

**U.S. DEPARTMENT OF ENERGY
OFFICE OF HEALTH, SAFETY
AND SECURITY**



**SECURITY PLAN FOR THE
ENERGY EMPLOYEES
OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM**

A handwritten signature in black ink, appearing to read "G. S. Podonsky".

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Date

**Security Plan for the Energy Employees Occupational Illness
Compensation Program**

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**SECURITY PLAN
FOR THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS
COMPENSATION PROGRAM**

I. BACKGROUND

The U.S. Congress passed the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) in 2000. The purpose of EEOICPA is to compensate eligible employees and former employees of the Department of Energy (DOE), its contractors and subcontractors, or certain survivors of such individuals for occupational illness and death arising from work at a covered facility. The program also provides benefits to certain beneficiaries, such as uranium miners and millers, under section 5 of the Radiation Exposure Compensation Act (RECA).

Individuals, or their eligible survivors, who worked as a Federal employee, contractor, or subcontractor at a DOE facility, a designated Atomic Weapons Employer (AWE) facility, or a designated beryllium vendor facility may be eligible for benefits under EEOICPA. Part B of EEOICPA provides compensation to workers with beryllium disease, silicosis, or radiation-induced cancer. Legitimate claimants may receive a lump-sum payment of \$150,000. Additionally, medical benefits are payable to eligible employees who have covered illnesses. Uranium workers who receive compensation under section 5 of RECA are eligible for an additional \$50,000 in compensation. In October 2004, Congress amended EEOICPA to add part E, which provides compensation up to \$250,000 in medical, impairment, and wage-loss benefits for DOE contractor and subcontractor employees whose illnesses were caused by exposure to any toxic substance while working at a DOE facility. Part E benefits were also made available to workers as covered by RECA. There are over 300 facilities covered by these Acts, including DOE facilities, beryllium vendors, and AWEs. A facility may be a multi-designated facility due to its activities associated as a DOE facility, AWE, or remediation activities.

The single term EEOICPA will be used throughout this security plan, but it is meant to include all the compensation Acts associated with EEOICPA and RECA programs.

There are three Agencies primarily involved in administering EEOICPA:

- The Department of Labor (DOL) has primary responsibility for administering EEOICPA, adjudicating claims, designating which DOE facilities are covered, and amending covered timeframes.
- The National Institute for Occupational Safety and Health (NIOSH) is a subordinate organization of the Centers for Disease Control and Prevention (CDC). CDC, in turn, is a subordinate organization of the Department of Health and Human Services (HHS). NIOSH has primary responsibility for conducting dose reconstruction, designating Special Exposure Cohort, providing support to

the Advisory Board on Radiation and Worker Health (ABRWH), and identifying residual contamination periods for facilities covered under EEOICPA.

- DOE has primary responsibility for providing records, verifying employment, maintaining a covered facility list Web site, and designating AWE facilities. DOE has no role in adjudicating claims.

The information available at DOE's nuclear weapons production facilities and from the people who worked there may be extremely sensitive. An adversary could potentially learn a great deal about the configuration, construction, effects, and capabilities of U.S. nuclear weapons merely by reading reports generated as part of the EEOICPA program. DOE is committed to ensuring that the information needed to fairly adjudicate EEOICPA claims is made available to adjudicators. DOE is also responsible for ensuring that classified and controlled unclassified information critical to our national security does not fall into the wrong hands. This security plan is an effort to balance the need for protecting classified and controlled unclassified information with the need to fairly adjudicate compensation claims.

II. PURPOSE

In order to properly consider and adjudicate claims made under EEOICPA, DOL and NIOSH employees and their contractors will necessarily be required to have access to and review classified and controlled unclassified information. The purpose of this security plan is to further identify the security roles and responsibilities of DOE, DOL, and NIOSH employees and their contractors; describe the security procedures to be followed by all parties; and establish processes for resolving security issues as they arise. Furthermore, any reference to NIOSH in this plan also implies NIOSH contractors, as well as members of ABRWH. The provisions of this security plan have been reviewed and accepted by representatives of DOE, DOL, and NIOSH.

III. MAJOR ROLES AND RESPONSIBILITIES

A. DOE shall:

1. Receive requests for, consider, and grant access authorizations (security clearances) to those DOL and NIOSH employees, and their contractors, who will require access to classified information.
2. Provide the necessary approvals to enter DOE facilities to review records, gather information, conduct interviews, and perform other EEOICPA-related activities.

3. Provide access to DOE documents, records, information systems, and personnel with information required to meet the provisions of EEOICPA in accordance with classified matter and controlled unclassified matter laws, regulations, and directives.
 4. Develop and administer a process to ensure that DOE documents undergo thorough and timely classification/control reviews prior to their release to DOL or NIOSH.
 5. Provide timely classification/control reviews of notes, drafts, and reports generated to fulfill EEOICPA requirements.
 6. Assist DOL and NIOSH employees, and their contractors, in locating facilities where classified/controlled unclassified information can be stored, processed, transmitted, or discussed in a secure manner.
 7. Appoint a DOE official to serve as project manager to coordinate and supervise DOE activities in support of EEOICPA.
 8. Designate an experienced security advisor(s) to assist the DOE EEOICPA Project Manager, DOL and NIOSH employees, and their contractors, in resolving security issues.
- B. DOL and NIOSH shall:
1. Each appoints an employee to act as its Personnel Security Representative to assist in completing required personnel security forms and processes.
 2. Identify personnel who will require access authorizations and comply with DOE instructions for processing requests for access authorizations.
 3. Provide adequate notice of plans to visit a DOE facility (a month in advance is preferred) so that appropriate visit approvals can be obtained and arrangements can be made for accessing records and interviewing DOE employees.
 4. Provide adequate notice of activities to be conducted near inactive DOE facilities and AWEs so that secure locations can be identified for conducting classified interviews, if required.
 5. Submit notes, drafts, and proposed final documents associated with EEOICPA-covered facilities to DOE for review for classified and controlled unclassified information in accordance with the procedures set forth in this Plan.

6. Abide by Federal laws, and/or DOE regulations and directives, as appropriate, listed in appendix E for discussing, processing, transmitting, storing, and destroying classified and controlled unclassified information. DOL or NIOSH may propose alternate security procedures, but they must be approved by DOE before being implemented.
7. Promptly telephonically advise the DOE EEOICPA Project Manager of security incidents or security issues that may arise in the course of performing EEOICPA-related activities. DOE will provide instructions on how to handle such matters on a case-by-case basis.
8. Promptly advise the DOE EEOICPA Project Manager when an employee or contractor no longer requires a security clearance.
9. Promptly advise the DOE EEOICPA Project Manager when an employee or contractor with a security clearance plans to travel abroad.
10. Provide the DOE EEOICPA Project Manager an annual listing of the names, contract numbers, and contract expiration dates for all the prime and subcontractors performing EEOICPA-related work in their behalf.
11. For the DOL Site Exposure Matrices Project, which has largely completed data collection, DOL will continue to utilize the classified and controlled information practices and agreement that have been previously established.

IV. PERSONNEL SECURITY

Some DOL and NIOSH employees, their contractors, and Special Government Employees (SGE) on advisory boards will require access to classified information. Since most of the information will be classified at the Secret/Restricted Data (S/RD) level, these employees will require DOE Q access authorizations (security clearances). DOE will issue Q clearances to qualified Federal and contractor employees and appointees to advisory boards performing EEOICPA-related duties.

Those granted a Q security clearance must recognize that the clearance is granted to do work in support of EEOICPA. If the individual stops working for the Agency, contractor, or advisory board on EEOICPA-related matters, the Q clearance must be terminated. However, the Q clearance will not be terminated if the individual is supporting work for another DOE program or DOE site, and the Q is warranted by the program or site office.

DOL and NIOSH must notify DOE when an EEOICPA-related contract expires or terminates and provide the contract number and appropriate codes for billing security clearances.

A. Requesting security clearances.

1. When an eligible employee or SGE requires a DOE Q security clearance, NIOSH or DOL must notify the DOE EEOICPA Project Manager in writing by letter or memorandum (not e-mail). A sample letter is at appendix A. Three documents must accompany the letter or memorandum:
 - a. DOE Headquarters (HQ) Form (F) 5631.2, *Headquarters Clearance Request and Notification* (see <http://www.directives.doe.gov/forms/hq.html>);
 - b. DOE F 472.1, *Fair Credit Reporting Act Authorization* (see <http://www.directives.doe.gov/forms/0000.html>); and
 - c. DOE F 5631.18, *Security Acknowledgement* (see <http://www.directives.doe.gov/forms/5000.html>).

These forms can be located at the Internet addresses above. DOE HQ F 5631.2 can be completed electronically by following EEOICPA-specific instructions in appendix B to this Plan.

DOE F 472.1 and F 5631.18 can be viewed, but they cannot be completed electronically. They can be printed, completed by hand, and signed by the applicant.

If a person needing the above forms cannot access them via the Internet, he/she may contact the DOE EEOICPA Project Manager and arrangements will be made to provide them via e-mail.

2. In some cases, an applicant may have previously had a security clearance granted by another Federal Agency. When this occurs, the letter requesting the DOE Q security clearance should indicate what Agency granted the previous clearance and the approximate time period it was in effect.
3. In some cases, a contractor employee may already hold a DOE security clearance that was sponsored by another DOE organization. When this occurs, the contractor's employer should notify the DOE EEOICPA Project Manager of the situation so that a second HQ F 5631.2 can be completed by the DOE Security Advisor to either transfer or extend the clearance to the Office of Former Worker Screening Programs. This is an internal DOE procedure that will help ensure the clearance holder is

notified when his/her background reinvestigation is due and prevent inadvertent terminations of security clearances.

4. Once the memorandum/letter and its three attachments are received by DOE, the attachments will be reviewed for completeness and accuracy. If they are acceptable, DOE will send an e-mail to the DOL or NIOSH personnel security representative requesting that the applicant be initiated into e-QIP, which is the U.S. Government's electronic system for processing security clearance applications. The DOL or NIOSH personnel security representative should then instruct the applicant in how to enter data into e-QIP. The applicant must strictly adhere to e-QIP instructions, especially required timelines. Failure to properly complete the e-QIP process within the designated timeframes will cause the application to "time out" and the process will have to be started all over again. Such situations create additional work for all involved and unnecessarily delay the security clearance process.
 5. Once the applicant has completed the e-QIP process, the application will undergo normal personnel security processing by DOE. The applicant will be notified and given an opportunity to explain or resolve any issues that might arise during the background investigation. The DOE EEOICPA Project Manager will be notified when the security clearance has been granted and will, in turn, ensure the applicant is notified. The amount of time required to grant a Q security clearance cannot be predicted due to the variables involved. It is not unusual, however, for security clearances to take up to a year to complete.
 6. The applicant can determine how their application is proceeding by visiting DOE's Applicant Tracking System Web site <https://ats.doe.gov/>. At the first screen, the applicant must enter their Social Security Number in the "User ID" field and type the word "atsuser1" in the "Password" field. The Web site will then instruct the applicant in how to change their password and access their information.
 7. The applicant may not be given access to any classified information until the security clearance is granted.
- B. Retaining security clearances.
1. After an applicant has been granted a Q security clearance, the clearance holder and/or their employer is responsible for reporting events that may impact the holder's eligibility to retain the clearance. Appendix C is a complete list of events that must be reported to the Office of Headquarters Personnel Security.

2. Anytime a clearance holder will be absent for 90 days or more, the absence must be reported by the employer. Such absences might include extended illnesses or hospitalization, military call up, extended maternity leave, or any similar situation. The notification must be made in writing to the DOE EEOICPA Project Manager and include the name of the clearance holder, the projected start date of the absence, the expected duration, and the reason for the absence. The DOE EEOICPA Project Manager, in turn, must notify the Office of Headquarters Personnel Security.
 3. All Q clearance holders must be reinvestigated every 5 years. DOL and NIOSH will be notified by the DOE EEOICPA Project Manager when the clearance holder's security clearance is due for reinvestigation and given instructions in how to complete the reinvestigation process. It is the responsibility of DOL and NIOSH to provide the documentation necessary for the reinvestigation to be completed.
 4. All personnel who hold a DOE security clearance, including DOL and NIOSH employees and contractors performing EEOICPA-related work, must complete an Annual Security Refresher Briefing. Each clearance holder will receive an e-mail message from DOE notifying them of the requirement and providing instructions in how to access the briefing. The briefing is done electronically and is usually distributed in April or May of each year. The EEOICPA Project Manager will be advised of DOL and NIOSH employees who do not complete the briefing within the required period. Failure to complete the briefing could ultimately result in termination of the security clearance.
- C. Terminating security clearances.
1. When a security clearance holder no longer requires the clearance, it must be terminated. These circumstances include:
 - a. The clearance holder terminates his/her employment;
 - b. The contract that the clearance holder was supporting expires or is terminated;
 - c. The security clearance is no longer needed;
 - d. Reinvestigation documentation is not submitted in a reasonable time; and
 - e. The security clearance is suspended, terminated, or revoked due to actions by the clearance holder.
 2. A DOE F 5631.29, *Security Termination Statement*, must be completed by the clearance holder and returned to the DOE EEOICPA Project Manager. The DOE F 5631.29 may be found at

<http://www.directives.doe.gov/forms/5000.html>. It cannot be completed electronically, but it can be printed and provided to the clearance holder for completion. In addition, if the clearance holder was issued a DOE security badge, it must also be returned to the DOE EEOICPA Project Manager along with the DOE F 5631.29.

V. SECURITY BADGES

DOL and NIOSH Federal employees are issued HSPD-12 compliant security badges by their Departments. If an employee of DOL, NIOSH, or their contractors requires a U.S. Government-issued badge, it must be issued by DOL or HHS. DOE is precluded by HSPD-12 from issuing DOE badges to DOL and NIOSH employees and their contractors.

When an employee of DOL, NIOSH, or their contractors requires access to a DOE site, entry requirements must be discussed with security officials at that site. A DOE site-specific badge (not an HSPD-12 badge) can be issued to allow recurring entry to the DOE site.

All DOE site badging offices have access to the Central Personnel Clearance Index (CPCI), a DOE database containing the names of everyone who holds a DOE Q or L security clearance. DOE can verify the clearance levels of DOL and NIOSH employees and their contractors by querying CPCI. This will aid in granting access to the site and obtaining the correct site-specific security badge.

VI. SITE VISITS

It will be necessary for teams of DOL and NIOSH employees and their contractors to visit DOE sites to collect historical data, review facility records, and interview present and past employees. Since most of these sites are involved in the production of nuclear weapons, there will be special requirements for entering the site, reviewing classified/controlled unclassified information, and interviewing DOE personnel.

A. Sigma Access

Much of the classified information to be reviewed by an employee of DOL, NIOSH, or their contractors is considered to be "Weapons Data." Access to Weapons Data is further compartmentalized into Sigma categories. There are a number of Sigma categories, but the ones which are most relevant to this Security Plan are Sigmas 1-13. A discussion of these Sigma categories may be found in

DOE Order 5610.2, *Control of Weapon Data*, which can be accessed via the Internet at <http://www.directives.doe.gov/directives/current.html#number>.

Sigma access may be needed to gain admittance to a DOE facility. Sigma access is issued by the National Nuclear Security Administration at DOE Headquarters. Sigma access is only issued for 1 year at a time and must be renewed when the 1-year period has expired.

If an employee of DOL, NIOSH, or their contractors requires Sigma access for work at a DOE facility, the DOE EEOICPA Project Manager must be notified. E-mail notifications are acceptable. The DOE EEOICPA Project Manager will coordinate with the Security Advisor to ensure completion of the required documentation and initiate the Sigma access process. Once approved, the Office of Headquarters Personnel Security will notify the DOE facility of the approval by sending a DOE F 5631.20, *Request for Visit or Access Approval* (see <http://www.directives.doe.gov/forms/5000.html>).

B. Required Coordination for First-Time Visit to an Active DOE Site

When an employee of DOL, NIOSH, or their contractor team is required to visit an active DOE facility, the team leader must request a meeting with the senior site security official and the site classification officer. The purpose of the meeting is to explain the reason for the site visit, describe the activities that will occur, and request assistance in meeting DOE security and classification/control review obligations. More specifically, the following topics should be discussed:

1. Meeting site access requirements, including the need for Sigma clearances.
2. Obtaining secure location(s) for document reviews and interviews up to the S/RD level.
3. Obtaining secure storage location(s) for notes, copies, and computer disks up to the S/RD level.
4. Conducting computer processing in a secure manner for information up to the S/RD level.
5. Obtaining a private room or other location(s) for reviewing records or conducting interviews that are not expected to reveal classified information.
6. Understanding rules for protecting, handling, and destroying classified/controlled materials to include the control of Accountable Classified Removable Electronic Media.

7. Understanding what information about the site, its operations, or its processes is potentially classified/controlled.
8. Handling of notes, copies, and computer disks as classified/controlled unclassified information until it is reviewed and determined to not contain classified/controlled information.
9. Obtaining classification/control reviews by the local classification office or the Headquarters Office of Classification, as appropriate, of notes and selected documents before they are removed from the site.
10. Obtaining follow-on classification reviews by the local classification office or the Headquarters Office of Classification, as appropriate, of drafts and final reports produced as a result of the site visit.
11. Obtaining alternative wording when a classification/control review identifies classified or controlled unclassified information in notes, drafts, and/or final reports.

C. Visits to Inactive DOE Sites and AWEs

Since these sites are no longer active, there are no local security or classification officials available to assist the employees of DOL, NIOSH, or their contractor team. For these visits, security and classification assistance will be provided by DOE Headquarters and can be arranged through the DOE EEOICPA Project Manager. Specific services that are available include:

1. Searching the DOE Safeguards and Security Information Management System (SSIMS) to identify nearby facilities that are approved by DOE to discuss, store, and destroy classified information up to the S/RD level.
2. Providing instructions for handling unusual security situations.
3. Conducting classification/control reviews of notes, drafts, and final reports concerning that facility or employer.
4. Developing alternative wording when a classification/control review identifies classified/controlled information in notes, drafts, and/or final reports.

VII. INTERVIEWS

Much of the work to be done by an employee of DOL, NIOSH, or their contractors will involve interviewing claimants and others with knowledge of testing, fabrication, and

dismantling nuclear weapons or their components. Some of these interviewees may reveal classified matter. The following guidelines have been established to balance the need to obtain pertinent claims information with the need to protect information critical to national security. The Security Advisor to the EEOICPA Project Manager will assist in interpreting these guidelines and applying them to specific situations.

A. Interviews at Active DOE Sites

It is anticipated that some interviews of DOE Federal and contractor employees at active DOE sites may involve discussions of classified information. DOE, therefore, expects that these interviews will be conducted by employees of DOL, NIOSH, or their contractors with Q security clearances. These interviews must be conducted in secure areas identified and provided by the senior security official at the DOE site. Recording of these interviews is prohibited.

In those interviews where it is unlikely that classified information will be revealed, an uncleared interviewer may conduct the interview in a private room or location. Before the interview starts, however, the interviewer must advise the interviewee that classified subject areas that must be avoided and receive confirmation that the interviewee will not discuss those areas. If the interviewee believes that those areas cannot be avoided, the interviewer must make other arrangements to include moving the interview to an appropriately cleared facility and arranging for an appropriately cleared interviewer. If the interviewee indicates that he/she does not expect to discuss classified subject areas, the interview may proceed.

All interviewers may take notes and request the interviewee to provide a written statement; however, all notes and statements must be handled in accordance with paragraph VIII.A below.

In a situation where DOL or NIOSH believes the DOE site does not pose classification concerns, they should coordinate with the EEOICPA Project Manager to obtain the concurrence of DOE.

B. Interviews near Inactive DOE Sites and AWEs

In some cases, DOL and NIOSH employees and their contractors will know it is likely that some interviewees will discuss classified information. When that is the case, the interviewers must have Q security clearances and the interview must be conducted at a secure location. The EEOICPA Project Manager can identify secure facilities in the area where the interviews will take place (see paragraph VI.C.1 above). In those rare cases when an interviewee is elderly or medically unable to travel to the secure location for an interview, the Director, Office of Health and Safety, can assume the risk of permitting the interview to take place in an unsecure location. This may be done, however, only on a

case-by-case basis and only after conferring with the Security Advisor. Recording of these interviews is prohibited.

In the case of an interview where classified information will not be revealed, an unclassified interviewer may conduct the interview. Before the interview starts, however, the interviewer must advise the interviewee that classified subject areas must be avoided. If the interviewee believes that those areas cannot be avoided, the interviewer must make other arrangements to include moving the interview to an appropriately cleared facility and arranging for an appropriately cleared interviewer. If the interviewee confirms that classified areas will not be discussed, the interview may proceed. If a recording is used as a tool to generate the notes and summaries of the interview, these recordings must be destroyed by the Team Leader.

All interviewers may take notes and request the interviewee provide a written statement. Notes and statements must be handled in accordance with section VIII below.

In the event the interviewee reveals classified information, DOL or NIOSH must promptly notify the EEOICPA Project Manager within 2 working days and assist DOE in ensuring that the classified information is handled in a secure manner. DOE will provide guidance in how to handle these situations on a case-by-case basis.

VIII. CLASSIFICATION/CONTROL REVIEWS

DOE recognizes that many of the people who review or access EEOICPA-related documents do not have security clearances and do not need to know classified or controlled unclassified information. For this reason, DOE has established strict requirements for conducting classification/control reviews of all notes, draft reports, and final reports generated under EEOICPA. The purpose of these reviews is to help ensure that classified and controlled unclassified information (i.e., Unclassified Controlled Nuclear Information (UCNI) and Official Use Only (OUO) information) is not inadvertently released to the general public or made available to potential adversaries.

DOE is committed to providing timely classification/control reviews. When classified or controlled unclassified information is identified in an EEOICPA-related document, DOE will suggest replacement wording to make the same point, but in an unclassified, uncontrolled manner.

When an employee of DOL, NIOSH, or their contractors relies upon a DOE classification/control decision, no action will be taken against them if a different classification/control determination is rendered in the future. If such an employee *disregards* a DOE classification/control determination and includes information determined to be classified or controlled in a draft or final report, DOE will initiate a

security inquiry and may take action as dictated by Federal law and DOE regulations (to include administrative actions) against the responsible person.

DOE acknowledges that DOL or NIOSH will be responsible for the management of all data collected by their employees and contractors, including data obtained from DOE. DOL or NIOSH employees and their contractors will safeguard all classified and controlled unclassified information in accordance with the policies and procedures of DOL or HHS Information Security Programs; DOE directives prescribing requirements for accessing, safeguarding, and transmitting classified and controlled unclassified information; and the provisions of the Privacy Act. Should HHS or NIOSH have a question concerning the proper handling of a particular document or class of documents obtained from DOE, those questions should be referred to the EEOICPA Project Manager for resolution.

The paragraphs below describe how to obtain classification/control reviews. A graphic illustrating the process is appendix D.

A. Document Reviews for Active DOE Sites

All notes to include any recordings, draft reports, and final reports prepared by employees of DOL, NIOSH, or their contractor teams concerning an active DOE facility must undergo a classification/control review. Notes made by the team must be submitted to the local classification office prior to the notes leaving the site. The site classification officer will assist the team by providing guidance on how to submit notes for review and, when possible, how to present the collected information in a manner that allows it to be unclassified and/or uncontrolled. Once the notes have been reviewed and all classified/controlled information removed, they may be shared with those people responsible for preparing final reports.

For active DOE sites, all initial draft reports and all interim draft reports that involve technical data changes of a concern to the Team Leader must be submitted directly to the site classification office for review. The final draft report is to be reviewed by the DOE Headquarters Office of Classification or a local DOE site classification office designated by the Office of Classification in advance of public release of the document, and no changes shall be made to the report after clearance. *Do not send any documents for DOE review via e-mail prior to classification review.*

When possible, all draft reports should be prepared on a computer that has been approved by DOE to process classified information even if it is believed that the draft report contains only unclassified information. Currently, DOE has made classified work stations available to employees of DOL, NIOSH, and their contractor teams at Richland, Washington; Oak Ridge, Tennessee; Livermore, California; and Germantown, Maryland. The draft report and

computer disks containing the electronic version of it must be marked, handled, and transmitted at the system high classification level and category of the system on which they were produced. Once printed reports are reviewed, they may be marked, handled, and transmitted as directed by the site classification office.

If technical data changes are made to a draft report that previously underwent a classification/control review, it must be again submitted to the DOE site classification officer for another such review. Technical data changes include, but are not limited to, any quantities or changed quantities of materials, the description of locations or utilization of materials, the physical form of materials, and/or descriptions of the resulting product or the manufacturing process. If minor editorial changes are made to a draft report, it need not undergo another classification/control review by the local site; however, those preparing the report must be absolutely certain that no technical data changes were made. If there is any chance that technical data changes were made, it must undergo another classification/control review. Great caution must be exercised in this area.

Once all the drafts have undergone a classification/control review and have been determined to be unclassified and uncontrolled, the final report may be prepared. When possible, the final report should also be prepared on a computer approved for processing classified information. The final report and its associated computer disks must be submitted in the manner prescribed by the DOE Headquarters Office of Classification or a local DOE site classification office designated by the Office of Classification. The final report is then reviewed by the DOE Headquarters Office of Classification or a local DOE site classification office designated by the Office of Classification for classified and controlled unclassified information before publication or public dissemination.

It should be noted that unclassified notes, draft reports, and final reports must only be transmitted electronically with use of Office of Management and Budget (OMB) approved encryption software.

B. Document Reviews for Inactive DOE Sites and AWEs

Document reviews for Inactive DOE Sites and AWEs are handled somewhat differently than described above. This is because it may not be apparent if there is a local DOE classification office to serve these sites. Notes, draft reports, and final reports concerning Inactive DOE Sites and AWEs must be reviewed by the Office of Classification at DOE Headquarters, or a local DOE site classification office designated by the Office of Classification.

Do not send any documents for DOE review via e-mail prior to classification review. All notes, computer disks, draft reports, and final reports pertaining to the above facilities must be sent via Federal Express (FEDEX) to:

Office of Former Worker Screening Programs

ATTN: EEOICPA Project Manager
HS-15/FORS
U.S. Department of Energy
19901 Germantown Road
Germantown, MD 20874-1290

The minimum requirements include a FEDEX outer envelope and a single inner wrapped envelope with the mailing address on it. Additionally, signature on delivery must be required. The intended recipient must be called in advanced and provided the bill of lading.

The DOL or NIOSH employee or the contractor team leader responsible for the site analysis must assemble all the notes taken at the conclusion of a visit and submit them all at one time. To the extent possible, all notes must be written in full sentences to aid the classification officer in understanding the context of the information provided. The notes must have sequential page numbers. Computer disks that may contain notes must also be included in the package. The consolidated package of notes and disks must be accompanied by a cover memorandum or letter signed by the DOL or NIOSH employee or the contractor team leader. The memorandum or letter must state that the notes and disks are being submitted to DOE Headquarters for review, the total number of pages of notes, and the number of computer disks being submitted.

If possible, draft and final reports should be prepared on a computer approved for classified processing as discussed in section VIII.A above. However, if not, these materials are to be addressed and submitted via FEDEX to the EEOICPA Project Manager as described above. Each draft and final report submission must be accompanied by a cover memorandum or letter signed by the DOL or NIOSH employee or the contractor team leader. The memorandum or letter must state that the reports and their accompanying disks are being submitted to DOE Headquarters for a document review. The memorandum/letter must also list the title and page count of each document and the number of computer disks included in the package.

It should be noted that unclassified notes, draft reports, and final reports must only be transmitted electronically with use of OMB-approved encryption software.

IX. REQUEST FOR RECORDS UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT

Preceding portions of this document addressed the routine procedures for DOE reviewing classified/controlled documents and how potentially classified/controlled reports should be handled. Special rules apply to the review of classified documents requested under the Freedom of Information Act (FOIA) and Privacy Act. Every classified document

requested under FOIA or Privacy Act must be reviewed by DOE Headquarters Office of Classification regardless of whether or not it has been reviewed by the local classification office. This section addresses requests from the public for copies of EEOICPA-related FOIA and Privacy Act requests that may be received by DOL or NIOSH for classified and unclassified documents, including those that contain controlled unclassified information provided by DOE. Such requests must be handled in conformance with the provisions of FOIA and, if applicable, the Privacy Act.

Records that are identified by DOL or NIOSH as being responsive to FOIA and Privacy Act requests for DOE-generated documents require a review by the DOE Program Office that created the document, as well as a review by the DOE General Counsel. FOIA and Privacy Act requests for classified documents also require review by the DOE Headquarters Office of Classification. These additional reviews can be difficult and time consuming to accomplish. In addition, the guidance for the marking and release of documents changes periodically, so a document initially cleared for release may not be releasable months or years later.

When DOL or NIOSH receives a request for records from a member of the public that includes EEOICPA-related records provided by DOE, the request and a copy of the responsive document that were provided by DOE must be submitted to the following address:

U.S. Department of Energy
ATTN: FOIA Officer
1000 Independence Avenue, SW
Washington, DC 20585

If the records that were provided by DOE pertain to an individual that is deceased, DOL or NIOSH will provide a copy of the death certificate for that individual if a copy of the death certificate is in the claim file. DOL or NIOSH will notify the requester that the response to that portion of their request pertains to the documents provided to DOL or NIOSH by DOE will be released by DOE to the requester.

X. REVISIONS TO THIS SECURITY PLAN

Revisions to this Security Plan may be required due to changes in governmental security requirements, operational experience, or unexpected events. DOL and NIOSH may propose revisions to this plan by contacting the DOE EEOICPA Project Manager. DOE will obtain the concurrence of DOL and NIOSH before making any future changes to this Plan.

APPENDICES

Appendix A: Sample Letter Requesting a Q Security Clearance;

Appendix B: Procedures for Completing DOE HQ F 5631.2, *Headquarters Clearance Request and Notification*;

Appendix C: Personnel Security Reportable Events;

Appendix D: Document Review Flow Chart; and

Appendix E: References.

APPENDIX A

SAMPLE LETTER REQUESTING A Q SECURITY CLEARANCE

Agency Letterhead

Date

Mr. Gregory Lewis
EEOICPA Project Manager
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Lewis:

The National Institute for Occupational Safety and Health (NIOSH) is requesting that Mr. John Q. Public be processed for a Department of Energy (DOE) Q security clearance to perform classified work in support of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

Mr. Public will require access to classified information up to Secret/Restricted Data. He is an employee of The Barnes Group, which is under contract to NIOSH to perform EEOICPA-related studies and analyses. Mr. Public has not previously had a security clearance.

OR

Mr. Public will require access to classified information up to Secret/Restricted Data. He is an employee of The Barnes Group, which is under contract to NIOSH to perform EEOICPA-related studies and analyses. Mr. Public advised that he previously had a Top Secret security clearance granted by the Department of Defense during the period 2001-2005.

To assist you in processing this request, the following documents are enclosed:

- a. DOE HQ Form (F) 5631.2, *Headquarters Clearance Request and Notification*;
- b. DOE F 472.1, *Fair Credit Reporting Act Authorization*; and
- c. DOE F 5631.18, *Security Acknowledgement*.

If you have any questions, please call me at (202) 555-5555.

Sincerely,

Name
Personnel Security Representative

Enclosures

APPENDIX B**PROCEDURES FOR COMPLETING DOE HQ F 5631.2, HEADQUARTERS CLEARANCE REQUEST AND NOTIFICATION**

Following are the procedures to be followed in completing the HQ F 5631.2. The form can be found at <http://www.forms.doe.gov/hq.html>.

- a. Block 1, Requester: Select "Headquarters Program Office."
- b. Block 2, Applicant Job Title/Grade: Describe as appropriate.
- c. Block 3, Applicant Routing Symbol: Enter "HS-15."
- d. Block 4, Date of Request: Enter the appropriate date.
- e. Block 5, Applicant Data: Enter required data.
- f. Block 6, Applicant Status: Select "Other" and specify "Department of Labor" or "NIOSH."
- g. Block 7, Contract information: If applicant is a contractor/subcontractor, provide the contractor's name in the appropriate place. Enter contract number and expiration dates in the appropriate places.
- h. Block 8, Clearance Requested: Select Q.
- i. Block 9, Special Processing: Select "Reciprocity" if the applicant had a prior security clearance. The other two blocks may not be selected for EEOICPA applicants.
- j. Block 10, Action Requested: Select appropriate block. Below are the meanings of the categories:
 - Initial = New security clearance.
 - Upgrade = Applicant already has an L clearance, but needs a Q clearance.
 - Reinstatement = Applicant had a previous DOE clearance, but it is terminated.
 - Downgrade = (Not authorized for EEOICPA applicants.)
 - Extension = Applicant has a clearance with a contractor or other Government Agency, but needs to concurrently support another.
 - Transfer = Applicant has a clearance with one DOE organization, but that organization will no longer sponsor the applicant. The clearance needs to be transferred to the Office of Former Worker Screening Programs.
 - Downgrade to BAO = (Not authorized for EEOICPA applicants.)
 - Reinvestigation = Applicant has a Q clearance, but 5 years have elapsed since it was granted, and the applicant must be reinvestigated.
 - Cancellation = During clearance processing, a decision is made that applicant no longer needs a clearance.
- k. Block 11, Justification: The justification will be "The applicant, (name of applicant), will be performing work related to the Energy Employees

Occupational Illness Compensation Program Act, such as dose reconstruction, facility characterization, etc. The applicant will require access to classified information up to and including Secret/Restricted Data." Also, select the "S and RD" blocks and select the "Forrestal" duty station.

- l. Block 12, Enclosures: Select the "DOE F 5631.18" and "DOE F 472.1" blocks.
- m. Block 13, Certification: Do not complete this block. The required signatures will be added by DOE upon receipt.

Very important: At the top of DOE HQ F 5631.2, handwrite in bold lettering "DOL" or "NIOSH," as appropriate, to the employer of the applicant. This will ensure that DOE is reimbursed by DOL or HHS for the cost of the clearance.

APPENDIX C**PERSONNEL SECURITY REPORTABLE EVENTS**

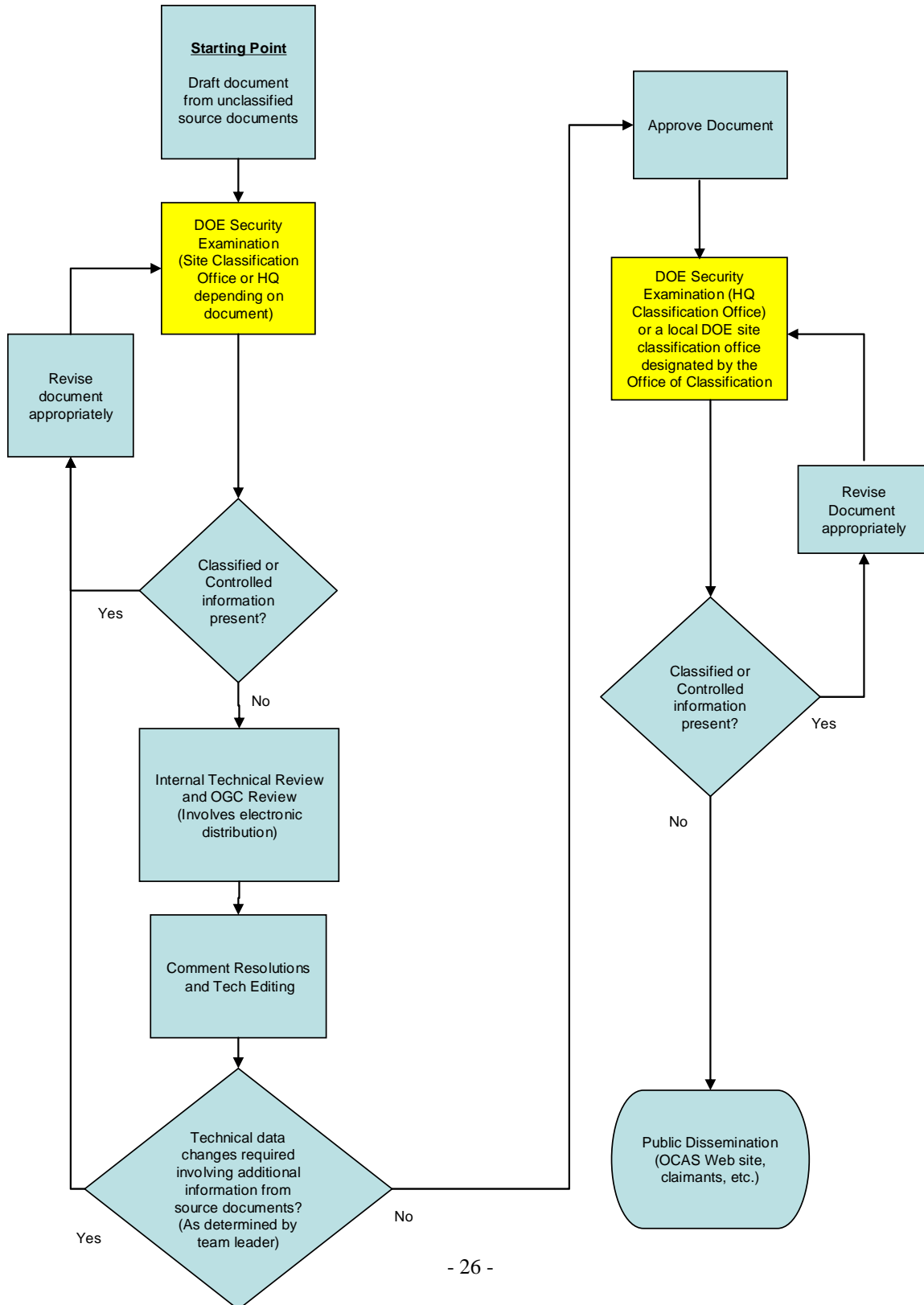
The following information about a Q security clearance holder must be reported to DOE EEOICPA Project Manager who, in turn, must notify the Office of Headquarters Personnel Security:

- a. Use of intoxicating beverages habitually to excess without evidence of rehabilitation or reformation, or being hospitalized or treated for alcohol abuse;
- b. Use of trafficking in, sale, transfer, or possession of a drug or other substance listed in the Schedule of Controlled Substances, U.S. Drug Abuse Regulation and Control Act of 1970, as amended (except as prescribed by a physician licensed to dispense drugs in the practice of medicine), without evidence of rehabilitation or reformation;
- c. Commission of, attempted commission of, or conspiracy to commit any act of sabotage, treason, or sedition;
- d. Holding membership in, with the intention of furthering the aims of, and actively participating in any foreign or domestic organization or group which advocates the commission of illegal acts by force or violence;
- e. Advocating or participating in the activities of a group or organization which has as its goal revolution by force or violence to overthrow the Government of the United States, or the alteration of the form of Government of the United States by unconstitutional means, with the knowledge that such support will further the goals of the group or organization;
- f. Renouncing U.S. citizenship or representing a foreign nation in activities which may be contrary to the national security of the United States;
- g. Parent(s), brother(s), sister(s), spouse, or offspring assuming residence in a nation whose interests may be adverse to the interests of the United States, or in satellite states or occupied areas thereof (a list of sensitive and terrorist-sponsoring countries can be located at **<http://www.jlab.org/hr/jris/sensitive.html>**);
- h. Observing or having knowledge of another individual who willfully violates or disregards security or safeguards regulations;
- i. Refusing to testify before a congressional committee, a Federal or State court, or Federal administrative body regarding charges relevant to eligibility for DOE security access authorization;
- j. Engaging in any conduct or being subject to any circumstances, which tend to show the individual is not reliable, honest, or trustworthy without evidence of reformation;

- k. Being arrested, charged, or convicted of any offense other than traffic violations for which a fine of \$250 or less was imposed (report within 5 working days);
- l. Being hospitalized or entering an institution for the treatment of a mental or emotional problem, or otherwise being treated for a mental illness or other such condition that may cause a significant defect in judgment or reliability (to be reported within 8 hours of becoming aware of condition);
- m. Any employment or association or change in employment or association with a foreign or foreign-owned interest or representative (report within 5 working days of association);
- n. Any contact with persons, including foreign nationals, who seek in any way to obtain unauthorized access to classified information;
- o. Any unofficial contact with a foreign national from a sensitive country, as well as any association with a foreign national that is close and continuing, or more than casual in nature, whether in a business or social setting, or in anyway raises a security concern;
- p. Failure to report for duty without a reasonable explanation (appropriate leave status not approved);
- q. Failure to report for duty after an employment offer was made and accepted, or for declination of an employment offer by the applicant;
- r. Suspension or termination of access either administratively or for cause;
- s. Any effort by any individual to gain unauthorized access to classified information or Special Nuclear Material (SNM);
- t. Naturalization or other change in citizenship by a foreign national under the cognizance of the person cleared;
- u. Personal or business-related filing for bankruptcy or garnishment of wages;
- v. Marriage or cohabitation;
- w. Name changes; and
- x. Foreign travel.

APPENDIX D

DOCUMENT REVIEW FLOW CHART



APPENDIX E**REFERENCES**

Atomic Energy Act of 1954
Executive Order 12958, as amended Classified National Security Information
Title 32, Code of Federal Regulations, part 2001 (32 C.F.R. 2001), *Implementing
Directive for Executive Order 12958*
Executive Order 12333, *United States Intelligence Activities*, as amended by Executive
Order 13355
Executive Order 12344 (as prescribed by 42 U.S.C. 7158)
Federal Information Processing Standards Publication (FIPS 201-1), *Personal Identity
Verification (PIV) of Federal Employees and Contractors*
General Records Schedule 18
Homeland Security Presidential Directive 12 (HSPD-12), *Policy for a Common
Identification Standard for Federal Employees and Contractors*
National Industrial Security Program Operating Manual
National Security Act of 1947, as amended
OMB Implementation Memorandum M-05-24
Privacy Act of 1974
10 C.F.R. 710
10 C.F.R. 860.4 and 41 C.F.R. 101-19.3
10 C.F.R. 1017
10 C.F.R. 1045

DOE O 205.1A, *Department of Energy Cyber Security Management*
DOE P 205.1, *Departmental Cyber Security Management Policy*
DOE N 206.4, *Personal Identity Verification*
DOE O 470.4A, *Safeguards and Security Program*
DOE M 470.4-1, *Safeguards and Security Program Planning and Management*
DOE M 470.4-4, *Information Security*
DOE M 470.4-5, *Personnel Security*, August 26, 2005
DOE M 470.4-7, *Safeguards and Security Program References*
DOE O 471.1A, *Identification and Protection of Unclassified Controlled Nuclear
Information*
DOE M 471.1-1, *Identification and Protection of Unclassified Controlled
Nuclear Information Manual*
DOE O 471.3, *Identifying and Protecting Official Use Only Information*
DOE G 471.3-1, *Guide to Identifying Official Use Only Information*
DOE M 471.3-1, *Manual for Identifying and Protecting Official Use Only Information*
DOE M 475.1-1B, *Identifying Classified Information*
DOE O 475.2, *Identifying Classified Information*
DOE O 5610.2, *Control of Weapons Data*
DOE Operations Security Guide
DOE Marking Handbook
DOE Index of Headquarters Classification Guidance