

**SUBJECT: LIMITED CHANGE TO DOE O 142.3B, *UNCLASSIFIED FOREIGN NATIONAL ACCESS PROGRAM***

1. EXPLANATION OF CHANGES. This Limited Change streamlines requirements and updates definitions.
2. LOCATIONS OF CHANGES:

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| 1    | 1.a.       | A risk-based review and approval process for foreign national access consistent with United States (U.S.) law; national and economic security; and DOE program-specific policies, requirements, and objectives. | A risk-based review and approval process for foreign national access consistent with United States (U.S.) law; export control regulations; national and economic security; and DOE program-specific policies, requirements, and objectives.  |
| 2    | 3.c.(2)(c) | Requests for access to information that is already in the public domain in accordance with applicable procedures.   | Requests for access to information that is not a sensitive subject as defined by this Order, and in accordance with applicable procedures (i) is already available to the public or (ii) has been documented to be published and shared broadly within the scientific community.             |
| 2    | 3.c.(2)(d) | ...[NOTE: Physical access to a site will follow normal site security procedures, including the applicable requirements of this Order.]  | ...[NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.]   |
| 2    | 3.c.(2)(e) | Added.  | Information exchanges conducted remotely by HQ program offices and supporting laboratory and contractor personnel, in direct support of DOE/NNSA nonproliferation, counterproliferation, and counterterrorism activities.<br>[NOTE: Physical access to a site that would otherwise be within |

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|      |                         |  | this exemption will follow normal site security procedures, including the applicable requirements of this Order.]  |
| 2-3  | 3.c.(2)(e) – 3.c.(2)(i) | Renumbered.  | 3.c.(2)(f) – 3.c.(2)(j)  |
| 4    | 4.c.(2)                 | Identification of the information or technology(ies) to be accessed, and whether considered a sensitive subject as defined by this Order or a restricted technology under the S&T Risk Matrix.   | Identification of the information or technology(ies) to be accessed, and whether considered a sensitive subject as defined by this Order.  |
| 4    | 4.d.                    | Sensitive Subjects List. Each foreign national access request must identify whether it involves a sensitive subject and must be processed accordingly based on the requirements of this Order. This list will be updated at least annually and applies to all foreign national access requests. Any additions to the list made by a Cognizant Secretarial Officer (CSO) will be reviewed as part of the annual update. | Removed.   |
| 4-9  | 4.e. – 4.j.             | Renumbered.  | 4.d. – 4.i.  |
| 6    | 4.f.                    | <u>Countries of Risk</u> . Country of Risk foreign nationals may be restricted from accessing technology or information as identified in the S&T Risk Matrix.  | <u>Countries of Risk</u> . Country of Risk foreign nationals access to certain restricted technology or information as identified in the S&T Risk Matrix must undergo an enhanced review process as described below in paragraphs f.(1)-(3). All proposed access requests in areas that are not identified as restricted in the current S&T Risk Matrix can proceed with the access request review and approval process as required by this Order. |
| 6    | 4.f.(1)                 | <u>S&amp;T Risk Matrix</u> . The DOE maintains the S&T Risk Matrix and restricts Country of Risk foreign nationals from accessing certain areas identified in the  | Removed.   |

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|      |                         | S&T Risk Matrix, unless DOE grants an exemption. All proposed access requests in areas that are not identified as restricted in the current S&T Risk Matrix can proceed with the normal access request review and approval process. Requests for exemptions can be made by the Head of the cognizant DOE Field Element, in coordination with the site, as described below.  |  |
| 6-7  | 4.f.(1)(a) – 4.f.(1)(d) | Renumbered.   | 4.f.(1) – 4.f.(3)  |
| 6    | 4.f.(1)                 | ...When an access request is in an area identified as restricted in the current S&T Risk Matrix, the cognizant DOE Field Element must agree if a request for an exemption is warranted. Absent agreement to request an exemption, the proposed access request is not pursued any further.   | ...When an access request is from a Country of Risk foreign national and in an area identified as restricted in the current S&T Risk Matrix, the cognizant DOE Field Element must agree to proceed with the enhanced review process. Absent this agreement, the proposed access request is not pursued any further.  |
| 7    | 4.f.(2)                 | When the Head of the cognizant DOE Field Element agrees to request an exemption, a justification and clear description of why the access request benefits the U.S. must be prepared. The exemption request must then be submitted through the appropriate PSO and CSO, with a copy provided to DOE’s Federal Oversight Advisory Body (FOAB), with final approval/disapproval being provided by the cognizant Under Secretary or their designee. | When the Head of the cognizant DOE Field Element agrees to proceed with the enhanced review process, a justification and clear description of why the access request benefits the U.S. must be prepared. The access request must then be submitted through the appropriate PSO and CSO, with a copy provided to DOE’s Federal Oversight Advisory Body (FOAB), with final approval/disapproval being provided by the cognizant Under Secretary or their designee. |
| 7    | 4.f.(3)                 | Completion of specialized enhanced vetting conducted by DOE Office of Intelligence (IN) is required prior to final approval of an exemption. A copy of the exemption request, along with the required additional information,   | Completion of specialized enhanced vetting conducted by the DOE Office of Intelligence and Counterintelligence (IN) is required prior to final approval of the access request. A copy of the request, along with the   |

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|      |   | must be submitted to the cognizant local CI office to support the review. Indices checks will be conducted as part of the specialized enhanced vetting process, therefore, it is recommended the exemption request be submitted 45 days prior to the start date of the access request.  | required additional information, must be submitted to the cognizant local CI office to support the review. Indices checks will be conducted as part of the specialized enhanced vetting process, therefore, it is recommended the request be submitted 45 days prior to the start date of the access request.   |
| 7    | 4.f.(1)(d)<br>(Old number)              | If the exemption is granted, then the access request may be submitted for the standard access request review and approval process.  | Removed.  |
| 7    | 4.f.(2)                                 | Renumbered.   | 4.f.(4)   |
| 7    | 4.f.(4)                                 | DOE may consider broad exemptions for specific categories of access requests, such as those supported under government-to-government agreements and in line with National Security Council policy guidance, to ensure existing priorities are not unduly impeded. These broad exemptions will be handled as determined by the cognizant Under Secretary or their designee in consultation with the FOAB and the cognizant DOE Program Office. | DOE may consider broad approvals for specific categories of these types of access requests, such as those supported under government-to-government agreements and in line with National Security Council policy guidance, to ensure existing priorities are not unduly impeded. These broad approvals will be determined by the cognizant Under Secretary or their designee in consultation with the FOAB and the cognizant DOE Program Office. |
| 7    | 4.h.<br>Second Paragraph (not numbered) | ...For requests involving nationals of SSTs, counterintelligence consultations may not be utilized until 60 days after requests are documented in FACTS. Counterintelligence consultations may not be employed as a standard alternative to indices checks.   | ...For requests involving nationals of SSTs or Country of Risk foreign national access to restricted technology or information as identified in the S&T Risk Matrix, counterintelligence consultations may not be utilized until 60 days after requests are documented in FACTS. Counterintelligence consultations may not be employed as a standard alternative to indices checks.   |

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| 9    | 5.b.(1) – 5.b.(2) | <p>(1) Approve/disapprove foreign national access exemption requests based on the current S&amp;T Risk Matrix or delegate this authority per paragraph 4.g.(1)(b).</p> <p>(2) Determine when a broad exemption applies to foreign national access requests as discussed in section 4.g.(2).</p>  | <p>(1) Approve/disapprove foreign national access requests based on the current S&amp;T Risk Matrix or delegate this authority per paragraph 4.f.(2).</p> <p>(2) Determine when a broad approval applies to foreign national access requests as discussed in section 4.f.</p>   |
| 9    | 5.c.(1) – 5.c.(2) | <p>(1) Develops, maintains and approves the Department-wide sensitive subjects list, in consultation with the Under Secretary of Energy and the Under Secretary for Nuclear Security.</p> <p>(2) Convenes a working group consisting of representation from each of the Cognizant Secretarial Officers that will coordinate the development of the list of sensitive subjects for approval and conduct an annual update of the list.</p> | <p>(1) Maintains and updates, as needed, the definition of sensitive subjects for the purposes of this Order, in consultation with the Under Secretary of Energy and with the concurrence of the Under Secretary for Nuclear Security.</p> <p>(2) Convenes a working group consisting of representation from each of the Cognizant Secretarial Officers that will coordinate the maintenance of the definition of sensitive subjects for the purposes of this Order and conduct an annual review of the definition.</p> |
| 10   | 5.d.              | <p><u>DOE Federal Oversight Advisory Body (FOAB)</u>. Reviews foreign national access exemption requests based on the current S&amp;T Risk Matrix.</p>   | <p><u>DOE Federal Oversight Advisory Body (FOAB)</u>. Receives a copy of foreign national access requests that require an enhanced review process based on the current S&amp;T Risk Matrix.</p>   |
| 10   | 5.e.(5) – 5.e.(6) | <p>(5) Review and concur/non-concur on foreign national access exemption requests based on the current S&amp;T Risk Matrix.</p> <p>(6) Add items to the sensitive subjects list for</p>  | <p>(5) Review and concur/non-concur on foreign national access requests based on the current S&amp;T Risk Matrix.</p> <p>(6) Participate in the maintenance and annual</p>  |

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|      |           | laboratories/sites under their cognizance.   | review of the sensitive subject definition.   |
| 10   | 5.f.      | <u>Program Secretarial Officers (PSOs)</u> . Review and concur/non-concur on foreign national access exemption requests based on the current S&T Risk Matrix Country of Risk.                            | <u>Program Secretarial Officers (PSOs)</u> . Review and concur/non-concur on foreign national access requests based on the current S&T Risk Matrix.   |
| 11   | 5.g.(8)   | Determine if proposed Headquarters foreign national access requests require an exemption based on the current S&T Risk Matrix and request such exemptions as appropriate.                                | Determine if proposed Headquarters foreign national access requests require an enhanced review process based on the current S&T Risk Matrix and submit such requests as appropriate.  |
| 11   | 5.h.(6)   | In coordination with the hosting site, determine if proposed foreign national access requests require an exemption based on the current S&T Risk Matrix and, where appropriate, request such exemptions. | In coordination with the hosting site, determine if proposed foreign national access requests require an enhanced review process based on the current S&T Risk Matrix and, where appropriate, submit such requests.                   |
| 13   | 5.l       | Associate Under Secretary for Environment Health, Safety and Security  | Director, Office of Environment, Health, Safety and Security  |
| 14   | 5.m.(3)   | As appropriate, consults with the Heads of Field Elements and other cognizant Departmental Elements on the review of an exemption request for foreign national access.                                   | As appropriate, consults with the Heads of Field Elements and other cognizant Departmental Elements on the review of a foreign national access request that requires an enhanced review process based on the current S&T Risk Matrix. |
| 16   | 5.v.(3)   | Provide notification of DOE's determination related to exemption requests associated with the S&T Risk Matrix.   | Provide notification of DOE's determination related to access requests associated with the S&T Risk Matrix.   |
| 17   | 7.n.      | DOE O 473.3, <i>Protection Program Operations</i> , current version.   | DOE O 473.1, <i>Physical Protection Program</i> , current version.  |
| 17   | 7.o.      | Added.   | DOE O 473.2, <i>Protective Force Operations</i> , current version.  |
| 17   | 7.o.      | Renumbered.  | 7.p.  |

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| Attachment 1 – CRD, Contractors Only |             |   |   |
| 1-1                                  | 1.a.        | A risk-based review and approval process for foreign national access consistent with United States (U.S.) law; national and economic security; and DOE program-specific policies, requirements, and objectives. | A risk-based review and approval process for foreign national access consistent with United States (U.S.) law; export control regulations; national and economic security; and DOE program-specific policies, requirements, and objectives.   |
| 1-1                                  | 2.c.        | Requests for access to information that is already in the public domain in accordance with applicable procedures.   | Requests for access to information that is not a sensitive subject as defined by this Order and in accordance with applicable procedures (i) is already available to the public or (ii) has been documented to be published and shared broadly within the scientific community.   |
| 1-1                                  | 2.d.        | ...[NOTE: Physical access to a site will follow normal site security procedures, including the applicable requirements of this Order.]  | ...[NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.]  |
| 1-2                                  | 2.e.        | Added.  | Information exchanges conducted remotely by HQ program offices and supporting laboratory and contractor personnel, in direct support of DOE/NNSA nonproliferation, counterproliferation, and counterterrorism activities. [NOTE: Physical access to a site that would otherwise be within this exemption will follow normal site security procedures, including the applicable requirements of this Order.] |
| 1-1                                  | 2.e. – 3.i. | Renumbered.   | 2.f. – 3.j.   |
| 1-3                                  | 3.c.(2)     | Identification of the information or technology(ies) to be accessed, and whether considered a sensitive subject as defined by this Order or a restricted  | Identification of the information or technology(ies) to be accessed, and whether considered a sensitive subject as defined by this Order.   |

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|           |             | technology under the Science and Technology (S&T) Risk Matrix.   |  |
| 1-4       | 3.d.        | Sensitive Subjects List. Each foreign national access request must identify if it involves a sensitive subject and process accordingly based on the requirements of this Order. This list will be updated at least annually, and applies to all foreign national access requests. Any additions to the list made by a Cognizant Secretarial Officer (CSO) will be reviewed as part of the annual update  | Removed.   |
| 1-4 – 1-7 | 3.f. – 3.j. | Renumbered.  | 3.e. – 3.i.  |
| 1-4       | 4.f.        | <u>Countries of Risk</u> . Country of Risk foreign nationals may be restricted from accessing technology or information as identified in the S&T Risk Matrix.  | <u>Countries of Risk</u> . Country of Risk foreign nationals access to certain restricted technology or information as identified in the S&T Risk Matrix must undergo an enhanced review process as described below in paragraphs f.(1)-(3). All proposed access requests in areas that are not identified as restricted in the current S&T Risk Matrix can proceed with the access request review and approval process as required by this Order. |
| 1-5       | 4.f.(1)     | <u>S&amp;T Risk Matrix</u> . The DOE maintains the S&T Risk Matrix and restricts Country of Risk foreign nationals from accessing certain areas identified in the S&T Risk Matrix, unless DOE grants an exemption. All proposed access requests in areas that are not identified as restricted in the current S&T Risk Matrix can proceed with the normal access request review and approval process. Requests for exemptions can be made by the Head of the cognizant DOE Field | Removed.   |



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|      |                         | Element, in coordination with the site, as described below.   |   |
| 1-5  | 4.f.(1)(a) – 4.f.(1)(d) | Renumbered.   | 4.f.(1) – 4.f.(3)   |
| 1-5  | 4.f.(1)                 | ...When an access request is in an area identified as restricted in the current S&T Risk Matrix, the cognizant DOE Field Element must agree if a request for an exemption is warranted. Absent agreement to request an exemption, the proposed access request is not pursued any further.   | ...When an access request is from a Country of Risk foreign national and in an area identified as restricted in the current S&T Risk Matrix, the cognizant DOE Field Element must agree to proceed with the enhanced review process. Absent this agreement, the proposed access request is not pursued any further.   |
| 1-5  | 4.f.(2)                 | When the Head of the cognizant DOE Field Element agrees to request an exemption, a justification and clear description of why the access request benefits the U.S. must be prepared. The exemption request must then be submitted through the appropriate PSO and CSO, with a copy provided to DOE's Federal Oversight Advisory Body (FOAB), with final approval/disapproval being provided by the cognizant Under Secretary or their designee.   | When the Head of the cognizant DOE Field Element agrees to proceed with the enhanced review process, a justification and clear description of why the access request benefits the U.S. must be prepared. The access request must then be submitted through the appropriate PSO and CSO, with a copy provided to DOE's Federal Oversight Advisory Body (FOAB), with final approval/disapproval being provided by the cognizant Under Secretary or their designee.  |
| 1-5  | 3.f.(3)                 | Completion of specialized enhanced vetting conducted by DOE IN is required prior to final approval of an exemption. A copy of the exemption request, along with the required additional information, must be submitted to the cognizant local counterintelligence (CI) office to support the specialized enhanced vetting review. Indices checks will be conducted as part of the specialized enhanced vetting process, therefore, it is recommended the exemption request be submitted 45 days | Completion of specialized enhanced vetting conducted by the DOE Office of Intelligence and Counterintelligence (IN) is required prior to final approval of the access request. A copy of the request, along with the required additional information, must be submitted to the cognizant local CI office to support the review. Indices checks will be conducted as part of the specialized enhanced vetting process, therefore, it is recommended the request be |

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|      |   | prior to the start date of the access request.  | submitted 45 days prior to the start date of the access request.  |
| 1-5  | 3.f.(1)(d)<br>(Old number)              | If the exemption is granted, then the access request may be submitted for the standard access request review and approval process.  | Removed.  |
| 1-5  | 3.f.(2)                                 | Renumbered.   | 3.f.(4)   |
| 1-5  | 3.f.(4)                                 | DOE may consider broad exemptions for specific categories of access requests, such as those supported under government-to-government agreements and in line with National Security Council policy guidance, to ensure existing priorities are not unduly impeded. These broad exemptions will be handled as determined by the cognizant Under Secretary or their designee in consultation with the FOAB and the cognizant DOE Program Office. | DOE may consider broad approvals for specific categories of these types of access requests, such as those supported under government-to-government agreements and in line with National Security Council policy guidance, to ensure existing priorities are not unduly impeded. These broad approvals will be determined by the cognizant Under Secretary or their designee in consultation with the FOAB and the cognizant DOE Program Office. |
| 1-7  | 3.h.<br>Second Paragraph (not numbered) | ...For requests involving nationals of SSTs, counterintelligence consultations may not be utilized until 60 days after requests are documented in FACTS. Counterintelligence consultations may not be employed as a standard alternative to indices checks.   | ...For requests involving nationals of SSTs or Country of Risk foreign national access to restricted technology or information as identified in the S&T Risk Matrix, counterintelligence consultations may not be utilized until 60 days after requests are documented in FACTS. Counterintelligence consultations may not be employed as a standard alternative to indices checks.   |
| 1-8  | 4.a.(6)                                 | In coordination with the cognizant field element, determine if proposed foreign national access requests require an exemption based on the current S&T Risk Matrix and, where appropriate, request such exemptions.   | In coordination with the cognizant field element, determine if proposed foreign national access requests require an enhanced review process based on the current S&T Risk Matrix and, where appropriate, submit such requests.  |

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| Attachment 2 – Definitions, Federal Employees and Contractors |           |  |   |
| 2-1   | 1.        | Access Request. Seeking permission to enter a DOE site and/or use DOE information or technologies..  | Access Request. Seeking permission to enter a DOE site and/or use DOE information or technologies. This includes remote access to DOE information or technology.  |
| 2-2   | 14.       | Lawful Permanent Resident (LPR). One who has the right to reside permanently and work in the United States. Unlike a U.S. citizen, however, an LPR is not permitted by states to vote in national elections and can be deported if, for example, convicted of certain crimes. An LPR may also be known as a permanent resident alien or Green Card holder.   | Lawful Permanent Resident (LPR). A foreign national who has the right to reside permanently and work in the United States. An LPR may also be known as a permanent resident alien or Green Card holder.   |
| 2-3   | 27.       | Sensitive Subjects. Unclassified subjects and topics identified in existing Federal regulations governing export control as well as those identified by the Department as unique to its work, which involve information, activities, and/or technologies that are relevant to national and economic security. This includes items identified in the research areas determined to be restricted in the current S&T Risk Matrix and items identified as Controlled Unclassified Information (CUI) Specified. | Sensitive Subjects. Unclassified subjects and topics identified (i) as subject to Federal regulations governing export control, (ii) as research areas determined to be restricted in the current S&T Risk Matrix, and/or (iii) as Critical Energy Infrastructure Information (CEII), Unclassified Controlled Nuclear Information (UCNI), or Information Systems Vulnerability Information within the Controlled Unclassified Information (CUI) Registry. |
| 2-3   | 29.       | Specialized Enhanced Vetting. Vetting required to support S&T Risk Matrix exemption approval determination to be conducted by the Office of Intelligence and Counterintelligence based on the individual's background. The S&T Risk Matrix exemption request, including the completed supplemental questionnaire, is utilized to perform an enhanced   | Specialized Enhanced Vetting. Vetting conducted by the Office of Intelligence and Counterintelligence based on the individual's background required to support the S&T Risk Matrix enhanced review process and approval determination. The S&T Risk Matrix approval request, including the completed supplemental questionnaire, is utilized to perform an enhanced   |

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|      |           | background check with Intelligence Community partners. | background check with Intelligence Community partners. |