§ 1017.10

Adverse effect test.
In order for information to be identified as UCNI, it must be determined that the unauthorized dissemination of risk of a safeguards and security vulnerability) according to the degree of risk involved.

(b) In writing, the person must:
(1) Identify the specific requirement for which the deviation is being requested;
(2) Explain why the deviation is needed; and
(3) If appropriate, describe the alternate or equivalent means for meeting the requirement.

(c) DOE employees must submit such requests according to internal directives. DOE contractors must submit such requests according to directives incorporated into their contracts. Other individuals must submit such requests to the Office of Classification, Office of Health, Safety and Security, U.S. Department of Energy, 1000 Independence Ave., SW., Washington, DC 20585–1290. The Office of Classification’s decision must be made within 30 days.

§ 1017.8 Subject areas eligible to be Unclassified Controlled Nuclear Information.

(a) The design of production or utilization facilities as defined in this part;
(b) Security measures (including security plans, procedures, and equipment) for the physical protection of production or utilization facilities or nuclear material, regardless of its physical state or form, contained in these facilities or in transit; or
(c) The design, manufacture, or utilization of nuclear weapons or components that were once classified as Restricted Data, as defined in section 11y. of the Atomic Energy Act.

§ 1017.9 Nuclear material determinations.

(a) The Secretary may determine that a material other than special nuclear material, byproduct material, or source material as defined by the Atomic Energy Act is included within the scope of the term “nuclear material” if it meets the following criteria:
(1) The material is used in the production, testing, utilization, or assembly of nuclear weapons or components of nuclear weapons; and
(2) Unauthorized acquisition of the material could reasonably be expected to result in a significant adverse effect on the health and safety of the public or the common defense and security because the specific material:
(i) Could be used as a hazardous radioactive environmental contaminant; or
(ii) Could be of significant assistance in the illegal production of a nuclear weapon.

(b) Designation of a material as a nuclear material under paragraph (a) of this section does not make all information about the material UCNI. Specific information about the material must still meet each of the criteria in §1017.7 prior to its being identified and controlled as UCNI.

§ 1017.10 Adverse effect test.
In order for information to be identified as UCNI, it must concern at least one of the following categories:
(a) The design of production or utilization facilities as defined in this part;
(b) Security measures (including security plans, procedures, and equipment) for the physical protection of production or utilization facilities or nuclear material, regardless of its physical state or form, contained in these facilities or in transit; or
(c) The design, manufacture, or utilization of nuclear weapons or components that were once classified as Restricted Data, as defined in section 11y. of the Atomic Energy Act.