

SUBJECT: SAFEGUARDS AND SECURITY PROGRAM

1. OBJECTIVE. To establish the roles and responsibilities for the U.S. Department of Energy (DOE) Safeguards and Security (S&S) Program. The DOE S&S Program consists of six key elements: 1) Program Planning and Management, 2) Physical Protection, 3) Protective Force, 4) Information Security, 5) Personnel Security, and 6) Nuclear Material Control and Accountability. Specific requirements for each of the key elements are contained in their respective programmatic Manuals. The requirements identified in these Manuals are based on national level policy promulgated in laws, regulations, and Executive orders, to prevent unacceptable adverse impacts on national security, the health and safety of DOE and contractor employees or the public, or the environment.

2. CANCELLATIONS. The directives listed below are cancelled. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual obligation to comply with the directive. Cancelled directives incorporated by reference in a contract remain in effect until the contract is modified to delete the reference to the requirements in the cancelled directives. The publication of this Order incorporates previous memoranda and letters issued by the Office of Security or its predecessor organizations that established S&S policy.
 - a. DOE O 470.1, *Safeguards and Security Program*, dated 9-28-95.
 - b. DOE O 471.2A, *Information Security Program*, dated 3-27-97.
 - c. DOE O 471.4, *Incidents of Security Concern*, dated 3-17-04.
 - d. DOE O 472.1C, *Personnel Security Activities*, dated 3-25-03.
 - e. DOE O 473.1, *Physical Protection Program*, dated 12-23-02.
 - f. DOE O 473.2, *Protective Force Program*, dated 6-30-00.
 - g. DOE O 474.1A, *Control and Accountability of Nuclear Materials*, dated 11-20-00.

3. APPLICABILITY.
 - a. Departmental Elements. Except for the exclusion in paragraph 3.b., this Order applies to all Departmental Elements, listed on Attachment 1. This order automatically applies to Departmental Elements created after it is issued.

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees and contractors comply with their respective responsibilities under this Order.

- b. Exclusion. In accordance with the responsibilities and authorities assigned by Executive Order 12344 and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors will implement and oversee all requirements and practices pertaining to this DOE Order for activities under the Deputy Administrator's cognizance
- c. Exemption.
 - (1) Requirements in this Order that overlap or duplicate requirements of the Nuclear Regulatory Commission (NRC) related to radiation protection, nuclear safety (including quality assurance), and safeguards and security of nuclear material, do not apply to the design, construction, operation, and decommissioning of Office of Civilian Radioactive Waste Management (RW) facilities.
 - (2) This exemption does not apply to requirements for which the NRC defers to DOE or does not exercise regulatory jurisdiction.

4. REQUIREMENTS.

- a. Effective S&S programs must be developed and implemented by incorporating the responsibilities contained in this Order and by meeting the requirements contained in:
 - (1) DOE M 470.4-1, *Safeguards and Security Program Planning and Management*,
 - (2) DOE M 470.4-2, *Physical Protection*,
 - (3) DOE M 470.4-3, *Protective Force*,
 - (4) DOE M 470.4-4, *Information Security*,
 - (5) DOE M 470.4-5, *Personnel Security*, and
 - (6) DOE M 470.4-6, *Nuclear Material Control and Accountability*.
- b. All delegations of roles and responsibilities must be documented in writing.

5. RESPONSIBILITIES.

- a. Secretary.
 - (1) Ensures that an effective S&S Program is established and executed within DOE under the authorities granted by relevant Executive orders, the

U.S. Department of Energy Organization Act, and the Atomic Energy Act, and in accordance with the National Nuclear Security Administration Act.

- (2) Designates senior Department officials to direct and administer the S&S Program.
- (3) Delegates, in writing, all responsibilities and authorities as necessary to those who require them.
- (4) Approves, as the Senior DOE Official of the Intelligence Community, any Department-originated Intelligence Special Access Programs (SAPs).
- (5) Approves all other Department-originated SAPs.
- (6) Authorizes continuing operations of facilities/activities determined to be a high security risk. This authority can only be delegated to the Deputy Secretary.
- (7) Approves and issues the *Design Basis Threat (DBT) Policy*.
- (8) Has sole jurisdiction to approve the imposition of requirements on RW programs and activities that are more stringent and/or comprehensive than those imposed by the NRC.

b. Deputy Secretary.

- (1) Is the Chief Operating Officer of the Department and is responsible for all Departmental policy development and operations.
- (2) Integrates corporate programs and support activities with line programs.
- (3) Reviews all staff and support office policies and guidance that affect Departmental elements.

c. Under Secretary for Nuclear Security/Administrator of the National Nuclear Security Administration. The Under Secretary for Nuclear Security/Administrator of NNSA is responsible for the management and implementation of S&S programs administered by NNSA.

- (1) Authorizes continuing operations of facilities/activities determined to be a moderate security risk. This authority can only be delegated to a Head of a Departmental element.
- (2) Through the Associate Administrator for Defense Nuclear Security:

- (a) Serves as the cognizant security authority for programs, operations, and facilities under the purview of NNSA. This authority may be delegated to DOE line management and must be documented in the appropriate safeguards and security management plan.
- (b) Authorizes NNSA Federal and contractor employees to carry firearms and make arrests without warrant as provided by section 161k of the Atomic Energy Act.
- (c) Oversees the security implementation of NNSA SAPs and provides an annual report to Congress.
- (d) Oversees NNSA programs for technical cooperation with the International Atomic Energy Agency.
- (e) Coordinates, as necessary, with the Office of Security and other Departmental elements, to conduct onsite S&S reviews of nuclear materials distributed abroad to the extent provided for in international, multinational, and bilateral agreements; participates in international discussions regarding safeguards policies and procedures.
- (f) Coordinates with Departmental elements and the Office of Security to ensure Departmental compliance with the terms of the *Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America* and its *Additional Protocol*.
- (g) Reviews and coordinates, with the Office of Security, the development of physical protection technology for the transportation of special nuclear material (SNM), nuclear weapons, and nuclear weapons components.
- (h) Issues direction and oversees the implementation of security conditions for operations under the cognizance of the NNSA.
- (i) Establishes a system of control measures to assure that access to classified matter is limited to authorized persons. These control measures must be appropriate to the environment in which the access occurs and the nature of the matter. The system must include technical, physical, and personnel control measures.
- (j) Establishes procedures for reporting incidents of security concern and provides resources for conducting inquiries and damage assessments and for implementing corrective actions.

- (k) Develops and allocates the NNSA security budget, including budgets for the infrastructure that supports S&S missions.
- (l) Directs the implementation of S&S programs in accordance with the requirements of this Order and associated programmatic Manuals, including development of procedures and guidance.
- (3) Through the Deputy Administrator for Defense Programs:
 - (a) Coordinates the required reporting of lost, potentially compromised, or unauthorized disclosure of classified information to the Joint Atomic Information Exchange Group (JAIEG).
 - (b) Requests review and approval from the JAIEG for all classified matter containing Restricted Data or Formerly Restricted Data intended for transmission to foreign entities before release.
 - (c) Ensures that security-sensitive shipments from the U.S. to other countries are coordinated with the Office of Security (i.e., shipments of SNM that are subject to DOE-administered Atomic Energy Act Mutual Defense Agreements and shipments of DOE classified matter).
 - (d) Coordinates with the Office of Intelligence on the schedule for the transportation of SNM and security-sensitive shipments.
- d. Under Secretary for Energy, Science, and Environment. The Under Secretary for Energy, Science, and Environment is responsible for the management and implementation of S&S programs administered by the DOE Offices of Energy Efficiency and Renewable Energy; Environmental Management; Fossil Energy; Nuclear Energy, Science, and Technology; Civilian Radioactive Waste Management; and Science.
 - (1) Serves as the cognizant security authority for programs, operations, and facilities under the purview of the Offices listed above. This authority may be delegated to DOE line management.
 - (2) Issues direction and oversees the implementation of security conditions for operations under the cognizance of the Offices listed under 5.d.
 - (3) Directs the implementation of S&S programs in accordance with the requirements of this Order and associated programmatic Manuals, including the development of procedures and guidance.
 - (4) Establishes a system of control measures to assure that access to classified matter is limited to authorized persons. These control measures must be

appropriate to the environment in which the access occurs and the nature of the matter. The system must include technical, physical, and personnel control measures.

- (5) Establishes procedures for reporting incidents of security concern and provides resources for conducting inquiries and damage assessments and for implementing corrective actions.
- (6) Develops and allocates S&S budgets for assigned programs, including budgets for the infrastructure that supports S&S missions.
- (7) Authorizes continuing operations of facilities/activities determined to be a moderate security risk. This authority can only be delegated to the Head of a Departmental Element.

e. Head of a Departmental Element. The Head of a Departmental Element responsible for overseeing a DOE facility and the Administrator of a Power Marketing Administration (excluding the Administrator, Bonneville Power Administration):

- (1) Develops an S&S management plan that provides a description of the organization's implementation of S&S policy and provides detailed information on the assignment of roles, responsibilities, delegations, and authorities, as well as the development of budgets and allocation of resources.
- (2) Develops S&S implementing procedures and guidance for assigned programs, implements the programs, and provides oversight and technical direction.
- (3) Develops and allocates S&S budgets for assigned programs, including budgets for the infrastructure that supports S&S missions.
- (4) Ensures that line management implement applicable S&S directives.
- (5) Notifies contracting officers of affected site/facility management contracts that must include specific S&S contractor requirements documents (CRDs).
- (6) Ensures procurement requests for new non-site-/non-facility-management contracts require inclusion of appropriate language, including the clause at 48 Code of Federal Regulations (CFR) 952.204-2, *Security Requirements*, and the appropriate CRDs from Manuals associated with this Order in the resulting contracts, if necessary.
- (7) Ensures that contracting officers provide DOE F 470.1, *Contract Security Classification Specification (CSCS)*, to the DOE cognizant security authority.

- (8) Curtails or suspends operations when continued operations would result in an unacceptable risk to national security and/or to the health and safety of DOE and contractor employees, the public, or the environment.
 - (9) Integrates S&S crosscutting policies and consistently interprets applicability of those policies to affected Departmental elements.
 - (10) Ensures that the authorized security condition requirements are implemented and remains vigilant for any local changes for affected facilities.
 - (11) Ensures that S&S personnel under their cognizance are managed, trained, and equipped, and are provided the facilities and logistical support, intelligence, communications, and other support services needed to maintain protection of S&S interests.
 - (12) Ensures that line management under their cognizance have implemented vulnerability assessment programs and that DOE line management responsible for overseeing the program have been designated.
 - (13) Ensures that implementing procedures for incidents of security concern are established and sufficient resources are provided to conduct inquiries and damage assessments and to implement corrective actions.
 - (14) Designates officials responsible for conducting and completing required S&S surveys.
 - (15) Ensures that contractors and their subcontractors execute applicable S&S programs and policies.
- f. Assistant Secretary for Environment, Safety, and Health.
- (1) Provides technical assistance in the development of DOE S&S policy to ensure that environmental, safety, medical, and health issues are considered.
 - (2) Ensures that S&S requirements are considered in the development of policies promulgated by the Office of Environment, Safety, and Health.
- g. Assistant Secretary for Environmental Management. In addition to the responsibilities under 5.e., evaluates, in coordination with the Office of Security, the adequacy of physical protection measures for irradiated reactor fuel shipments outside the U.S.
- h. Director, Office of Nuclear Energy, Science, and Technology. In addition to the responsibilities under 5.e., authorizes the transfer of SNM to the Departments of

the Army, Air Force, and Navy (Navy Facilities Engineering Command only), in such quantities and at such times as necessary for new military reactor cores, for existing military reactor replacement cores, and for miscellaneous purposes (other than use in nuclear weapons) authorized by Congress.

- i. General Counsel, Office of General Counsel. Provides legal advice and assistance to the Office of Security regarding issues or changes in laws and regulations that may affect S&S interests and programs, including incidents of security concern, administrative review cases, and SAPs.
- j. Chief Information Officer.
 - (1) Administers and oversees the DOE cyber security and TEMPEST programs, and approves access to CRYPTO and Communications Security (COMSEC).
 - (2) Coordinates with the Office of Security to ensure that classified and unclassified controlled information being processed, stored, or transmitted in automated information systems is protected in accordance with information security policies.
 - (3) Coordinates with the Office of Independent Oversight and Performance Assurance regarding the results of independent oversight inspections, reviews, and special studies of cyber security.
- k. Director, Office of Public Affairs. Coordinates with the Office of Security and Safety Performance Assurance, and, when applicable, the NNSA Office of Congressional, Intergovernmental, and Public Affairs on press releases involving S&S matters.
- l. Director, Office of Security and Safety Performance Assurance.
 - (1) Develops and implements the Department's S&S program consistent with strategies and policies governing the protection of national security and other critical assets entrusted to the Department.
 - (2) Coordinates and promulgates the Department's policies and procedures for a comprehensive S&S program.
 - (3) Directs the development and implementation of a security program for the protection of the DOE Headquarters, its personnel, and assets.
 - (4) Works closely with the NNSA, through the Office of Independent Oversight and Performance Assurance, to continue independent oversight of NNSA's S&S; cyber security; environment, safety, and health; and emergency management programs.

- (5) Establishes and maintains the DOE Classification Program and ensures consistency between classification and S&S policies.
- (6) Provides advice and assistance to DOE organizations concerning S&S programs.
- (7) Serves as the principal advisor to the Secretary on S&S matters.
- (8) Establishes and coordinates the S&S technology program to support user needs and policy objectives.
- (9) Implements the procedures for the assessment of civil penalties set forth in Title 10, Code of Federal Regulations, Part 824, "Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations," (10 CFR part 824).
- (10) Through the Director, Office of Security.
 - (a) Formulates and promulgates Departmental S&S policy.
 - (b) Acts as Senior Agency Official responsible for directing and administering the DOE information security program (Executive Order 12958, section 5.4(d)).
 - (c) Acts as the Senior Agency Official responsible for directing and administering the DOE personnel security program (Executive Order 12968, section 6.1(a)).
 - (d) Acts as the Senior Agency Official responsible for directing and administering the DOE's implementation and compliance with the National Industrial Security Program (Executive Order 12829, section 203(a)).
 - (e) Maintains national-level liaison with Federal law enforcement, security, and intelligence agencies in support of the DOE S&S Program, and represents DOE in interagency efforts related to S&S activities.
 - (f) Develops the *Design Basis Threat (DBT) Policy*.
 - (g) Develops and issues the DOE Adversary Capabilities List.
 - (h) Serves as the certification authority for Departmental vulnerability assessment analysts.
 - (i) Develops and implements S&S training programs; provides and manages resources for a standardized, state-of-the-art training program and facility at the National Training Center and

coordinates with the Office of Management, Budget, and Evaluation to ensure conformance with DOE training policy.

- (j) Oversees the implementation of the DOE Headquarters S&S Program.
 - (k) Reviews procurement requests for new Office of Security Headquarters contracts not related to site/facility management, and if appropriate, ensures that the provisions of 48 CFR 952.204-2, *Security Requirements*, and the requirements of the appropriate CRDs from Manuals associated with this Order are included in the contract.
 - (l) Develops and allocates S&S budgets for assigned programs, including budgets for the infrastructure that supports S&S missions.
 - (m) Authorizes DOE Federal and contractor employees at Headquarters and at all non-NNSA sites to carry firearms and make arrests without warrant in accordance with section 161k of the Atomic Energy Act.
 - (n) Acts as the DOE representative for international S&S policy development, including development of guidelines and technical documents and providing technical assistance.
 - (o) Develops, manages, and maintains North Atlantic Treaty Organization security policy for DOE in conjunction with the NNSA.
 - (p) Oversees DOE SAPs, not including NNSA SAPs, and approves associated positions that require polygraph examinations.
 - (q) Oversees and manages resources for New Brunswick Laboratory programs to provide national reference standards for plutonium and uranium and to evaluate SNM measurements for the Department.
 - (r) Establishes and maintains the DOE Personnel Security Program.
- (11) Through the Director, Office of Independent Oversight and Performance Assurance.
- (a) Conducts independent inspections and evaluations to assess the effectiveness of S&S Program implementation.

- (b) Evaluates the security posture of Departmental elements and their contractor-operated facilities with respect to compliance with DOE policies and directives.

m. Director, Office of Intelligence.

- (1) Acts as the Senior Intelligence Officer for the Department.
- (2) Develops, in conjunction with the Office of Security, programs and procedures to protect Foreign Intelligence Information, intelligence sources and methods, and Sensitive Compartmented Information from unauthorized disclosure.
- (3) Exercises those authorities pertaining to intelligence activities vested in the Secretary under Executive Order 12958, as amended, and its implementing directives.
- (4) Provides technical assistance and intelligence information to the Office of Security for the formulation of the *Design Basis Threat (DBT) Policy* and Adversary Capabilities List.

n. Director, Office of Counterintelligence/Chief, Office of Defense Nuclear Counterintelligence.

- (1) Acts as the Counterintelligence Officer for DOE responsible for managing, implementing, and overseeing counterintelligence activities including evaluations, administrative inquiries, counterintelligence polygraph examinations, and investigations, except for those authorities and responsibilities of the Inspector General, the General Counsel, and the Office of Security, and authorities of the Secretary that cannot be delegated.
- (2) Analyzes, produces, and disseminates threat-related counterintelligence information as requested.
- (3) Develops and coordinates all counterintelligence policy.
- (4) Processes inquiries into situations for which there is a suspicion of foreign activity. Provides support, as appropriate, to the conduct of inquiries. Notifies the DOE cognizant security authority upon the discovery of security incidents during the course of counterintelligence activities.
- (5) Coordinates with the Office of Security concerning security issues, including espionage and the possible or potential compromise of intelligence-related information.

- o. Administrator, Bonneville Power Administration (BPA).
- (1) Ensures procurement requests for new contracts include appropriate security-related CRDs in the contract.
 - (2) Develops and approves a BPA Safeguards and Security Management Plan that describes the roles, responsibilities and implementation of the BPA S&S Program.
 - (3) Develops S&S implementing guidance, and implements and provides oversight and technical direction for the BPA S&S Program.
 - (4) Develops and allocates BPA S&S budgets for assigned programs, including budgets for the infrastructure that supports S&S missions.
 - (5) Ensures that line management implement S&S directives applicable to BPA.
 - (6) Ensures that contracting officers provide DOE F 470.1, *Contract Security Classification Specification (CSCS)*, to the DOE cognizant security authority at Headquarters.
 - (7) Curtails or suspends operations when continued operations would result in an unacceptable risk to national security and/or to the health and safety of BPA employees and contractor employees, the public, or the environment.
 - (8) Integrates S&S crosscutting policies and consistently interprets applicability of those policies to affected BPA elements.
 - (9) Ensures that the authorized security condition (SECON) requirements are implemented, and remains vigilant for any local changes for affected facilities.
 - (10) Ensures that BPA S&S personnel under his/her cognizance are managed, trained, and equipped, and are provided the facilities and logistical support, intelligence, communications, and other support services needed to maintain protection of BPA S&S interests.
 - (11) Ensures that line management under his/her cognizance have implemented vulnerability assessment programs, and that BPA line management responsible for overseeing the program have been designated.
 - (12) Ensures that implementing procedures for incidents of security concern are established and sufficient resources are provided to conduct inquiries and damage assessments and to implement corrective actions.

- (13) Through scheduling and coordination with the surveying organization, helps ensure that required S&S surveys can be conducted and completed.
- (14) Ensures that contractors and their subcontractors execute all S&S programs and policies applicable to BPA.

p. Contracting Officers.

- (1) Incorporate, after notification by the DOE line management official initiating the procurement activity, appropriate CRDs into affected site/facility management contracts in accordance with law, regulation, and the DOE directives clause of the contracts.
- (2) Assist originators of procurement requests who want to incorporate the provisions of 48 CFR 952.204-2, *Security Requirements*, and appropriate CRDs in new contracts not related to site/facility management.

6. DEVIATIONS. Deviations from the requirements in this Order must be processed in accordance with DOE M 470.4-1, *Safeguards and Security Program Planning and Management*.

7. DEFINITIONS. Terms commonly used in the program are defined in the S&S Glossary located in DOE M 470.4-7, *Safeguards and Security Program References*. In addition to those in the Glossary, the following definitions are provided for use in this Order.

- a. DOE line management refers to DOE and NNSA Federal employees who have been granted the authority to commit resources or direct the allocation of personnel or approve implementation plans and procedures in the accomplishment of specific work activities.
- b. Line management refers to DOE and NNSA Federal and contractor employees who have been granted the authority to commit resources or direct the allocation of personnel or approve implementation plans and procedures in the accomplishment of specific work activities.
- c. DOE cognizant security authority refers to DOE and NNSA Federal employees who have been granted the authority to commit security resources or direct the allocation of security personnel or approve security implementation plans and procedures in the accomplishment of specific work activities.
- d. Cognizant security authority refers to DOE and NNSA Federal and contractor employees who have been granted the authority to commit security resources or direct the allocation of security personnel or approve security implementation plans and procedures in the accomplishment of specific work activities.
- e. For the purposes of this Order, the Office of Security refers to the DOE Office of Security, Office of Security and Safety Performance Assurance.

8. CONTACT. Questions concerning this Order should be directed to the Office of Security at 202-586-3345.

BY ORDER OF THE SECRETARY OF ENERGY:



CLAY SELL
Deputy Secretary

**ALL DEPARTMENTAL ELEMENTS TO WHICH DOE O 470.4,
*SAFEGUARDS AND SECURITY PROGRAM, IS APPLICABLE***

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