

ORDER

DOE O 471.1B

Approved: 3-1-2010

Identification and Protection of Unclassified Controlled Nuclear Information



U.S. DEPARTMENT OF ENERGY
Office of Health, Safety and Security

IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

1. PURPOSE. To establish the Department of Energy (DOE) program to identify and protect Unclassified Controlled Nuclear Information (UCNI).
2. CANCELLATION. DOE O 471.1A, *Identification and Protection of Unclassified Controlled Nuclear Information*, dated 6-30-00, and DOE M 471.1-1, *Identification and Protection of Unclassified Controlled Nuclear Information Manual*, dated 10-23-01. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
3. APPLICABILITY.
 - a. Departmental Applicability. Except as noted in paragraph 3.c., this Order applies to all Departmental elements that have access to UCNI.

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this Order will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration-specific policies, unless disapproved by the Secretary.

In accordance with the responsibilities and authorities assigned by Executive Order 12344, codified at Title 50 United States Code (U.S.C.) sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this directive for activities under the Director's cognizance, as deemed appropriate.

- b. DOE Contractors. Except for the equivalencies/exemptions in paragraph 3.c., the CRD sets forth requirements of this Order that will apply to contracts that include the CRD. The CRD must be included in contracts that involve access to UCNI.
- c. Equivalencies and Exemptions for DOE O 471.1B.
 - (1) Requests for an equivalency (i.e., an alternative to how a requirement in a directive is fulfilled) or an exemption (i.e., a release from one or more requirements in a directive) concerning the physical protection requirements for UCNI in paragraph 4.j. of this Order are granted by the Program Secretarial Officer for DOE elements or by the Associate Administrator for Defense Nuclear Security for NNSA elements.

- (2) Requests for an equivalency or an exemption concerning the programmatic requirements for UCNI in paragraphs 4.a. through 4.i. and 4.k. through 4.m. are granted by the Director, Office of Classification, in coordination with the Associate Administrator for Defense Nuclear Security for requests within NNSA.
 - (3) Requests must be submitted in writing by the head of a Headquarters element or manager of a field element and must:
 - (a) identify the Order requirement for which the equivalency or exemption is being requested;
 - (b) explain why the equivalency or exemption is needed; and
 - (c) if requesting an equivalency, describe the alternate measures for addressing the requirement.
 - d. Requests for a deviation from requirements in 10 Code of Federal Regulations (CFR) Part 1017, Identification and Protection of Unclassified Controlled Nuclear Information, must follow the procedures in 10 CFR 1017.5. Requests must be sent to the Director, Office of Classification, for approval, in coordination with the Associate Administrator for Defense Nuclear Security for requests within NNSA.
4. REQUIREMENTS. Detailed requirements for implementing DOE's UCNI program are contained in 10 CFR part 1017. For example, included are requirements for (1) reviewing and marking documents and material containing UCNI (10 CFR 1017.15 through 1017.17), (2) controlling access to UCNI documents and material (10 CFR 1017.19 through 1017.21), and (3) physical protection of UCNI documents and material (10 CFR 1017.22 through 1017.28). Find 10 CFR part 1017 online at http://www.access.gpo.gov/nara/cfr/waisidx_09/10cfr1017_09.html.

UCNI program implementation must be consistent with and meet all requirements in 10 CFR part 1017.

In addition to the requirements contained in 10 CFR part 1017, the following requirements must be met:

- a. UCNI Guidance.
 - (1) Purpose. UCNI determinations must be recorded in guidance. UCNI guidance must identify whether information in a specific technical or program area is UCNI.
 - (2) Content. At a minimum, UCNI guidance must –
 - (a) identify the subject matter covered by the guidance;
 - (b) identify the issuing organization;

- (c) identify any guidance that is canceled or superseded by the issuance of new or revised guidance;
 - (d) identify the approving official by name and position and the date of approval;
 - (e) specify who may use the guidance;
 - (f) identify a point of contact for questions concerning the guidance;
 - (g) identify information that is UCNI in the subject area; and
 - (h) identify any special handling caveats that apply to information covered by a topic.
- (3) Approval Authority. All UCNI guidance must be approved by the Director, Office of Classification, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (4) Basis. Guidance must be based directly on UCNI control determinations made by the approving authority or on other guidance.
- (5) Submission of Guidance for Approval. An organization that submits UCNI guidance for review and approval must include the following:
- (a) the full text of the guidance;
 - (b) a justification for any deviations from current policy proposed in the draft guidance; and
 - (c) a point of contact for requesting copies of the guidance.
- (6) Electronic File of the Guidance. Within 30 calendar days of notification of approval, the issuing organization must provide the Office of Classification with a file containing the approved UCNI guidance in either Microsoft Word or eXtensible Markup Language (XML).
- (7) Guidance Revision. The issuing organization must revise UCNI guidance that it has issued when the guidance is no longer current or complete.
- (8) Periodic Review of Guidance. At least once every 5 years, UCNI guidance must be reviewed to ensure it is up to date, regardless of whether any revisions or page changes have been made to the guidance. If the review confirms that the guidance is current, the reviewer must annotate the record copy of the guidance with the results of the review and the date it was performed. If the guidance is not current, it must be revised and submitted to the Director, Office of Classification, for approval, in

coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance, within 180 days of completing the review.

- (9) Distribution of Guidance. Each Classification Officer must distribute new or revised UCNI guidance to appropriate Reviewing Officials within 30 calendar days of receiving it.
- (10) Updating of Guidance. UCNI Reviewing Officials receiving new or revised UCNI guidance have 30 calendar days from receipt of such guidance to destroy superseded guidance (or return it to the Classification Officer for destruction) or to make the page or pen-and-ink changes in guidance that has changed, as appropriate. (Note: Only Classification Offices may retain copies of superseded UCNI guidance for reference purposes. Such copies must be labeled on the front of the guidance or otherwise identified as superseded.)

b. Appointment of Reviewing Officials.

- (1) Qualifications. An employee nominated to be a Reviewing Official must be –

- (a) competent in the subject areas in which the authority will be used and
- (b) familiar with DOE UCNI policy, procedures, and guidance.

- (2) Nomination.

- (a) Submission of Nomination.

- 1 Headquarters. The immediate supervisor of an employee being nominated for Reviewing Official authority must submit the information identified in paragraph 4.b.(2)(b) below through the Headquarters Classification Representative, who confirms that the Reviewing Official authority is needed and who submits the nomination to the appropriate appointing official: for DOE elements, to the Director, Office of Classification; for NNSA elements, to the Associate Administrator for Defense Nuclear Security.
- 2 Field. The immediate supervisor of an employee being nominated for Reviewing Official authority must submit the information identified in paragraph 4.b.(2)(b) below to the Classification Officer or if there is no Classification Officer, to the Director, Office of Classification, for DOE elements or to the Associate Administrator for Defense

Nuclear Security for NNSA elements, who confirms that the Reviewing Official authority is needed prior to considering the employee's appointment.

- (b) Required Information. The nomination must include the following information:
- 1 the employee's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - 2 subject areas in which the authority will be used;
 - 3 desired jurisdiction (e.g., documents originated within a particular organization); and
 - 4 any special limitations on the authority (e.g., time frame of the documents).
- (3) Training. The nominated employee must successfully complete the training for Reviewing Official authority prior to appointment, which must include a practical examination using applicable UCNI guidance and applying UCNI markings. The required training and/or examination may be waived if the nominated employee has completed the training and/or examination within the last 3 years. However, the expiration date for the authority must be no longer than 3 years from the most recent successfully completed training.
- (4) Appointment. The appointment must be in writing and must provide a description of the authority that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. The appointing official must notify the employee and the employee's supervisor. At Headquarters, the appointing official must also notify the Headquarters Classification Representative.
- (5) Authority Limitations. An employee may exercise his or her Reviewing Official authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The employee may not re-delegate the authority. If an employee changes positions, the employee may retain the Reviewing Official authority with the written approval of his or her new supervisor. The supervisor must then notify the appointing official of this action.
- (6) Reappointment. If the authority is still needed after the initial 3-year period, the employee must successfully complete an examination that,

at a minimum, retests his or her proficiency in using UCNI guidance and applying UCNI markings. If this examination is not successfully completed before the authority expires, the appointing official may grant a one-time, 3-month extension of the authority. If the examination is not successfully completed by the end of the 3-month extension, the authority must be terminated. [Note: For Reviewing Officials who are also Derivative Classifiers (DC), testing and reappointment may be deferred to coincide with the DC recertification process. For Reviewing Officials who are not DCs, testing and reappointment must be completed within 6 months of the issuance of this Order or not longer than 3 years from the date of the Reviewing Official's last training and/or examination.]

- (7) Cancellation of Authority. An employee's supervisor, the Classification Officer, or the appointing official may cancel this authority when an employee no longer requires such authority or if the employee does not exercise the authority reliably. When such action is taken, the individual canceling the authority must –
 - (a) notify the employee and
 - (b) inform the other parties identified above of the reason for cancellation and the effective date.
- c. Record of Reviewing Officials. Appointing officials must maintain a record of Reviewing Officials that they appoint that includes, at a minimum, each employee's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority.
- d. Review Process. See 10 CFR 1017.15 and 1017.17 for the standard review process. The following supplemental requirements must also be met:
 - (1) When Guidance Is Unclear or No Applicable Guidance Exists. If an UCNI determination is not possible due to unclear UCNI guidance or a lack of guidance, the document or material must be referred to the appropriate individuals for resolution.
 - (a) Headquarters. At Headquarters, Reviewing Officials must refer such documents or material to their Headquarters Classification Representative. If the Headquarters Classification Representative is unable to resolve the issue, such documents or material must be referred to the Director, Office of Classification, for resolution, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.

- (b) Field. In the field, Reviewing Officials must refer such documents or material to the Classification Officer. If the Classification Officer is unable to resolve the issue (or if there is no Classification Officer), such documents or material must be referred to the Director, Office of Classification, for resolution, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.

Pending the determination, the document or material containing the information must be protected as UCNI.

- (2) Notification of UCNI Determination for Existing Documents or Material. The following individuals must be notified within 30 calendar days of any existing unclassified document or material that has been determined to contain or to no longer contain UCNI:
 - (a) the originator or possessor of the document or material, if identifiable, and
 - (b) if the document is a scientific or technical report, the Office of Scientific and Technical Information (OSTI) Classified Information Program Manager.

The individuals identified in paragraphs 4.d.(2)(a) and 4.d.(2)(b) who receive such notification must notify all known holders of the document or material that it contains or does not contain UCNI. Note: The individual preparing a notification that a document or material contains UCNI must ensure that it is reviewed for UCNI before being issued.

- e. Denial of Documents Containing UCNI Requested Under Statute or Executive Order. A document or portion of a document requested under statute or Executive order that contains UCNI must be denied by a Denying Official regardless of whether the document previously had UCNI markings.
- f. Release of Documents Previously Marked as Containing UCNI Requested Under Statute or Executive Order. A document that was previously marked to indicate that it contains UCNI requested under statute or Executive order may be released by a Denying Official if he or she determines that the document no longer contains UCNI. The following individuals must be notified:
 - (1) The originator of the document must be provided sufficient detail to identify the document.
 - (2) If the document is a scientific or technical report, the OSTI Classified Information Program Manager must be provided with the title, number, date, originating organization, and author.

g. Appeal of a Denial.

- (1) Authority. The determination to deny UCNI in an appeal must be made by the Deputy Chief for Operations, Office of Health, Safety and Security. He or she bases the determination on analytical support and recommendations from subject-matter experts.
- (2) Release of Previously Withheld Documents or Portions of Documents. A document or portion of a document that was previously withheld because it was determined to contain UCNI may be released if a subsequent review by the Denying Official determines that the document or portions of the document no longer contain UCNI. The following individuals must be notified:
 - (a) The originator of the document must be provided sufficient detail to identify the document.
 - (b) If the document is a scientific or technical report, the OSTI Classified Information Program Manager must be provided with the title, number, date, originating organization, and author.

h. Marking. See 10 CFR 1017.16 and 1017.17 for standard marking requirements.

- (1) Unclassified Documents or Material. UCNI markings must be applied to any unclassified document or material that contains or reveals UCNI regardless of any other unclassified control marking (e.g., Official Use Only) that is also on the document or material.
- (2) Titles/Subjects. A title or subject should not contain UCNI unless unavoidable. If unavoidable, the acronym "(UCNI)" must be placed at the end of the title or subject.
- (3) Special Format Documents or Material. Standard markings must be applied to unclassified documents in special formats (e.g., photographs, viewgraphs, films, magnetic tapes, disks, flash memory drives, audio or videotapes, slides) or material to the extent practical. Regardless of the precise markings in such cases, any special-format unclassified document or material that contains UCNI must be marked so that both a person in physical possession of the document or material and a person with access to the information in or on the document or material are made aware that it contains UCNI. For example, a compact disk must be marked both on the disk and on the container and the appropriate electronic files on the disk must also be marked.
- (4) Transmittal Documents. A document that transmits documents or material marked as containing UCNI and does not itself contain classified information or UCNI must be marked on its front as follows:

Document(s) transmitted contain(s) Unclassified Controlled Nuclear Information. When separated from enclosures, this transmittal document does not contain UCNI.

(5) Marking E-mail Messages and Attachments Containing UCNI.

(a) E-mail Message Contains UCNI. The first line of an e-mail message containing UCNI must include the abbreviation “UCNI,” the Reviewing Official’s name and organization, and the guidance used to make the UCNI determination (e.g., UCNI; Jane Smith, HS-90; CG-SS-4). If there is an attachment that contains UCNI, it must have all required UCNI markings.

(b) Attachment Contains UCNI. If the message itself is not UCNI but an attachment contains UCNI, the message must indicate that the attachment is UCNI. The attachment must have all required UCNI markings.

(6) Redacted Version of Document. A document from which UCNI has been redacted must clearly indicate that it is a redacted version.

i. Access. See 10 CFR 1017 Subpart D for access requirements. A security clearance is not required for access to UCNI.

j. Physical Protection. See 10 CFR 1017 Subpart E for standard physical protection requirements. The following supplemental requirements must also be met:

(1) Cover Sheet. Use of a cover sheet for documents containing UCNI is not required, and there is no standardized UCNI cover sheet. However, if a cover sheet is preferred, it must be approved by the cognizant security authority.

(2) Destruction.

(a) Sites may continue to use existing strip-cut shredders until such shredders are no longer operable. Any new purchase of a shredder must meet the requirements in 10 CFR 1017.26.

(b) Methods for destroying documents that cannot be destroyed in approved shredders (e.g., films, disks, and flash memory drives) must be approved by the cognizant security authority.

(c) Destruction of material containing UCNI requires removal of the properties that make the material UCNI. Methods for destruction must be approved by the cognizant security authority with the concurrence of the Classification Officer. The material must be reviewed by a Reviewing Official after destruction to ensure that all UCNI has been removed prior to disposing of the material.

- (d) The disposal of documents containing UCNI must be consistent with the requirements for records disposition contained in DOE O 243.1, *Records Management Program*.

k. UCNI Program Evaluations.

- (1) Self-Assessment. Every 2 years, a written self-assessment of the implementation of UCNI program requirements must be prepared that includes a corrective action plan for any deficiencies noted.
- (2) Field Element On-Site Review. An on-site review of each field element Federal or contractor organization must be conducted to evaluate implementation of UCNI program requirements. This review must be documented in a written report, including a corrective action plan for any deficiencies noted. The on-site review should be conducted every 2 years; however, the interval between on-site reviews may be decreased (e.g., annually) if significant problems are found or increased but not less than once every 5 years if only minor problems are found. The interval between on-site reviews must be determined by the field element conducting the review.
- (3) Scope. Each self-assessment and on-site review must cover the following areas:
 - (a) Management Responsibilities. Management provides the necessary resources and support to meet the requirements specified in this Order.
 - (b) Authorities. A sufficient number and appropriate distribution of Reviewing Officials exists so as not to unduly interfere with or delay the work of the Headquarters or field element; a record of Reviewing Officials appointed is maintained (e.g., in a paper document, electronic database, etc.); the description for each authority includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority; and initial and reappointment training and testing is conducted and successfully completed.
 - (c) Guidance. UCNI guidance is up to date, and Reviewing Officials have access to appropriate guidance.
 - (d) Training. Training programs ensure that personnel are aware of their UCNI responsibilities, training conducted is documented, and training materials are accurate and up to date when presented.

- (e) Document Reviews. Based on a statistically significant, random sample of documents created since the last self-assessment or on-site review, UCNI determinations are correct, the basis for each determination is correct, and Reviewing Official markings are completed correctly.
 - (f) Program Evaluation. The UCNI program is evaluated to assess performance and determine if improvements are necessary.
 - l. UCNI Awareness Briefing. Employees with routine access to UCNI must be briefed periodically in their responsibilities for identifying and protecting UCNI.
 - m. Violations and Infractions.
 - (1) Violations. See 10 CFR 1017 Subpart F. A violation is any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of UCNI or any knowing, willful, or negligent action to control information as UCNI for prohibited reasons. Heads of Headquarters elements and managers of field elements may recommend to the Director, Office of Classification, for DOE elements or to the Associate Administrator for Defense Nuclear Security for NNSA elements the imposition of a civil or a criminal penalty for a violation, as appropriate.
 - (2) Infractions. An infraction is any knowing, willful, or negligent action contrary to the requirements in this Order that does not comprise a violation. A DOE employee who commits an infraction may be subject to an administrative penalty, as outlined in DOE O 3750.1, *Work Force Discipline*, dated 8-21-92. A DOE contractor employee who commits such an infraction may be subject to any appropriate personnel action that the contractor may impose.
- 5. RESPONSIBILITIES.
 - a. Deputy Secretary. Resolves disagreements between the Office of Classification and the Associate Administrator for Defense Nuclear Security concerning implementation of the UCNI program.
 - b. Deputy Chief for Operations, Office of Health, Safety and Security.
 - (1) Oversees the program to identify and protect UCNI, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
 - (2) Determines whether any portion of a document requested under statute or Executive order that was initially denied because it contained UCNI still contains UCNI and must still be denied.

- (3) Serves as the Director under 10 CFR 1017.29.
- (4) Ensures that security personnel promptly refer to the Office of Intelligence and Counterintelligence any security incidents concerning UCNI that (1) have foreign nexus implications, (2) involve hostile foreign intelligence collection or international terrorist activity, or (3) may indicate deliberate compromise of UCNI.

c. Director, Office of Classification.

- (1) Administers the program to identify and protect UCNI, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (2) Determines whether specific Government information is UCNI under 10 CFR 1017.6, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (3) As needed, prepares UCNI guidance concerning specific subjects, programs, facilities, or activities.
- (4) Approves and cancels UCNI guidance, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (5) Provides analytical support and recommendations to assist the Deputy Chief for Operations, Office of Health, Safety and Security, in exercising his or her UCNI appeal authority.
- (6) Manages the training and testing of Reviewing Officials for DOE and NNSA Headquarters elements and their contractors.
- (7) Appoints the following as Reviewing Officials: employees in DOE Headquarters elements and their contractors; DOE field element Classification Officers; and any employees in a DOE or contractor organization with no Classification Officer.
- (8) Ensures that the following Reviewing Officials are retested and reappointed every 3 years if such individuals still require Reviewing Official authority: Reviewing Officials in DOE Headquarters elements and their contractors; DOE field element Classification Officers; and Reviewing Officials in any DOE or contractor organization with no Classification Officer.
- (9) Cancels the authority of any Reviewing Official in DOE Headquarters elements and their contractors and in any DOE organization or contractor

with no Classification Officer when the authority is no longer needed or is not exercised reliably.

- (10) Notifies an employee, the employee's supervisor, and the Headquarters Classification Representative, as appropriate, that the employee has been appointed as a Reviewing Official, recertified as a Reviewing Official, or had his or her Reviewing Official authority canceled.
- (11) Maintains a record of Reviewing Officials that he or she appoints that includes the information required in paragraph 4.c.
- (12) Resolves disagreements between Reviewing and/or Denying Officials about whether a document or material contains UCNI.
- (13) Issues and makes available upon request to any interested party a quarterly report describing and justifying Government information determined to be UCNI during the previous quarter.
- (14) Approves within 30 calendar days requests for equivalencies or exemptions from the requirements in this Order for DOE elements and reviews such approved equivalencies and exemptions annually in coordination with the requester to determine whether they are still needed.
- (15) In coordination with the Associate Administrator for Defense Nuclear Security, approves within 30 calendar days NNSA requests for equivalencies or exemptions from the programmatic requirements in paragraphs 4.a. through 4.i. and 4.k. through 4.m. of this Order and reviews such approved equivalencies and exemptions annually with the requester to determine whether they are still needed.

d. Associate Administrator for Defense Nuclear Security.

- (1) Develops and issues NNSA-specific instructions for implementing this Order as necessary.
- (2) Concurs on an initial determination that specific Government information under NNSA's cognizance is UCNI.
- (3) As needed, prepares UCNI guidance that is more detailed and tailored to the needs of specific subjects, programs, facilities, or activities under NNSA's cognizance.
- (4) Concurs on all UCNI guidance concerning information under NNSA's cognizance.
- (5) Appoints the following as Reviewing Officials: employees in NNSA Headquarters elements and their contractors; NNSA Site Office

Classification Officers; and any employees in an NNSA or contractor organization with no Classification Officer.

- (6) Ensures that the following Reviewing Officials are retested and reappointed every 3 years if such individuals still require Reviewing Official authority: Reviewing Officials in NNSA Headquarters elements and their contractors; NNSA Site Office Classification Officers; and Reviewing Officials in any NNSA or contractor organization with no Classification Officer.
 - (7) Cancels the authority of any Reviewing Official in NNSA Headquarters elements and their contractors and in any NNSA organization or contractor with no Classification Officer when the authority is no longer needed or is not exercised reliably.
 - (8) Notifies an employee, the employee's supervisor, and the Headquarters Classification Representative, as appropriate, that the employee has been appointed as a Reviewing Official, recertified as a Reviewing Official, or had his or her Reviewing Official authority canceled.
 - (9) Maintains a record of Reviewing Officials that he or she appoints that includes the information required in paragraph 4.c.
 - (10) Approves within 30 calendar days requests for equivalencies or exemptions from the physical protection requirements in paragraph 4.j. of this Order within NNSA and reviews such approved equivalencies and exemptions annually in coordination with the requester to determine whether they are still needed.
 - (11) Coordinates with the Director, Office of Classification, within 30 calendar days on requests within NNSA for equivalencies or exemptions from the programmatic requirements in paragraphs 4.a. through 4.i. and 4.k. through 4.m. of this Order and reviews such approved equivalencies and exemptions annually with the requester to determine whether they are still needed.
- e. Director, Office of Intelligence and Counterintelligence. Coordinates with the Deputy Chief for Operations of the Office of Health, Safety and Security and the Associate Administrator for Defense Nuclear Security, as appropriate, for any security incidents concerning UCNI that (1) have foreign nexus implications, (2) involve hostile foreign intelligence collection or international terrorist activity, or (3) may indicate deliberate compromise of UCNI.
- f. Chief Information Officer. Administers the program to protect UCNI being processed, stored, or transmitted in unclassified automated information systems, in coordination with the Chief Information Officer, NNSA, as appropriate.

- g. Heads of Headquarters Elements and Managers of Field Elements.
- (1) Ensure that the necessary resources (funding and personnel) are provided to fulfill the requirements contained in this Order.
 - (2) Ensure that contracting officers are notified of any contracts authorizing access to UCNI and that the CRD for this Order is incorporated into those contracts.
 - (3) Ensure that self-assessments and on-site reviews are conducted.
 - (4) Ensure that appropriate corrective actions are taken to resolve findings identified in self-assessments and on-site reviews.
 - (5) Ensure that employees with routine access to UCNI are periodically briefed in their responsibilities for identifying and protecting UCNI.
- h. Field Element Classification Officer. (See DOE O 475.2, *Identifying Classified Information*, dated 8-28-07, for more information concerning this official.)
- (1) Administers the UCNI program for his or her field element and serves as the point of contact for the UCNI program with the Office of Classification and/or the Office of the Associate Administrator for Defense Nuclear Security.
 - (2) Serves as a Reviewing Official for his or her field element.
 - (3) Identifies any production facilities or utilization facilities as defined in 10 CFR 1017.4 at his or her site.
 - (4) As needed, prepares UCNI guidance that is more detailed and tailored to the needs of his or her field element and is based on other current UCNI guidance.
 - (5) Trains, tests, and appoints Reviewing Officials from his or her field element and contractors supporting the field element and may waive the training and/or examination if the nominated employee has completed either within the last 3 years.
 - (6) Determines the scope and content of training materials for Reviewing Officials that he or she appoints.
 - (7) Ensures that Reviewing Officials are retested and reappointed every 3 years if such individuals still require Reviewing Official authority.

- (8) Cancels the authority of any Reviewing Official from his or her field element and contractors supporting the field element when the authority is no longer needed or is not exercised reliably.
 - (9) Notifies an employee and the employee's supervisor that the employee has been appointed as a Reviewing Official, recertified as a Reviewing Official, or had his or her Reviewing Official authority canceled.
 - (10) Maintains a record of Reviewing Officials that he or she appoints that includes the information required in paragraph 4.c.
 - (11) Overrides an UCNI determination made by a Reviewing Official under his or her cognizance when the Classification Officer determines that the Reviewing Official is incorrect.
 - (12) Resolves disagreements between Reviewing and/or Denying Officials under his or her cognizance about whether a document or material contains UCNI.
 - (13) Concurs on methods for destroying material containing UCNI approved by the cognizant security authority.
 - (14) Conducts a self-assessment of the implementation of UCNI program requirements for his or her field element every 2 years.
 - (15) Conducts an on-site review of the implementation of UCNI program requirements by each Federal or contractor organization under his or her cognizance every 2 years (or more or less frequently based on previous on-site review results).
 - (16) Specifies the methodology to be used in determining a statistically significant, random sample of documents during the self-assessment or on-site review.
- i. Headquarters Classification Representative. (See DOE O 475.2, *Identifying Classified Information*, for more information concerning this official.)
- (1) Serves as the point of contact for the UCNI program for his or her Headquarters elements with the Office of Classification.
 - (2) Submits a nomination for an individual to be appointed as a Reviewing Official to the appropriate appointing official.
 - (3) Assists Reviewing Officials in making UCNI determinations when guidance is unclear.

- (4) Conducts a self-assessment of the implementation of UCNI program requirements for his or her Headquarters element every 2 years.
- (5) Specifies the methodology to be used in determining a statistically significant, random sample of documents during the self-assessment.

j. Reviewing Official.

- (1) Uses UCNI guidance to determine whether a document or material contains UCNI.
- (2) Makes UCNI determinations only in the specific subject areas and jurisdiction covered in his or her authority description.
- (3) Marks or authorizes the markings for a document or material that he or she determines contains or does not contain UCNI.
- (4) Consults a Classification Officer or Headquarters Classification Representative if he or she cannot make an UCNI determination based on guidance.
- (5) Notifies within 30 calendar days the appropriate individuals if he or she determines that an existing unclassified document or material contains or no longer contains UCNI and provides sufficient information for holders to identify the specific document or material as required in paragraph 4.d.(2).
- (6) For documents requested under statute or Executive order, brackets each portion of the document that he or she believes contains UCNI.

k. Denying Official. (Note: Denying Officials are identified in and get their authorities from 10 CFR Part 1004, Freedom of Information.)

- (1) For documents requested under statute or Executive order, reviews the document to ensure that a Reviewing Official has correctly interpreted and applied the UCNI guidance in determining that a document contains UCNI.
- (2) Marks or authorizes the markings for a document or material that he or she determines no longer contains UCNI.
- (3) Notifies the originator of a document or material that was previously marked to indicate that it does contain UCNI whenever the document or material is released by the Denying Official because he or she has determined it no longer contains UCNI.

- (4) Notifies the OSTI Classified Information Program Manager of the title, number, date, originating organization, and author when an unclassified scientific or technical report previously marked to indicate that it may contain or does contain UCNI is determined by the Denying Official to no longer contain UCNI.

l. Cognizant Security Authority.

- (1) Approves optional UCNI cover sheet.
- (2) Approves methods for destroying documents containing UCNI that cannot be destroyed in approved shredders (e.g., films, disks, and flash memory drives).
- (3) Approves methods for destroying UCNI material with the concurrence of the Classification Officer.

m. Contracting Officers/Contracting Officer Representatives. Once notified that contracts under their purview are covered by this Order, incorporate the CRD for the Order and any other appropriate clauses into the affected contracts.

n. Employees with Routine Access to UCNI. Ensure that any unclassified document or material that he or she originates or possesses that he or she thinks may contain UCNI is sent to a Reviewing Official for a determination. Note: Failure to send a document to a Reviewing Official for review may lead to an infraction if, indeed, the document is subsequently determined to contain UCNI.

6. REFERENCES.

- a. P.L. 83-703, Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.). This statute provides the legal basis for identifying and protecting UCNI.
- b. 10 CFR Part 1017, Identification and Protection of Unclassified Controlled Nuclear Information (online at http://www.access.gpo.gov/nara/cfr/waisidx_09/10cfr1017_09.html). These regulations contain the majority of the requirements for implementing the UCNI program.
- c. 10 CFR Part 1004, Freedom of Information (online at http://www.access.gpo.gov/nara/cfr/waisidx_09/10cfr1004_09.html). These regulations define and identify Denying Officials within DOE.
- d. DOE O 475.2, *Identifying Classified Information*, dated 8-28-07. This Order defines the position of Classification Officer.
- e. DOE M 475.1-1B, *Manual for Identifying Classified Information*, dated 8-28-07. This Manual clarifies the role of the Classification Officer.

- f. DOE O 243.1, *Records Management Program*, dated 2-3-06. This Order contains requirements for records management and includes links to disposition schedules for DOE administrative, programmatic, and site-specific records.
 - g. DOE O 475.1, *Counterintelligence Program*, dated 12-10-04. This Order establishes Counterintelligence Program requirements and responsibilities for DOE.
7. DEFINITIONS. See 10 CFR 1017.4 for definitions of terms contained in this Order.
8. CONTACT. Questions concerning this Order should be addressed to the Office of Classification at 301-903-7567 or outreach@hq.doe.gov.

BY ORDER OF THE SECRETARY OF ENERGY:



DANIEL B. PONEMAN
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT

DOE O 471.1B, *IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION*

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this Contractor Requirements Document (CRD) and flowing down CRD requirements to subcontractors at any tier to the extent necessary to ensure contractor compliance.

This CRD establishes the requirements for Department of Energy (DOE) and National Nuclear Security Administration (NNSA) contractors whose contracts involve access to Unclassified Controlled Nuclear Information (UCNI).

Detailed requirements for implementing DOE's UCNI program are contained in 10 Code of Federal Regulations (CFR) Part 1017, Identification and Protection of Unclassified Controlled Nuclear Information (online at http://www.access.gpo.gov/nara/cfr/waisidx_09/10cfr1017_09.html). For example, included are requirements for (1) reviewing and marking documents and material containing UCNI (10 CFR 1017.15 through 1017.17), (2) controlling access to UCNI documents and material (10 CFR 1017.19 through 1017.21), and (3) physical protection of UCNI documents and material (10 CFR 1017.22 through 1017.28). UCNI program implementation must be consistent with and meet all requirements in 10 CFR part 1017.

In addition to the requirements contained in 10 CFR part 1017, the contractor must:

1. Ensure that an individual is designated to administer the UCNI program. If the contractor has a formally designated Classification Officer, he or she is the designated individual to administer the UCNI program at his or her site and serves as a Reviewing Official for the site. He or she is also responsible for identifying any production facilities or utilization facilities as defined in 10 CFR 1017.4 at his or her site.
2. Ensure that the necessary resources (funding and personnel) are provided to fulfill the requirements in this CRD.
3. In the area of UCNI guidance:
 - a. Ensure that more detailed UCNI guidance tailored to the needs of the contractor's organization is developed if needed and is submitted for approval under paragraph 3.d. of this CRD.
 - b. Ensure that any UCNI guidance developed is based directly on other current UCNI guidance.
 - c. Ensure that any UCNI guidance developed identifies the following:
 - (1) the subject matter covered by the guidance;

- (2) the issuing organization;
 - (3) any guidance that is canceled or superseded by the issuance of new or revised guidance;
 - (4) the approving official by name and position and the date of approval;
 - (5) who may use the guidance;
 - (6) a point of contact for questions concerning the guidance;
 - (7) information that is UCNI in the subject area; and
 - (8) any special handling caveats that apply to information covered by a topic.
- d. Submit any developed UCNI guidance to the Director, Office of Classification, for review and approval, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance prior to issuance. The submittal must include the following:
- (1) the full text of the guidance;
 - (2) a justification for any deviations from current policy proposed in the draft guidance; and
 - (3) a point of contact for requesting copies of the guidance.
- e. Once UCNI guidance is approved, within 30 calendar days provide the Office of Classification with a file containing the approved guidance in either Microsoft Word or eXtensible Markup Language (XML).
- f. Ensure that any UCNI guidance issued is revised when the guidance is no longer current or complete.
- g. At least once every 5 years, review UCNI guidance issued by the contractor regardless of whether any revisions or page changes have been made to the guidance to ensure it is up to date. If the review confirms the guidance is current, the reviewer must annotate the record copy of the guidance with the results of the review and the date it was performed. If the guidance is not current, it must be revised and submitted to the Director, Office of Classification, for approval, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance within 180 days of completing the review.
- h. Ensure that any new or revised UCNI guidance is distributed to appropriate Reviewing Officials within 30 calendar days and that Reviewing Officials receiving such guidance (1) destroy any superseded guidance or return it to the Classification Officer for destruction or (2) make page and/or pen-and-ink changes in guidance that has changed, as appropriate. (Note: Only Classification

Offices may retain copies of superseded guidance for reference purposes. Such copies must be labeled on the front of the guidance or otherwise identified as superseded.)

4. In the area of appointing Reviewing Officials:
 - a. Ensure that any individual nominated to be a Reviewing Official is competent in the subject areas in which the authority will be used and familiar with DOE UCNI policy, procedures, and guidance.
 - b. Ensure that the immediate supervisor of the individual being nominated for Reviewing Official authority submits the following information to the appropriate appointing official (i.e., the Classification Officer, or if there is no Classification Officer, to the Director, Office of Classification, for DOE contractors or the Associate Administrator for Defense Nuclear Security for NNSA contractors):
 - (1) the individual's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - (2) subject areas in which the authority will be used;
 - (3) desired jurisdiction (e.g., documents originated within a particular organization); and
 - (4) any special limitations on the authority (e.g., time frame of the documents).
 - c. Ensure that the nominated individual successfully completes the training for Reviewing Official authority prior to appointment, which must include a practical examination using applicable UCNI guidance and applying UCNI markings. The scope and content of the training materials are determined by the Classification Officer, or if there is no Classification Officer, by the Director, Office of Classification, for DOE contractors or the Associate Administrator for Defense Nuclear Security for NNSA contractors. The required training and/or examination may be waived if the nominated individual has completed the training and/or examination within the last 3 years. However, the expiration date for the authority must be no longer than 3 years from the most recent successfully completed training.
 - d. Ensure that the appointment of Reviewing Official authority is in writing and provides a description of the authority that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. The appointing official must notify the individual and his or her supervisor of the appointment.

- e. Ensure that the individual exercises his or her Reviewing Official authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The individual may not re-delegate the authority. If the individual changes positions, he or she may retain the Reviewing Official authority with the written approval of his or her new supervisor. The supervisor must notify the appointing official of this action.
 - f. If the authority is still needed after the initial 3-year period, ensure that the individual successfully completes an examination that, at a minimum, retests his or her proficiency in using UCNI guidance and applying UCNI markings. If this examination is not successfully completed before the authority expires, then the appointing official may grant a one-time, 3-month extension of the authority. If the examination is not successfully completed by the end of the 3-month extension, the authority must be terminated. The appointing official must notify the individual and his or her supervisor of the recertification or termination, as appropriate. [Note: For Reviewing Officials who are also Derivative Classifiers (DC), testing and reappointment may be deferred to coincide with the DC recertification process. For Reviewing Officials who are not DCs, testing and reappointment must be completed within 6 months of the issuance of this CRD or not longer than 3 years from the date of the Reviewing Official's last training and/or examination.]
 - g. Ensure that the individual's supervisor or the appointing official cancels Reviewing Official authority when an individual no longer requires such authority or if an individual does not exercise the authority reliably. When such action is taken, the supervisor or appointing official canceling the authority must notify the individual and the other party of the reason for the cancellation and the effective date.
 - h. Ensure that a record of Reviewing Officials appointed is maintained that includes, at a minimum, each individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority.
5. In the area of reviewing and marking UCNI documents and material [see 10 CFR 1017.15 through 1017.17 for standard reviewing and marking requirements]:
- a. If an UCNI determination is not possible due to unclear UCNI guidance or a lack of guidance, ensure that the document or material is referred to the Headquarters Classification Representative or Classification Officer, or if there is no Classification Officer, to the Director, Office of Classification, for resolution, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance. The Headquarters Classification Representative or Classification Officer may overrule an UCNI determination made by a Reviewing Official under his or her cognizance about whether a document or material contains UCNI. In Headquarters, if the Headquarters Classification Representative is unable to resolve the issue, he or she must refer

the document or material to the Director, Office of Classification, for resolution, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance. In the field, if the Classification Officer is unable to resolve the issue, he or she must refer the document or material to the field element Classification Officer for resolution. If the field element Classification Officer is unable to resolve the issue, he or she must refer the document or material to the Director, Office of Classification, for resolution, in coordination with the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance. Pending the determination, the document or material containing the information must be protected as UCNI.

- b. When an existing unclassified document or material is determined to contain or to no longer contain UCNI, ensure that the following individuals are notified within 30 calendar days:
 - (1) the originator or possessor of the document or material, if identifiable, and
 - (2) if the document is a scientific or technical report, the Office of Scientific and Technical Information Classified Information Program Manager.

The individuals identified above who receive such notification must notify all known holders of the document or material that it contains or does not contain UCNI. Note: The individual preparing a notification that a document or material contains UCNI must ensure that it is reviewed for UCNI before being issued.

- c. Ensure that UCNI markings are applied to any unclassified document or material that contains or reveals UCNI regardless of any other unclassified control marking (e.g., Official Use Only) that is also on the document or material.
- d. Ensure that titles or subjects do not contain UCNI unless unavoidable. If unavoidable, the acronym "(UCNI)" must be placed at the end of the title or subject.
- e. Ensure that special formats of unclassified documents (e.g., photographs, viewgraphs, films, magnetic tapes, disks, flash memory drives, audio or videotapes, slides) or material are marked to the extent practical with standard markings. Regardless of the precise markings in such cases, any special format, unclassified document or material that contains UCNI must be marked so that both a person in physical possession of the document or material and a person with access to the information in or on the document or material are made aware that it contains UCNI. For example, a compact disk must be marked both on the disk and on the container and the appropriate electronic files on the disk must also be marked.
- f. Ensure that a document that transmits documents or material marked as containing UCNI and does not itself contain classified information or UCNI is marked on its front as follows:

- e. Ensure that the disposal of documents containing UCNI is consistent with the requirements for records disposition contained in DOE O 243.1, *Records Management Program*.
8. In the area of UCNI program evaluations:
- a. Every 2 years, ensure that a written self-assessment of the implementation of UCNI program requirements is prepared that includes a corrective action plan for any deficiencies noted.
 - b. Ensure that an on-site review to evaluate implementation of UCNI program requirements is conducted for each subcontractor organization that has a Classification Officer. This review must be documented in a written report, including a corrective action plan for any deficiencies noted. The on-site review should be conducted every 2 years; however, the interval between on-site reviews may be decreased (e.g., annually) if significant problems are found or increased but not less than once every 5 years if only minor problems are found. The interval between on-site reviews must be determined by the Classification Officer conducting the review.
 - c. Ensure that the scope of each self-assessment and on-site review covers the following areas:
 - (1) Management provides the necessary resources and support to meet the requirements specified in this CRD.
 - (2) A sufficient number and appropriate distribution of Reviewing Officials exists so as not to unduly interfere with or delay the work of the contractor; a record of Reviewing Officials appointed is maintained (e.g., in a paper document, electronic database); the description for each authority includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority; and initial and reappointment training and testing is conducted and successfully completed.
 - (3) UCNI guidance is up to date, and Reviewing Officials have access to appropriate guidance.
 - (4) Training programs ensure that personnel are aware of their UCNI responsibilities, training conducted is documented, and training materials are accurate and up to date when presented.
 - (5) Based on a statistically significant, random sample of documents created since the last self-assessment or on-site review, UCNI determinations are correct, the basis for each determination is correct, and Reviewing Official markings are completed correctly. The methodology to be used in

determining the statistically significant, random sample is determined by the Classification Officer, or if there is no Classification Officer, by the Director, Office of Classification, for DOE contractors, or the Associate Administrator for Defense Nuclear Security, for NNSA contractors.

- (6) The UCNI program is evaluated to assess performance and determine if improvements are necessary.
9. In the area of UCNI awareness briefings, ensure that individuals with routine access to UCNI are briefed periodically in their responsibilities for identifying and protecting UCNI.
10. In the area of violations and infractions:
 - a. Recommend to the Director, Office of Classification, for DOE contractors or to the Associate Administrator for Defense Nuclear Security for NNSA contractors the imposition of a civil or a criminal penalty, as appropriate, for a violation (i.e., any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of UCNI or any knowing, willful, or negligent action to control information as UCNI for prohibited reasons) when warranted. Such a recommendation must be sent through the head of a Headquarters element or the manager of a field element, as appropriate.
 - b. Ensure that an individual who commits an infraction (i.e., any knowing, willful, or negligent action contrary to the requirements in this CRD that does not comprise a violation) is subject to any appropriate personnel action that the contractor may impose.
11. In the area of equivalencies and exemptions:
 - a. Ensure that any requests for an equivalency (i.e., an alternative to how a requirement in this CRD is fulfilled) or an exemption (i.e., a release from one or more requirements in this CRD) concerning the physical protection requirements for UCNI under paragraph 7 of this CRD are granted by the Program Secretarial Officer for DOE contractors or by the Associate Administrator for Defense Nuclear Security for NNSA contractors for approval.
 - b. Ensure that any requests for an equivalency or an exemption concerning the programmatic requirements for UCNI under paragraphs 1, 3 through 6, 8, and 9 of this CRD are granted by the Director, Office of Classification, in coordination with the Associate Administrator for Defense Nuclear Security for requests within NNSA.
 - c. Ensure that requests are submitted in writing through the field element Classification Officer or cognizant security authority, as appropriate, and that they contain the following:

- (1) the CRD requirement for which the equivalency or exemption is being requested;
 - (2) an explanation as to why the equivalency or exemption is needed; and
 - (3) if requesting an equivalency, a description of the alternate measures for addressing the requirement.
12. Ensure that any requests for deviations from requirements in 10 CFR part 1017 follow the procedures in 10 CFR 1017.5 and are sent to the Director, Office of Classification, for approval, in coordination with the Associate Administrator for Defense Nuclear Security for requests within NNSA. Requests for deviations must be sent through the field element Classification Officer or cognizant security authority, as appropriate.