

SUBJECT: LIMITED CHANGE TO DOE O 470.4B, *SAFEGUARDS AND SECURITY PROGRAM*

1. EXPLANATION OF CHANGES. Public Law (PL) 115-232 eliminated the requirement to process a national interest determination (NID) for a covered National Technology and Industrial Base (NTIB) entity operating under a special security agreement pursuant to the National Industrial Security Program (NISP). This Limited Change eliminates such NID requirements for covered NTIB entities from DOE O 470.4B, aligning the Department with the statutory law implemented in the NISP.

This Limited Change also removes the portions of DOE O 470.4B that were cancelled by DOE O 473.2A, *Protective Force Operations*, dated 8-30-21.

2. LOCATIONS OF CHANGES:

Paragraph	Page	Changed	To
Throughout		32 CFR Part 2001.48, <i>Reporting Loss of Classified Information</i>	32 CFR Part 2001.48, <i>Loss, Possible Compromise or Unauthorized Disclosure</i>
Throughout		32 CFR Part 2004, National Industrial Security Program Directive No. 1, dated 05-10-06	32 CFR Part 2004, National Industrial Security Program, dated 05-07-2018
Throughout		48 CFR Section 952.204-2, <i>Security</i>	48 CFR Section 952.204-2, <i>Security Requirements</i>
Throughout		DoD 5220.22-M, <i>National Industrial Security Program Operating Manual</i> (NISPOM), dated 05-18-16.	32 CFR 117, <i>National Industrial Security Program Operating Manual</i> (NISPOM), dated 12-21-20.
Throughout		Directive-Type Memoranda (DTM) issued by the Office of the Under Secretary of Defense, available at http://www.dtic.mil/whs/directives/corres/dir3.html	Directive-Type Memoranda (DTM) issued by the Office of the Under Secretary of Defense, available at https://www.esd.whs.mil/DD/DoD-Issuances/DTM/
Throughout		DoD Defense Security Service (DSS) Industrial Security Letters (ISLs), available at http://www.dss.mil/isp/fac_clear/download_nispom.html	DoD Defense Counterintelligence and Security Agency (DCSA) Industrial Security Letters (ISLs), available at https://www.dcsa.mil/mc/ctp/tools/

Paragraph	Page	Changed	To
Throughout		DOE O 481.1D, <i>Strategic Partnership Projects [Formerly Known as Work for Others (Non-Department of Energy Funded Work)]</i> , dated 12-5-16	DOE O 481.1, <i>Strategic Partnership Projects [Formerly Known as Work for Others (Non-Department of Energy Funded Work)]</i> , current version,
4.c.		The DOE Tactical Doctrine (Attachment 4) must be applied at fixed facilities/sites possessing nuclear weapons and components, Category I special nuclear material (SNM), or targets subject to radiological or toxicological sabotage.	Removed.
4.d. – 4.g.	2 – 3	Renumbered.	4.c. – 4.f.
4.c.	3	Incidents of security concern must be addressed in accordance with the requirements found in Attachment 5 and reported in accordance with applicable laws and regulations	Was 4.d. Incidents of security concern must be addressed in accordance with the requirements found in Attachment 4 and reported in accordance with applicable laws and regulations
6.w. – 6.aa.	19	Added	w. Public Law 115-232, The John S. McCain National Defense Authorization Act for Fiscal Year 2019 x. DOE O 142.3B: <i>Unclassified Foreign National Access Program</i> , dated January 15, 2021 y. DOE O 483.1B: <i>DOE Cooperative Research and Development Agreements</i> , dated December 20, 2016 z. DOE P 485.1A: <i>Foreign Engagements with DOE National Laboratories</i> , dated December 13, 2019 aa. DOE O 486.1A: <i>Foreign Government Sponsored or Affiliated Activities</i> , dated September 4, 2020
Appendix A, Section 1			
App. A, Sect.1,	1-3	Ensure that facilities/sites that possess nuclear weapons and components, Category I SNM, or	Removed.

Paragraph	Page	Changed	To
5.g.		targets subject to radiological or toxicological sabotage develop and implement defense strategies and Security Incident Response Plans in accordance with the DOE Tactical Doctrine contained in Attachment 4.	
App. A, Sect.1, 5.h. – 5.j.	1-3	Renumbered	5.g. – 5.i.
App. A, Sect.1, Ch. I, 1.g.	I-2	Facilities with security interests to which DBT performance standards or other requirements apply must develop security plans that comply with the requirements in the DBT and incorporate the DOE Tactical Doctrine in addition to complying with the requirements in national-level policy and DOE directives for the protection of any security interests not covered by the DBT performance standards, and in addition to the protection of employees and property.	Facilities with security interests to which DBT performance standards or other requirements apply must develop security plans that comply with the requirements in the DBT and with the requirements in national-level policy and DOE directives for the protection of any security interests not covered by the DBT performance standards, and in addition to the protection of employees and property.
App. A, Sect.1, Ch. III, 4.b – 4.c.	III-2	b. In addition to the testing of essential elements, at least once every 12 months, a comprehensive facility or site threat scenario test must be performed at facilities/sites with Category I special nuclear material (SNM); with identified credible radiological, biological, or chemical sabotage targets; or that have been identified as critical national security facilities/assets to demonstrate overall facility/site S&S system effectiveness. Comprehensive threat scenarios must be consistent with DOE O 470.3C, <i>Design Basis Threat (DBT) Order</i> .	Removed.

Paragraph	Page	Changed	To
		c. Facilities/sites with denial protection strategies must conduct, in addition to the tests noted above, protective force exercises quarterly with a rotational schedule for multiple facilities requiring denial protection strategies. One of these quarterly tests may be combined with the annual comprehensive threat scenario test.	
Appendix B, Section 1			
App. B, Sect.1, 4.j.	1-2	DoD Defense Security Service (DSS) Industrial Security Letters (ISLs), available at http://www.dss.mil/isp/fac_clear/download_nispom.html	DCSA ISLs, available at https://www.dcsa.mil/mc/ctp/tools/
App. B, Sect.1, 4.o. – 4.s.	1-2	Added.	<p>o. Public Law 115-232, The John S. McCain National Defense Authorization Act for Fiscal Year 2019</p> <p>p. DOE O 142.3B: <i>Unclassified Foreign National Access Program</i>, dated January 15, 2021</p> <p>q. DOE O 483.1B: <i>DOE Cooperative Research and Development Agreements</i>, dated December 20, 2016</p> <p>r. DOE P 485.1A: <i>Foreign Engagements with DOE National Laboratories</i>, dated December 13, 2019</p> <p>s. DOE O 486.1A: <i>Foreign Government Sponsored or Affiliated Activities</i>, dated September 4, 2020</p>
App. B, Sect.1, Ch. I, 1.b.	I-1	...The prime contractor is responsible for implementation of the provisions of DoD 5220.22-M, <i>National Industrial Security Program Operating Manual (NISPOM)</i> (Chapter 7, “Subcontracting”), all DOE security requirements for their	... The prime contractor is responsible for implementation of the provisions of 32 CFR 117, <i>National Industrial Security Program Operating Manual (NISPOM)</i> (Subpart 117.17, “Subcontracting”), all DOE security requirements for their

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		subcontractors, and for termination of the subcontracts upon completion of activities....	subcontractors, and for termination of the subcontracts upon completion of activities....
App. B, Sect.1, Ch. VI, 1.a.(1)(c)	VI-1	For DOE contracts involving proscribed information (i.e., Top Secret, COMSEC, RD/FRD), the following requirements, as appropriate, must be met before accepting an FCL granted in conjunction with a Special Security Agreement or Security Control Agreement.	For DOE contracts involving proscribed information (i.e., Top Secret, COMSEC, SCI), the following requirements, as appropriate, must be met before accepting an FCL granted in conjunction with a Special Security Agreement or Security Control Agreement
App. B, Sect.1, Ch. VI, 1.a.(1)(c) <u>2</u>	VI-2	When a company is not controlled by a foreign government a national interest determination (NID) for the specific program/project/contract must be approved by DOE and/or the OGA as appropriate.	Now 1.a.(1)(c) <u>3</u> When a company is not controlled by a foreign government, and is operating under a Special Security Agreement, a national interest determination (NID) for the specific program/project/contract must be approved by DOE and/or the OGA as appropriate; provided, however, that in accordance with Section 842 of Public Law 115-232 (Reference o), covered National Technology and Industrial Base (NTIB) entities (as defined at Section 842(c)(1) of Public Law 115-232) shall not be required to obtain a NID as a condition for access to proscribed information.
App. B, Sect.1, Ch. VI, 1.a.(1)(c) <u>3</u>	VI-2	Renumbered.	1.a.(1)(c) <u>2</u>
App. B, Sect.1, Ch. VII, 1.a.(1)(c) <u>3</u>	VII-1	...These forms are available on the website of the DOE Office of the Chief Information Officer (http://cio.energy.gov/records-management/forms.htm).	...These forms are available on the website of the DOE Office of the Chief Information Officer (https://www.energy.gov/cio/office-chief-information-officer/services/forms).
App. B, Sect.1,	VII-1	Determine the FCL status through SSIMS or the Defense Security Service/Industrial	Determine the FCL status through SSIMS or the DCSA National Industrial Security

Paragraph	Page	Changed	To
Ch. VII, 2.a.(2)		Security Facilities Database (DSS/ISFD).	System (NISS) NISS, which can be accessed through National Industrial Security Program (NISP) Central Access Information Security System (NCAISS) at https://ncaiss.dss.mil/ .
Appendix B, Section 2			
App. B, Sect.2, 4.e.	2-2	Directive-Type Memoranda issued by the Office of the Under Secretary of Defense, available at http://www.dtic.mil/whs/directives/corres/dir3.html	DTM issued by the Office of the Under Secretary of Defense, available at https://www.esd.whs.mil/DD/DoD-Issuances/DTM/
App. B, Sect.2, 4.j. – 4.n.	2-2	Added.	<p>j. Public Law 115-232, The John S. McCain National Defense Authorization Act for Fiscal Year 2019</p> <p>k. DOE O 142.3B: <i>Unclassified Foreign National Access Program</i>, dated January 15, 2021</p> <p>l. DOE O 483.1B: <i>DOE Cooperative Research and Development Agreements</i>, dated December 20, 2016</p> <p>m. DOE P 485.1A: <i>Foreign Engagements with DOE National Laboratories</i>, dated December 13, 2019</p> <p>n. DOE O 486.1A: <i>Foreign Government Sponsored or Affiliated Activities</i>, dated September 4, 2020</p>
App. B, Sect.2, Ch. I, 2.d.	I-2	Contractors with existing U.S. Government FCLs are identified in SSIMS and/or DSS/ISFD. No further FOCI review is required for an applicant registered in either of these systems holding an equal or higher U.S. Government FCL based upon a favorable FOCI determination.	Contractors with existing U.S. Government FCLs are identified in SSIMS and/or DCSA NCAISS. No further FOCI review is required for an applicant registered in either of these systems holding an equal or higher U.S. Government FCL based upon a favorable FOCI determination.
App. B, Sect.2,	IV-4	require a National Interest Determination (NID) prior to release of proscribed information	require a NID prior to release of proscribed information to the contractor or its cleared

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Ch. IV, 3.b.(3)(d)		to the contractor or its cleared employees to certify that release of such information is consistent with the national security interests of the United States. The NID can be program, project, or contract specific.	employees to certify that release of such information is consistent with the national security interests of the United States; provided, however, that in accordance with Section 842 of Public Law 115-232 (Reference j), covered NTIB entities (as defined at Section 842(c)(1) of Public Law 115-232) shall not be required to obtain a NID as a condition for access to proscribed information. The NID can be program, project, or contract specific.
Appendix B, Section 4			
App. B, Sect.4, 8.c.(2)	4-7	for visits and access to classified information in connection with the military application of atomic energy under 42 U.S.C. Section 2164, and 42 U.S.C. Section 2121, the Deputy Administrator for Defense Programs;	Removed.
App. B, Sect.4, 8.c.(3) – 8.c.(5)	4-7	Renumbered.	8.c.(2) – 8.c.(4)
Attachment 1, CRD			
Att. 1, CRD 1.c.	Page 1	Contractors at facilities/sites that possess nuclear weapons and components, Category I special nuclear material, or targets subject to radiological or toxicological sabotage must develop defensive plans that apply the DOE Tactical Doctrine as set forth in Attachment 4. Defensive plans must focus on the protection of sensitive assets while assuring the maximum survivability of protective force (PF) personnel.	Removed.
Att. 1, CRD 1.d. – 1.g.	Page 1 – Page 2	Renumbered.	1.c. – 1.f.

Paragraph	Page	Changed	To
Attachment 2, Section 1			
Att. 2, Sect.1, 5.f.	1-3	Develop and implement defense strategies and Security Incident Response Plans in accordance with the DOE Tactical Doctrine contained in Attachment 4 for facilities/sites that possess nuclear weapons and components, Category I SNM, or targets subject to radiological or toxicological sabotage.	Removed.
Att. 2, Sect.1, 5.g. – 5.i.	4-7	Renumbered.	5.f. – 5.h.
Att. 2, Sect.1, Ch. I, 1.f.	I-1	Facilities with security interests to which DBT performance standards or other requirements apply must develop security plans that comply with the requirements in the DBT and incorporate the DOE Tactical Doctrine in addition to complying with the requirements in national-level policy and DOE directives for the protection of any security interests not covered by the DBT performance standards, and in addition to the protection of employees and property.	Facilities with security interests to which DBT performance standards or other requirements apply must develop security plans that comply with the requirements in the DBT and with the requirements in national-level policy and DOE directives for the protection of any security interests not covered by the DBT performance standards, and in addition to the protection of employees and property.
Att. 2, Sect.1, Ch. III, 4.b. – 4.c.	III-2	b. In addition to the testing of essential elements, at least once every 12 months, a comprehensive facility or site threat scenario test must be performed at facilities/sites with Category I special nuclear material (SNM); with identified credible radiological, biological, or chemical sabotage targets; or that have been identified as critical national security facilities/assets to demonstrate overall facility/site S&S system effectiveness.	Removed.

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		<p>Comprehensive threat scenarios must be consistent with DOE O 470.3C, <i>Design Basis Threat (DBT) Order</i>.</p> <p>c. Facilities/sites with denial protection strategies must conduct, in addition to the tests noted above, protective force exercises quarterly with a rotational schedule for multiple facilities requiring denial protection strategies. One of these quarterly tests may be combined with the annual comprehensive threat scenario test.</p>	
Attachment 3, Section 1			
Att. 3, Sect.1, 4.p. – 4.s.	1-2	Added.	<p>d. DOE O 142.3B: <i>Unclassified Foreign National Access Program</i>, dated January 15, 2021</p> <p>e. DOE O 483.1B: <i>DOE Cooperative Research and Development Agreements</i>, dated December 20, 2016</p> <p>f. DOE P 485.1A: <i>Foreign Engagements with DOE National Laboratories</i>, dated December 13, 2019</p> <p>g. DOE O 486.1A: <i>Foreign Government Sponsored or Affiliated Activities</i>, dated September 4, 2020</p>
Attachment 3, Section 2			
Att. 3, Sect.1, 4.j. – 4.n.	2-2	Added.	<p>j. Public Law 115-232, <i>The John S. McCain National Defense Authorization Act for Fiscal Year 2019</i></p> <p>k. DOE O 142.3B: <i>Unclassified Foreign National Access Program</i>, dated January 15, 2021</p> <p>l. DOE O 483.1B: <i>DOE Cooperative Research and Development Agreements</i>, dated December 20, 2016</p>

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			<p>m. DOE P 485.1A: <i>Foreign Engagements with DOE National Laboratories</i>, dated December 13, 2019</p> <p>n. DOE O 486.1A: <i>Foreign Government Sponsored or Affiliated Activities</i>, dated September 4, 2020</p>
Att. 3, Sect.2, Ch. I 2.c.	I-2	Contractors with existing U.S. Government FCLs are identified in DOE's Safeguards and Security Information Management System (SSIMS) and/or the Department of Defense (DoD) Defense Security Service/Industrial Security Facilities Database (DSS/ISFD)....	Contractors with existing U.S. Government FCLs are identified in SSIMS and/or DCSA NCAISS....
Att. 3, Sect.2, Ch. II 2.b.(3)(d)	II-2	require a National Interest Determination (NID) prior to release of proscribed information to the contractor or its cleared employees to certify that release of such information is consistent with the national security interests of the United States. The NID can be program, project, or contract specific.	require a NID prior to release of proscribed information to the contractor or its cleared employees to certify that release of such information is consistent with the national security interests of the United States; provided, however, that in accordance with Section 842 of Public Law 115-232 (Reference j), covered NTIB entities (as defined at Section 842(c)(1) of Public Law 115-232) shall not be required to obtain a NID as a condition for access to proscribed information. The NID can be program, project, or contract specific.
Attachment 4			
Att. 4		Cancelled by DOE O 473.2A.	Removed.
Attachment 5			
Att. 5		Renumbered.	Att. 4