear Propulsion Program, implement and oversee policy and practices pertaining to this DOE Order for activities under his cognizance.
- f. Heads of Departmental Elements.
- (1) Ensure compliance with overall Departmental policy and procedures for and administer the program to identify UCNI.
  - (2) Establish educational and appraisal programs to ensure implementation and adherence to this Order.
  - (3) Recommend to SA-20 the imposition of any civil penalty for violation of those portions of section 148 of the Atomic Energy Act or any regulations or orders issued by S-1 under section 148 of the Atomic Energy Act that concern the identification of UCNI, including this Order.
  - (4) Recommend to SA-20 that the Attorney General Institute any criminal action under section 223 of the Atomic Energy Act for violation of those portions of section 148 of the Atomic Energy Act or any regulations or orders issued by S-1 under section 148 of the Atomic Energy Act that concern the identification of UCNI, including this Order.

- g. Director of Information Resources Management (AD-20), through the Director of Scientific and Technical Information (AD-21), establishes and maintains a system to notify addressees on any special distribution list maintained by AD-21 of any changes in the UCNI designation. Any other notification is a responsibility of the originator, as specified in paragraph 11h.
- h. Director of Classification (SA-20).
  - (1) Develops and interprets overall Departmental policy and procedures for and administers the program to identify UCNI.
  - (2) Is a controlling official and a reviewing official.
  - (3) As the senior agency official responsible for administering the program to identify UCNI, exercises the controlling official and reviewing official authorities for S-1 and SA-1 as they apply to routine or operational policy and procedural matters and concurs in each Departmental regulation, directive, form, or other formal implementation document which concerns the identification or protection of UCNI.
  - (4) Develops and issues general guidelines and certain topical guidelines.
  - (5) Approves all UCNI guidelines.
  - (6) Maintains and issues a listing of all UCNI guidelines.
  - (7) Designates the initial reviewing official in any organization that does not have a reviewing official and that is not under the cognizance of an organization with a reviewing official.
  - (8) Designates those reviewing officials who may review documents or material for UCNI that is not under their own cognizance.
  - (9) Issues, and makes available upon request to any interested person, a quarterly report specified in section 148 of the Atomic Energy Act describing and justifying information determined to be UCNI by controlling officials during the previous quarter.
  - (10) Assures that education and appraisal programs are conducted to ensure implementation of and adherence to this Order.
  - (11) Provides analytical support and recommendations to assist SA-1 in exercising his or her appeal authority concerning the denial of the release of UCNI in all appeals involving requests for a document or material made under statute or Executive order.
  - (12) Notifies AD-21 and the originator of any final determination made by SA-1 on any appeal involving a request for an unclassified scientific and technical report made under

statute or Executive order in which the scientific or technical report is determined not to contain or to no longer contain UCNI.

- (13) Recommends to SA-1 imposition of any civil penalty for violation of those portions of section 148 of the Atomic Energy Act or any regulation or orders issued by S-1 under section 148 of the Atomic Energy Act that concern the identification of UCNI, including this Order.
- (14) Recommends to SA-1 that S-1 request that the Attorney General institute any criminal action under section 223 of the Atomic Energy Act for violation of those portions of section 148 of the Atomic Energy Act or any regulation or orders issued by S-1 under section 148 of the Atomic Energy Act that concern the identification of UCNI, including this Order.
- (15) Negotiates, coordinates, executes, and administers memorandums of understanding for the program to identify and protect UCNI with other Government agencies and the private sector.

- i. Procurement Request Originators (the individuals responsible for initiating a requirement on DOE F 4200.33) or such other individual(s) as designated 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 flowdown provisions of this Order to any subcontractors; and (3) identification of the paragraphs of this Order with which the contractor, or, if different, subcontractor, is to comply.
- j. Contracting Officers, based on advice received from the procurement request originator, or other designated individual, shall apply applicable provisions of this Order to contracts falling within its scope. For contracts other than management and operating contracts, this shall be by incorporation or reference using explicit language in a contractual action, usually bilateral.

## 8. IDENTIFICATION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.

### a. Controlling Officials.

- (1) Authorities. A controlling official may make a determination that information under his or her cognizance is or is not UCNI under the procedures in paragraph 8b. A controlling official may make a determination that information under his or her sole or overall cognizance is no longer UCNI. Each controlling official having cognizance over specific UCNI shall concur in the determination to decontrol the UCNI prior to the UCNI being decontrolled. A controlling official is also a reviewing official for information under his or her cognizance.
- (2) Designation. A Secretarial Officer may be designated by

SA-1 as a controlling official for information under his or her cognizance. The Secretarial Officer must have information under his or her cognizance that may be UCNI in order to be considered for designation as a controlling official. Requests for controlling official authority for a Secretarial Officer shall be sent to SA-1 with a general description of what information under the cognizance of the Secretarial Officer may be UCNI.

- (3) Delegation. A Secretarial Officer may delegate his or her authority as a controlling official to his or her principal subordinates (e.g., to the Deputy Assistant Secretary level) without power of further redelegation. SA-1 may grant exemptions to this policy. Such delegations are contingent on their being reported to SA-20 as described in paragraph 8a(4), below. In the absence of a controlling official, the person formally acting in his or her place may exercise his or her authority.
- (4) Reporting of Delegations. A delegating controlling official shall provide the following information to SA-20 for each controlling official authority being delegated:
  - (a) Name, title, and organization of the delegating controlling official;
  - (b) Name, title, and organization of the person being delegated controlling official authority; and
  - (c) The effective date of the delegation.

b. Control Procedures.

- (1) Criteria. A specific type of information may be identified and controlled as UCNI only after a controlling official insures that the information under review meets all the following criteria:
  - (a) The information is unclassified Government information.
  - (b) The information concerns atomic energy defense programs.
  - (c) The information is within the scope of at least one of the categories of information described in paragraph 8c.
  - (d) Unauthorized dissemination of the information under review meets the adverse effect test described in paragraph 8d.
  - (e) The information is the minimum amount of information necessary to be controlled to protect the health and safety of the public or the common defense and security.
  - (f) The purpose for controlling the information is not

prohibited as described in paragraph 8f.

(g) The information is not exempt from control as UCNI as described in paragraph 8g.

(2) Reporting Requirement. A controlling official shall report each determination to control or decontrol UCNI, with the identification and justifications required for the quarterly report described in paragraph 10 to SA-20 prior to any use of the determination.

c. Categories of Potential Unclassified Controlled Nuclear Information. In order for a controlling official to consider controlling information as UCNI, it must be within the scope of at least one of the following categories:

(1) Production or Utilization Facility Design Information. This includes information concerning the following:

(a) The design of production or utilization facilities related to atomic energy defense programs; or

(b) Design-related operational information concerning the production, processing, or utilization of nuclear material for atomic energy defense programs.

(2) Safeguards and Security Information. This includes information concerning physical security measures for the protection of following:

(a) Production or utilization facilities related to atomic energy defense programs; or

(b) Nuclear material to be used for military applications regardless of its physical state or form, in these facilities or in transit.

(3) Nuclear Weapon Information. This includes information concerning the design, manufacture, or utilization of nuclear weapons or components of nuclear weapons that was once classified as Restricted Data, but which has been declassified or removed from the Restricted Data category under section 142 of the Atomic Energy Act.

d. Adverse Effect Test.

(1) Determination. In order for a controlling official to control information as UCNI, he or she shall make a determination that the unauthorized dissemination of the information under review could reasonably be expected to result in a significant adverse effect on health and safety of the public or the common defense and security significantly increasing the likelihood of the following:

(a) Illegal production of a nuclear weapon; or

(b) Theft, diversion, or sabotage of nuclear material,

equipment, or facilities.

- (2) Contributing factors. In making the above determination, a controlling official may consider how the dissemination of Government information under review for control as UCNI could significantly assist potential criminal in accomplishing the following:
  - (a) Selecting a target for an act of theft, diversion, or sabotage of nuclear material, equipment, or facilities;
  - (b) Planning and committing an act of theft, diversion, or sabotage of nuclear material, equipment, or facilities;
  - (c) Measuring the success of an act of theft, diversion, or sabotage of nuclear material, equipment, or facilities;
  - (d) Illegally fabricating, acquiring, or detonating a nuclear explosive device; or
  - (e) Dispersing hazardous nuclear material as an environmental contaminant.

e. Nuclear Material Determinations.

- (1) SA-20 may determine that a material, in addition to special nuclear material, byproduct material, or source material as defined in the Atomic Energy Act, is a nuclear material for the purposes of this Order if both of the following conditions are met:
  - (a) The substance is used in the production, testing, utilization, or assembly of nuclear weapons or components of nuclear weapons; and
  - (b) Unauthorized acquisition of the substance could reasonably be expected to result in a significant adverse effect on the health and safety of the public or the common defense and security because the specific substance could be used as a hazardous environmental contaminant or could be of significant assistance in the illegal production of a nuclear weapon.
- (2) Designation of a material as a nuclear material does not make all information about the material UCNI. Specific information about the material must still meet each of the criteria in paragraph 8b(1) prior to its being identified and controlled as UCNI.

f. Prohibitions. Government information shall not be controlled as UCNI in order to do the following:

- (1) Conceal violations of law, inefficiency, or administrative errors;
- (2) Prevent embarrassment to a person or organization;

- (3) Restrain competition; or
  - (4) Prevent or delay the release of any information that does not properly qualify as UCNI.
- g. Exemptions. The following information is exempt from control as UCNI:
- (1) Information that is not Government information;
  - (2) Information that concerns activities, facilities, or equipment outside the scope of atomic energy defense programs;
  - (3) Information that is classified as Restricted Data, Formerly Restricted Data, or National Security Information, or that is protected from disclosure under section 147 of the Atomic Energy Act (42 U.S.C. 2167);
  - (4) Information that would be classified under the Atomic Energy Act or an Executive order if it could not be controlled as UCNI (i.e., UCNI controls should not be used in place of classification if classification is appropriate);
  - (5) Information that has just been declassified from the Restricted Data category (i.e., information cannot go directly from being Restricted Data to being UCNI; however, information that has been declassified from the Restricted Data category may be controlled as UCNI in the event that the circumstances surrounding the original declassification have changed);
  - (6) Basic scientific information (i.e., information resulting from research directed toward increasing fundamental scientific knowledge or understanding rather than any practical application of that knowledge);
  - (7) Applied scientific information (i.e., information resulting from research whose objective is to gain knowledge or understanding necessary for determining the means by which a specific need may be met) but not including that pertaining to:
    - (a) The design of production facilities or utilization facilities;
    - (b) Security measures (including security plans, procedures, and equipment) for the physical protection of:
      - 1 Production or utilization facilities,
      - 2 Nuclear material contained in such facilities, or
      - 3 Nuclear material in transit; or
    - (c) The design, manufacture, or utilization of any nuclear

weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or removed from the Restricted Data category by the Secretary (or the head of the predecessor agency of the Department of Energy) pursuant to section 142 of the Atomic Energy Act;

- (8) Safety information used to protect employees from occupational hazards, except for Government information that reveals an exploitable vulnerability or design element that is UCNI;
- (9) Radiation exposure data and all other personal health information;
- (10) Information pertaining to the public health and safety and to the protection of the environment, except for Government information that reveals an exploitable vulnerability or design element that is UCNI;
- (11) Information concerning the transportation of low level or commercially generated radioactive waste; and
- (12) Waste Isolation Pilot Plant information, except for Government information on safeguards or physical security for the plant.

9. UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION GUIDELINES. There are three levels of UCNI guidelines. General guidelines are the highest level of guidelines. They are the basis for other levels of guidelines, and must be justified in the quarterly report described in paragraph 10. Topical guidelines are at the intermediate level and contain specific instructions as to what is UCNI in one or more technical or programmatic areas. Internal guidelines are primarily for use within a single organization and are based on general or topical guidelines in any subject area of interest to the issuing organization.

- a. General Guidelines. SA-20 shall develop, approve, and issue general guidelines which identify what information is UCNI. General guidelines are based on the determinations by controlling officials that information is, is not, or is no longer UCNI. General guidelines are the basis for topical and internal guidelines and for determinations by any reviewing official or denying official that a document or material contains, does not contain, or no longer contains UCNI.
- b. Topical Guidelines. SA-20 and/or another Government organization may develop and issue topical guidelines which identify what information is UCNI in a specific technical or program area. SA-20 shall approve all topical guidelines. A Government organization which originates guidelines must submit them for review and approval by SA-20 prior to their issuance or use. Topical guidelines are based on and must be consistent with all general guidelines. Topical guidelines are the basis for internal guidelines and for determinations by any reviewing official or denying official that a document or material

contains, does not contain, or no longer contains UCNI. SA-20 shall maintain and periodically issue a list of approved topic guidelines.

- c. Internal Guidelines. Headquarters, field, and contractor organizations may develop and issue internal guidelines which identify what information of interest to the issuing organization is UCNI. The originator of internal guidelines must submit them for review and approval by SA-20 prior to their issuance or use. Internal guidelines are based on and must be consistent with applicable general and topical guidelines. Internal guidelines are the basis for determinations by certain reviewing officials or denying officials that a document or material contains, does not contain, or no longer contains UCNI. Internal guidelines are intended for use primarily within the issuing organization. The originator of internal guidelines shall specify which reviewing officials and denying officials, both within and external to the originator's organization, are authorized to use the internal guidelines as a basis for their determinations. SA-20 is authorized to use any internal guidelines. SA-20 shall maintain and periodically issue a list of approved internal guidelines.
- d. Submission of Topical and Internal Guidelines for Approval. An organization which submits topical or internal guidelines to SA-20 for review and approval shall include the following:
  - (1) The full text of the guidelines;
  - (2) A comparison showing how the guidelines are based on general guidelines (and in the case of internal guidelines, on topical guidelines);
  - (3) For internal guidelines, a contact point from which to request approval of use of the guidelines by reviewing and denying officials not within the issuing organization; and
  - (4) A contact point from which to request copies of the guidelines.
- e. Copies of Guidelines. Any organization which develops and issues topical or internal guidelines shall send to SA-20 three copies of the issued guidelines. In addition, if available, the organization should send a copy of the issued guidelines on magnetic media (e.g., floppy diskettes) with appropriate identifying information (e.g., word processor, file name).
- f. Guidelines and Classification Guides. Topical and internal guidelines and classification guidance may be issued together in a single document. Such a joint document shall be titled to clearly indicate that it contains both classification guidance and UCNI guidelines.

#### 10. QUARTERLY REPORT.

- a. Content. SA-20 shall issue the publicly releasable report specified in section 148e of the Atomic Energy Act describing what information was determined to be UCNI during the previous

quarter. The quarterly report is based on the control determinations of controlling officials as to what information is or is no longer UCNI which have been incorporated into the general guidelines. This report must include the following:

- (1) Identification of types of information determined to be UCNI by any controlling official during the previous quarter;
- (2) Justification specifying why the information is UCNI; and
- (3) Justification that only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security is being protected.

b. Requests. The quarterly report is available upon request to any interested person. Requests for this report received by a DOE or contractor employee shall be sent to SA-20 for response.

#### 11. REVIEW AND DENIAL OF DOCUMENTS OR MATERIAL.

##### a. Reviewing Officials.

- (1) Authority. A reviewing official with cognizance over information contained in a document or material (or as designated by SA-20) is authorized to make a review determination that the document or material contains, does not contain, or no longer contains UCNI. A review determination must be based on UCNI guidelines approved for the use of the reviewing official or on a control determination made by a controlling official which has not been incorporated into guidelines. A reviewing official authorizes the application or removal of UCNI markings to or from a document or material.
- (2) Designation. SA-20 shall designate the initial reviewing official in any organization which is not under the cognizance of an organization with a reviewing official having delegation authority.
- (3) Delegation. If allowed in his/her own designation/delegation, a reviewing official may delegate his or her reviewing official authority to persons in his or her immediate organization and in a Government or contractor organization under the cognizance of his or her immediate organization. Authority delegated by a reviewing official shall be clearly stated as being redelegable or non-redelegable. Such delegations are contingent on their being reported to SA-20 as described in paragraph 11a(4), below. In the absence of a reviewing official, the person formally acting may exercise the reviewing official's authority.
- (4) Reporting Requirements. A reviewing official shall provide certain information in writing to SA-20 about each person to whom he or she is delegating or terminating reviewing official authority.

- (a) Delegations. The delegating reviewing official shall provide the following information to SA-20 for each reviewing official authority being delegated;
  - 1 Name, title, and organization of the delegating reviewing official;
  - 2 Name, title, and organization of the person being delegated reviewing official authority;
  - 3 The effective date of the delegation;
  - 4 Any special instructions or limitations that apply to the delegation of authority (e.g., delegable/non-redelegable).
  
- (b) Terminations. The delegating reviewing official shall provide the following information to SA-20 for each reviewing official whose authority is being terminated:
  - 1 Name, title, and organization of the delegating reviewing official;
  - 2 Name, title, and organization of the reviewing official whose authority is being terminated; and
  - 3 The effective date of the termination.

b. Review of Documents or Material.

(1) Preliminary Review Determination. Upon origination of a newly generated unclassified document or material or prior to transmitting an existing unclassified document or material outside of a person's immediate organization, the person who (a) originates an unclassified document or material, or (b) has in his or her possession an unclassified document or material containing UCNI over which the person has cognizance shall make a preliminary review determination as to whether or not the document or material may contain UCNI. This preliminary review determination shall be based on the criteria in paragraph 8b(1) and on appropriate UCNI guidelines. If the person makes a preliminary review determination that an unclassified document or material may contain UCNI, the person shall transmit the document or material to the appropriate reviewing official. The document or material or a cover sheet shall be marked as required in paragraph 12b(1).

- (a) If Applicable Guidelines Exist. If a person's preliminary review determination is based on UCNI guidelines, the person shall inform the reviewing official as to what are the applicable guidelines. The reviewing official shall make a review determination.
  
- (b) If No Applicable Guidelines Exist. If a person's preliminary review determination is not based on UCNI guidelines because applicable UCNI guidelines do not

exist, the person shall so inform the reviewing official. The reviewing official shall confirm or overrule the preliminary review determination and apply appropriate markings. If there is a specific requirement for a review determination for the document or material, the document or material shall be processed as described in paragraph 11b(2)(b).

- (2) Review Determination. A reviewing official may make a review determination that a document or material contains, does not contain, or no longer contains UCNI.
  - (a) Based on Guidelines/Instructions. A review determination shall be based on UCNI guidelines whenever possible. A review determination may also be based on specific instructions from SA-20 based on control determinations which have not been incorporated into UCNI guidelines.
  - (b) Based on a Control Determination. If a reviewing official believes that a document or material contains UCNI, but UCNI guidelines do not address the specific information in question, and if there is a specific requirement for a review determination for the document or material, the reviewing official shall transmit the document or material to the appropriate controlling official or SA-20 with a description of what and reasons why specific information in the document or material should be UCNI. In this case, the reviewing official shall then base his or her review determination on the control determination made by the controlling official or SA-20 as to whether or not the information in the document is UCNI. A controlling official shall report such a control determination to SA-20 as required in paragraph 8b(2).
  - (c) Document or Material Marking. If a reviewing official makes a review determination that an unclassified document or material contains UCNI, he or she shall assure that all copies of the document or material accessible to him or her are marked as required in paragraph 12c or in paragraph 12e, as appropriate. If a reviewing official makes a review determination that an unclassified document or material does not contain UCNI, no markings are required but the reviewing official may mark the document or material as described in paragraph 12f. If a reviewing official makes a review determination that an unclassified document or material no longer contains UCNI, the reviewing official shall authorize the removal or crossing out of the UCNI markings and the addition of other markings as required in paragraph 12g.
- (3) Review of Scientific and Technical Reports. A reviewing official shall report to AD-21 the title, number, date, originating organization, author, and UCNI status of any unclassified scientific and technical report that he or she

determines to contain or no longer contain UCNI.

- (4) Requests for Review of Documents or Material. A reviewing official shall review for UCNI any document or material containing information under his or her cognizance if the review is requested to fulfill requirements based on a statute, Executive order, regulation, or order. A reviewing official may review for UCNI a document or material containing information under his or her cognizance for any other reason.

c. Denying Officials.

- (1) Authority. A denying official with cognizance over the information contained in a document or material shall deny a request made under a statute (e.g., the FOIA) or Executive order for any portion of the document or material that the denying official determines to contain UCNI. The denying official insures that the reviewing official who determined that the document or material contains UCNI correctly interpreted and applied UCNI guidelines and any applicable controlling official's control determination. The denying official does not have the authority to overrule or change UCNI guidelines or a controlling official's control determination. A denying official authorizes the crossing out of UCNI markings and the addition of other markings from a document or material which the denying official determines to no longer contain UCNI as described paragraph 12g.
- (2) Designation. A denying official for UCNI for a request made under a statute (e.g., the FOIA) or Executive order is the same as a denying official for any other unclassified information as defined in DOE 1700.1 regardless of whether or not the request was made under the FOIA. There is no additional requirement for the explicit designation of denying official authority for UCNI under this Order. In order to avoid the appearance of a conflict of interest, SA-1 is not a denying official for UCNI.

d. Denial of Documents or Material by a Denying Official.

- (1) Denial Determination. A reviewing official shall transmit to the appropriate denying official any document or material determined by the reviewing official to contain UCNI whose public release has been requested under statute (e.g., the FOIA) or Executive order. Prior to such transmittal, the reviewing official shall bracket each reasonably segregable portion of the document or material that contains UCNI. The reviewing official shall identify for each UCNI portion the specific UCNI guideline or the controlling official's control determination which is the basis for the reviewing official's review determination. For example, the document or material may be annotated by margin notes or a separate list may be created identifying each deleted portion and the basis for its deletion. The denying official shall review the requested document, the reviewing official's basis for his or her review determination, and appropriate UCNI

guidelines and control determinations prior to making his or her denial determination. The denying official shall deny a request made under statute or Executive order for any portion of a document or material that contains UCNI.

(2) Basis of a Denial Determination. The denying official bases his or her denial determination on guidelines approved by SA-20 or directly on control determinations made by controlling officials which have not been incorporated into UCNI guidelines. SA-20 shall concur with those denial determinations based, in whole or in part, directly on a control determination.

(3) Reporting Requirements.

(a) Office of Classification (SA-20). The denying official shall notify SA-20 of each denial determination he or she makes. The denying official shall provide to SA-20 a copy of the letter from the requester; the denial letter to the requester; and any analysis or other material supporting the denial determination that may have been prepared. The denying official shall not provide to SA-20 copies of the documents or material that were the subject of the request unless specifically requested by SA-20.

(b) Office of Scientific and Technical Information (AD-21). A denying official shall notify the report originator and AD-21 of the title, number, date, originating organization, and author of any unclassified scientific and technical report that the denying official determines to no longer contain UCNI.

(4) Other Procedures. Any additional processing of a request made under a statute or Executive order for a document or material determined to contain UCNI by a denying official shall be in accordance with applicable Departmental regulations and Orders.

e. Appeal of the Denial of Documents or Material by a Denying Official.

(1) Authority. SA-1 shall concur on those parts of all appeal decisions which concern the denial of UCNI in response to requests made under statute or Executive order. In such cases, SA-1 shall make the final appeal determination if any portion of a document or material previously denied as containing UCNI is to be released.

(2) Analytical Support. SA-20 shall provide analytical support and recommendations to assist SA-1 in exercising his or her appeal authority concerning the denial of the release of UCNI in all appeals involving requests for a document or material made under statute or Executive order. A denying official shall provide to SA-20 supporting or background material requested by SA-20 concerning the denial determination made by the denying official which is the

subject of the appeal.

- (3) Report of the Release of Scientific and Technical Reports. SA-20 shall report to AD-21 the title, number, date, originating organization, and author of any unclassified scientific and technical report that SA-1 determines under his or her appeal determination authority to no longer contain UCNI.
- f. Other Denials. Any recipient of a request not made under a statute or Executive order for a document or material that contains or may contain UCNI shall:
- (1) Deny the request; or
  - (2) Refer the request and the requested documents or material to a reviewing official with a recommendation as to what portions (not containing UCNI or any other sensitive or controlled information) of the document or material may be released to the requester. The reviewing official may prepare a publicly releasable version of the document or material. In such case, the reviewing official shall delete all UCNI (and assure that any other sensitive or controlled information is also deleted) from the document or material prior to its release to the requester. The provision concerning the decontrol and public release of joint documents or material described in paragraph 11g applies to this procedure.
- g. Joint Documents or Material. A reviewing official or a denying official reviewing a document or material for decontrol and public release shall coordinate this review with the DOE organization or Government agency originating the document or material and with each DOE organization or Government agency having cognizance over any information contained in the document or material. SA-1 has the authority to resolve disagreements between reviewing officials or denying officials as to whether or not a document or material contains UCNI.
- h. Notification of Determination. A reviewing official shall notify the originator of any unclassified document or material determined by the reviewing official to contain or to no longer contain UCNI. A denying official shall notify the originator of any unclassified document or material determined by the denying official to no longer contain UCNI. To the extent practical, the originator of the document or material shall notify all holders of the document or material of the determination.
- i. Exemption of Widely Disseminated Documents or Material. Any document or material which has been, is, or will be widely and irretrievably disseminated in the public domain, as determined by a reviewing official, and whose dissemination into the public domain was not, is not, or will not be under the control of the Government is exempt from control under this Order regardless of its content. However, public dissemination of a document or material containing UCNI does not preclude control of the same UCNI in another document or material. Upon request by a

reviewing official, AD-21 shall provide the reviewing official with any available information in its possession concerning the dissemination in the public domain of scientific and technical reports under consideration for control by the reviewing official.

- j. Segregation of Unclassified Controlled Nuclear Information. To the extent practical, UCNI in a newly generated document or material intended to be publicly disseminated (e.g., documents prepared under Council on Environmental Quality regulations or DOE guidelines complying with the National Environmental Policy Act) should be segregated into an appendix or supplement so that the main body of the document or material can be publicly disseminated without deletion.

12. MARKING OF DOCUMENTS OR MATERIAL.

- a. Relationship to Other Types of Control Markings.

- (1) Unclassified Documents and Material. UCNI markings shall be applied to any unclassified document or material which contains UCNI regardless of any other unclassified control marking (e.g., Official Use Only, company proprietary) that is also on the document or material.
- (2) Classified Documents and Material. UCNI markings shall not be applied to classified documents or material which contain UCNI, unless such documents or material have been portion marked to indicate classification level. In such cases, portions containing UCNI shall be portion marked with the term "UCNI."

- b. Unclassified Documents or Material Which May Contain Unclassified Controlled Nuclear Information.

- (1) Preliminary Review Determination Notice. If a person determines that an unclassified document or material may contain UCNI under: (a) preliminary review determination procedures in paragraph 11b(1)(a) or the retirement procedures in paragraph 13, the person shall mark the front of the document or material or a cover sheet attached to the document or material with the following notice:

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) Removal of Notice. The above notice is only an advisory warning that the document or material may contain UCNI. This notice may be removed/obliterated from the document or material by (a) the person who applied the marking, (b) his or her supervisor or manager, or (c) a reviewing official.

- c. Unclassified Documents or Material Which Contain Unclassified Controlled Nuclear Information. An unclassified document or material which has been reviewed and determined to contain UCNI by a reviewing official under the procedures in paragraph 11b(2) shall be marked as follows:

- (1) Determination Notice. The following notice shall be placed on the front of the document or material:

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. 21-68).

- (2) Identification of Reviewing Official. The following marking shall be placed on the front of the document or material and completed:

Reviewing  
Official: \_\_\_\_\_  
(Name/Title)

Date: \_\_\_\_\_

- (3) Page Marking. The following marking shall be placed on the bottom of the front of the document or material and, in the case of a document, (a) on each interior page of the document or (b) on each interior page of the document that contains UCNI:

UNCLASSIFIED CONTROLLED  
NUCLEAR INFORMATION

- (4) Special Handling Notices.
- (a) Use of Special Handling Notices. A special handling notice is a statement which may be applied to the front of a newly generated unclassified document or material which contains UCNI. By this means, a reviewing official may require more stringent access or physical protection requirements for a document or material than are required in 10 CFR 1017.16 and 1017.17. These special handling limitations are in addition to the standard access (e.g., "need-to-know") and physical security requirements. Such a notice must be a clear, concise, self-explanatory statement of the special handling requirements applicable to the document or material on which it appears. A new special handling notice must be submitted to SA-20 for approval prior to its initial use. Such a request for approval must include the text of the proposed special handling notice and the reason it is needed.
- (b) Approved Special Handling Notices. The following special handling notices are approved for use by a reviewing official on a newly generated unclassified document or

material he or she determines to be UCNI only if he or she determines that the specific notice is applicable and that the increased protection provided by the notice clearly outweighs the disadvantages and costs to the originator and users of the document or material which result from use of the notices:

LIMIT ACCESS TO  
U.S. GOVERNMENT AGENCIES  
AND THEIR CONTRACTORS. REFER  
OTHER REQUESTS TO THE  
ORIGINATOR.

LIMIT ACCESS TO NAVAL  
NUCLEAR PROPULSION PROGRAM ACTIVITIES.  
REFER OTHER REQUESTS TO THE ORIGINATOR.

- (5) Special Formats. Special formats of unclassified documents and material (e.g., photographs, viewgraphs, films, magnetic tapes, floppy diskettes, audio or videotapes, slides) shall be marked to the extent practical as described above. Regardless of the precise markings used in such cases, any special-format unclassified document or material which contains UCNI shall be marked in such a manner that a person in physical possession of the document or material (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 document or material (e.g., markings on the projected image of a slide, a warning on a film leader) are made aware that it contains UCNI. The following marking may be used in those instances where there are space limitations (e.g., on the frame of a 35 mm slide):

UCNI

d. Transmittal Documents.

- (1) A document which (a) transmits a document or material marked as potentially containing UCNI as described in paragraph 12b and (b) does not itself contain classified information or UCNI shall be marked on its front with the following notice:

Document/Material Transmitted May Contain  
Unclassified Controlled Nuclear Information.  
When Separated from Enclosures, This  
Document Is Not UCNI.

- (2) A document which (a) transmits a document or material marked as containing UCNI as described in paragraph 12c and (b) does not itself contain classified information or UCNI shall be marked on its front with the following notice:

Document/Material Transmitted Contains  
Unclassified Controlled Nuclear Information.  
When Separated from Enclosures, This  
Document Is Not UCNI.

e. Use of Alternate Markings.

(1) Conditions of Use. A reviewing official shall authorize the application of alternate markings to an unclassified document or material determined by the reviewing official to UCNI only if both of the following conditions are true:

(a) The document or material is related to an atomic energy defense program, but does not contain any information explicitly indicating this relationship; and

(b) The fact of the relationship of the document or material to an atomic energy defense program is itself sensitive.

(2) 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 paragraph 12c shall be used as appropriate.

(a) Alternate Determination Notice. The following notice shall be placed on the front of the document or material:

NOT FOR PUBLIC DISSEMINATION  
Unauthorized dissemination subject to civil  
and criminal sanctions under 42 U.S.C. 2168.

(b) Alternate Page Marking. The following marking shall be placed on the bottom of the front of the document or material and, in the case of documents, 1/ on each interior page of the document, or 2/ on each interior page of the document that contains UCNI:

UNCLASSIFIED CONTROLLED INFORMATION

f. Unclassified Documents or Material Which Do Not Contain Unclassified Controlled Nuclear Information. A reviewing official may determine that an unclassified document or material, not marked as containing UCNI but submitted for his or her review because it may contain UCNI, does not contain UCNI. In such a case, the reviewing official may authorize the application and completion of the following markings:

DOES NOT CONTAIN  
UNCLASSIFIED CONTROLLED  
NUCLEAR INFORMATION

Reviewing  
Official: \_\_\_\_\_

(Name/Title)

Date: \_\_\_\_\_

g. Unclassified Documents or Material Which No Longer Contain Unclassified Controlled Nuclear Information. A reviewing official or a denying official may determine that an unclassified

document or material marked as containing UCNI no longer contains UCNI. In such a case, the official shall authorize the removal or crossing out of all UCNI markings that were on the document or material and the application and completion of the following markings:

DOES NOT CONTAIN  
UNCLASSIFIED CONTROLLED  
NUCLEAR INFORMATION

Reviewing  
Official: \_\_\_\_\_  
(Name/Title)  
Date: \_\_\_\_\_

13. RETIREMENT OF DOCUMENTS OR MATERIAL.

- a. Unmarked Documents or Material. Any unclassified document or material which is not marked as containing UCNI but which may contain UCNI as determined under the procedures in paragraph 11b(1) shall be marked with the preliminary review determination notice in paragraph 12b(1) upon retirement to a repository (e.g., a centralized records storage area, a Federal Records Center, the National Archives of the United States).
- b. Marked Documents or Material. A document or material marked as potentially containing UCNI or as containing UCNI is not required to be reviewed by a reviewing official upon or subsequent to retirement, except that a reviewing official shall review any retired document or material upon a request for its release made under a statute or Executive order.
- c. Existing Documents or Material. Any document or material which was retired to a repository prior to 2-29-88 is not required to be reviewed for UCNI. However, any such unclassified document or material that is subsequently determined by a reviewing official to contain UCNI must be marked by the repository in accordance with this Order upon notification that the document or material contains UCNI.

14. VIOLATIONS.

- a. Administrative Penalty. Any person who violates this Order is subject to imposition of an administrative penalty by his or her supervisor: This penalty may range from counseling by the person's supervisor to termination of employment. The specific administrative penalty appropriate for violations of this Order shall be proportionate to the number and severity of the person's violations of this Order and in accordance with DOE 3750.1.
- b. Civil Penalty. Any person who violates this Order is subject to a civil penalty under section 148 of the Atomic Energy Act. SA-1 may recommend to the Secretary imposition of this civil penalty, which shall not exceed \$100,000 for each violation.

(1) Written Notification.

- (a) Whenever SA-1 believes that a person is subject to imposition of a civil penalty under the provisions of section 148b(1) of the Atomic Energy Act, SA-1 shall notify the person in writing by certified mail, return receipt requested, of:
    - 1 The date, facts, and nature of each act or omission with which the person is charged;
    - 2 The particular provision of this Order that has been violated;
    - 3 Each penalty which SA-1 proposes to recommend S-1 impose and its amount;
    - 4 The right of the person to submit to SA-1 the person's written reply to each of the allegations in the notification letter. The person shall mail or deliver any reply letter within 20 days of receipt of the notification letter from SA-1;
    - 5 The right of the person to submit to SA-1 a written request for a hearing under the procedures in paragraph 14b(2);
    - 6 The fact that, upon failure of the person to pay any civil penalty imposed by S-1, the penalty may be collected by civil action under the procedure in paragraph 14b(5); and
    - 7 Copies of 10 CFR Part 1017 and this Order.
  - (b) SA-1 shall respond in writing within 10 days of the receipt of a reply or a hearing request letter.
  - (c) SA-1, at the request of the person accused of a violation, may extend for a reasonable period the time limit for submitting a reply or a hearing request letter.
- (2) Hearing. Any person who receives a notification letter as described above may request a hearing to answer under oath of affirmation the allegations contained in the notification letter. The person shall mail or deliver any hearing request letter to SA-1 within 20 days of receipt of the notification letter. Upon receipt from the person of a written request for a hearing, SA-1 shall request that S-1 appoint a hearing officer and, if necessary, a hearing counsel.
- (a) The Hearing Counsel, if appointed, shall:
    - 1 Represent the Department;
    - 2 Consult with the person or the person's counsel prior to the hearing; and

3 Examine and cross-examine witnesses during the hearing.

(b) The Hearing Officer, shall:

1 Be responsible for the administrative preparations for the hearing;

2 Convene the hearing as soon as is reasonable;

3 Conduct the hearing in a manner which is fair and impartial;

4 Arrange for the presence of witnesses and physical evidence at the hearing;

5 Make a recommendation that a violation of this Order has occurred only if the Department proves by the preponderance of the evidence that such a violation occurred; and

6 Submit his or her recommendation, accompanied by a statement of the findings and reasons supporting them, to the Secretary for the Secretary's final determination on the imposition of a civil penalty.

(c) Rights of the Person. The person may:

1 Present evidence in his or her own behalf, through witnesses, or by documents;

2 Cross-examine witnesses and rebut records or other physical evidence (except as provided in paragraph 14b(2)(d)1);

3 Be present during the entire hearing (except as provided in paragraph 14b(2)(d)i);

4 Be accompanied, represented, and advised by counsel of his or her own choosing; and

5 Testify in his or her own behalf.

(d) Conduct of the Hearing.

1 A summarized record of the hearing shall be made.

2 All relevant and material evidence is admissible (except as provided in paragraph 14b(2)(d)i); however, formal rules of evidence are not applicable.

3 Witnesses shall testify under oath and are subject to cross-examination (except as provided in paragraph 14b(2)(d)9).

4 If the hearing officer determines that the testimony of a witness or any documentary or physical evidence contains classified information or UCNI, such testimony or evidence will not be considered unless it is material. If it is a nonsensitive summary of the testimony or records or description of the physical evidence shall be made available to the person to the maximum extent possible, consistent with the requirements national security or the public health and safety. In all such cases, the hearing officer, in considering such testimony or evidence, shall take into account that the person did not have an opportunity to cross-examine the witness or review the actual document or evidence.

5 The DOE bears the burden of proving that a violation of this Order has occurred.

(e) Failure to Request a Hearing. If the person fails to file a written request for a hearing within the specified time period, the person relinquishes his or her right to a hearing. If the person does not request a hearing, SA-1 shall transmit his or her with any supporting material, to S-1 for S-1's final determination on the imposition of the civil penalty.

(3) Final Determination. S-1 makes the final determination on the disposition of a violation. S-1 may uphold, compromise or mitigate, or remit any penalty recommended by SA-1.

(4) Appeal. A person whom S-1 has determined violated this Order may appeal the determination of S-1 to an appropriate United States District Court.

(5) Collection of Penalty. S-1 requests the Attorney General to institute a civil action to collect a penalty imposed under this Order.

c. Criminal Penalty. Any person who violates this order may be subject to a criminal penalty under section 223 of the Atomic Energy Act. In such case, S-1 refers the matter to the Attorney General for investigation and possible prosecution.

BY ORDER OF THE SECRETARY OF ENERGY:

DONALD W. PEARMAN, JR.  
Acting Director  
Administration and Human  
Resource Management

#### DEFINITIONS

1. ATOMIC ENERGY ACT is the Atomic Energy Act of 1954, as amended.

2. ATOMIC ENERGY DEFENSE PROGRAMS are activities, equipment, and facilities of the DOE or other Government agencies utilized or engaged in support of the following:
  - a. Development, production, testing, sampling, maintenance, repair, modification, assembly, utilization, transportation, or retirement of nuclear weapons or components of nuclear weapons;
  - b. Production, utilization, or transportation of nuclear material for military applications; or
  - c. Safeguarding of activities, equipment, or facilities which support the above functions, including the protection of nuclear weapons, components of nuclear weapons, or nuclear material for military applications, any of which may be at a fixed facility or in transit.
3. AUTHORIZED INDIVIDUAL is a person who has been granted routine access to specific UCNI under 10 CFR 1017.16(a).
4. CLASSIFIED INFORMATION. Certain information requiring protection against unauthorized disclosure in the interests of national defense and security or foreign relations of the United States pursuant to Federal statute or Executive order. The term includes Restricted Data, Formerly Restricted Data, and National Security Information. The potential damage to the national security of each is denoted by the classification levels Top Secret, Secret, or Confidential.
5. COMPONENT is any operational, experimental, or research-related part, subsection, design, or material used in the manufacture or utilization of a nuclear weapon, nuclear explosive device, or nuclear weapon test assembly.
6. CONTROLLING OFFICIAL is an individual who may make a determination that specific Government information is, is not, or is no longer UCNI under the procedures in paragraph 8b.
7. DENYING OFFICIAL is an individual who denies under the procedures in paragraph 11d any request made under statute or Executive order for all or any portion of a document or material containing UCNI, and is defined in DOE 1700.1.
8. DOCUMENT OR MATERIAL indicates the physical medium on or in which information is recorded, or a product or substance which contains or reveals information, regardless of its physical form or characteristics.
9. FORMERLY RESTRICTED DATA. Classified information jointly determined by the DOE or its predecessors and the DOD to be related primarily to the military utilization of atomic weapons, and removed by the DOE from the Restricted Data category pursuant to section 142(d) of the Atomic Energy Act of 1951, as amended, and safeguarded as National Security Information, subject to the restrictions on transmission to other countries and regional defense organizations that apply to Restricted Data.

10. GENERAL GUIDELINES are guidelines: (a) developed, approved, and issued by the Office of Classification (SA-20); (b) based on controlling officials' determinations; and (c) which are the basis for topical and internal guidelines.
11. GOVERNMENT means the executive branch of the United States Government.
12. GOVERNMENT INFORMATION is any information that is (a) owned by, (b) produced by or for, or (c) otherwise controlled by the U.S. Government.
13. GUIDELINES (general, topical, or internal guidelines) are (a) criteria for determining which information is or is not UCNI; (b) approved by SA-20, (c) developed and issued by SA-20 or other organizations; and (d) the basis for determinations made by reviewing officials and denying officials.
14. IMMEDIATE ORGANIZATION of a person who is not a supervisor or manager (e.g., analyst, bench scientist) is that organization (e.g., branch, team) subordinate to the person's direct supervisor or manager (i.e., branch chief, team leader). If a person is a supervisor or manager (e.g., division director), the person's immediate organization (i.e., division) is that organization subordinate to the person.
15. IN TRANSIT is the physical movement of a nuclear weapon, a component of a nuclear weapon, or nuclear material from one part of a facility to another part of a facility or from one facility to another facility. An item is considered "in transit" until it has been relinquished to the custody of the authorized recipient at its ultimate destination. An item in temporary storage pending shipment to its ultimate destination is "in transit."
16. INFORMATION is any fact or concept regardless of the physical form or characteristics of the medium on or in which it is recorded, contained, or revealed.
17. INTERNAL GUIDELINES are guidelines: (a) based on general and topical guidelines; (b) developed and issued by an organization for use primarily within the issuing organization; and (c) approved by SA-20.
18. NATIONAL SECURITY INFORMATION. Any information that has been determined pursuant to Executive Order 12356 or any predecessor order to require protection against unauthorized disclosure and that is so designated. The levels TOP SECRET, SECRET, and CONFIDENTIAL are used to designate such information.
19. NUCLEAR MATERIAL.
  - a. All materials so designated by the Secretary of Energy, at present: depleted uranium, enriched uranium, americium-241, americium-243, curium, berkelium, californium, plutonium 238-242, lithium-6, uranium-233, normal uranium, neptunium-237, deuterium, tritium, and thorium.
  - b. Special nuclear material, byproduct material, or source material as defined by sections 11aa., 11e., and 11z., respectively, of

the Atomic Energy Act, or any other material used in the production, testing, utilization, or assembly of nuclear weapons or components of nuclear weapons that the Secretary determines to be nuclear material under Title 10 Code of Federal Regulations Part 1017.10(a).

20. PHYSICAL SECURITY is the combination of operational and security equipment, personnel, and procedures used to protect facilities, information, documents, or material against theft, sabotage, diversion, or other criminal acts.
21. RESTRICTED DATA (RD). All data concerning: design, manufacture or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the RD category pursuant to section 142 of the Atomic Energy Act of 1954, as amended.
22. REVIEWING OFFICIAL is an individual who may make a determination based on the procedures in paragraph 11b that a document or material contains, does not contain, or no longer contains UCNI.
23. SAFEGUARDS. An integrated system of physical protection, material accounting, and material control measures designed to deter, prevent, detect, and respond to unauthorized possession, use, or sabotage of nuclear materials.
24. SCIENTIFIC AND TECHNICAL REPORTS are those reports which contain scientific and technical information first used, cumulated, or developed during work supported by DOE or carried out for others at DOE facilities which must be reported promptly and fully to the Department's Technical Information Center as required under policy established in DOE 1430.1C.
25. TOPICAL GUIDELINES are guidelines: (a) based on the general guidelines; (b) developed and issued by SA-20 or an organization having cognizance over the subject area addressed by the guidelines; (c) approved by SA-20; and (d) which are the basis for internal guidelines.
26. UNAUTHORIZED DISSEMINATION is the intentional or negligent transfer, in any manner, by any person, of information contained in a document or material determined by a reviewing official to contain UCNI and so marked in accordance with the procedures in paragraph 12c to any person or entity other than an authorized individual or a person granted special access to specific UCNI under 10 CFR 1017.16(b).
27. UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (UCNI). Certain unclassified Government information whose unauthorized dissemination is prohibited under section 148 of the Atomic Energy Act of 1954, as amended.
28. VIOLATION is (a) the performance of an action prohibited by, or (b) the non-performance of an action required by section 148 of the Atomic Energy Act or any regulations or orders issued by the Secretary under section 148 of the Atomic Energy Act, including this Order.

<<EOD>>