

No.: Y19-003

Title: Unclassified Foreign National Visits and Assignments

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This procedure outlines the approval process for unclassified visits and assignments of foreign nationals (non U.S. citizens) to the Y-12 National Security Complex.

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Subject: Unclassified Foreign National Visits and Assignments

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Revision Date	Description of Change	Pages Affected
08/03/2001	DM/R Number 01-SSO-019 Revised procedure to implement requirements from DOE Notice and Policy 142.1 and combine the requirements of Y19-003 and Y19-004 into one procedure.	ALL
11/01/2000	Procedure adopted for use with marked changes by BWXT Y-12 Blue Sheet.	ALL
09/01/98	PM/R 98-PSO-4 New procedure to implement requirements from DOE Order 1240.2B. (Previously reviewed as Energy Systems procedure PS-152).	ALL

Subject: Unclassified Foreign National Visits and Assignments

PURPOSE

This procedure outlines the approval process for unclassified visits and assignments of foreign nationals (non U.S. citizens) to the Y-12 National Security Complex. Approval processes and visit/assignment requirements may be different depending on the citizenship of the foreign national and/or the level of access required.

APPLIES TO

This procedure applies to all Y-12 organizations requesting unclassified visits and assignments by foreign nationals.

UT-Battelle hosts foreign nationals visitors and assignees to their assigned buildings in the Y-12 Property Protection Area (PPA). The UT-Battelle Approval Authority approves these visits and assignments after concurrence is given by Y-12 Security and Cyber Security. Y-12 Security and Cyber Security are also responsible for approving access to portals, security and cyber plans, and performing field audits.

OTHER DOCUMENTS NEEDED

This procedure is based on the Department of Energy (DOE) Policy and Notice 142.1, *Unclassified Foreign Visits and Assignments*. Documents needed in addition to this management requirement:

- UCN-20901, *Y-12 National Security Complex National Security Complex Request Form for Foreign National Visits/Assignments*
- Y30-205 INS, *Exporting Compliance for Foreign National Transactions: Commodities, Hardware, Software, and Information*
- Y15-903, *Independent Assessment*
- Generic or Specific Security Plan
- Host Report
- ADP Risk Management/Risk Assessment Plan (if cyber system access is required)
- Office of Counterintelligence (OCI) Host/Escort Training

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WHAT TO DO A. Access Guidance for Foreign National Visits/Assignments**Host/****Host Organization**

1. Accept accountability to host an unclassified visit or assignment by a foreign national. Ensure other involved personnel do not disclose technology of potential commercial value (commercially sensitive technologies), export control information, classified information, or security information to the foreign national without proper authority.

NOTE 1: Federal law mandates that a foreign national must possess a visa status that allows one to work and/or receive pay from the employer. This requirement is in addition to those of internal and DOE procedures and is handled through the Foreign National Office (FNO).

2. Complete UCN-20901, *Y-12 National Security Complex Request Form for Foreign National Visits/Assignments* and submit to FNO via electronic mail to the address listed on the form in advance of the proposed start date as follows:

NOTE 2: UCN-20901, *Y-12 National Security Complex Request Form for Foreign National Visits/Assignments*, may be obtained from internal web at the following URL:

http://www-internal.y12.doe.gov/forms/jit_forms.html

NOTE 3: In reference to this procedure, an off-site facility is a Y-12 leased facility that is not located within the security areas of the Y-12 National Security Complex. See Appendix A, *Definitions - "Visit,"* regarding foreign national visits that must be processed when attending officially-sponsored off-site DOE events.

- a. IF nonsensitive country foreign national to the PPA or off-site facility or event, THEN
request minimum 10 days in advance.
- b. IF nonsensitive country foreign national to the Limited Area or higher security area or sensitive subject discussion, THEN
request minimum 8 weeks in advance.

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A. Access Guidance for Foreign National Visits/Assignments (cont.)**Host/****Host Organization**

- c. IF sensitive country foreign national to the PPA or higher security area or to an off-site facility or event or sensitive subject discussion, THEN request minimum 8 weeks in advance.
- d. IF terrorist country foreign national to the PPA or off-site facility or event, THEN request minimum 3 months or longer in advance.

NOTE 4: Any request for visits/assignments from foreign nationals of any countries on the list of State Sponsors of Terrorism maintained by the Department of State are to be approved by the Secretary of Energy prior to local approval. When a request involving a designated country is received, the designated host must provide detailed justification of the visit/assignment. The justification and notifications of the visit/assignment must be provided to DOE Headquarters. Once approved by the Secretary of Energy, the request is presented to the local Approving Authority for signature. If the Secretary denies the request; the concurrers, designated host and host organization, and final Approval Authority are notified. This request is then officially cancelled in the DOE Foreign Access Central Tracking System (FACTS). All documentation will be maintained in the FNO file.

- 3. Ensure designated host and escort(s), if applicable, have received OCI Host/Escort Training.

NOTE 5: Host/escort training may be accessed at:
<http://www-internal.y12.doe.gov/HR/cce.html>
Select: (1) web-based training, (2) web-based training page, and 3) leadership and employee development training.

NOTE 6: All individuals who serve as hosts or escorts for foreign nationals are required to complete foreign national host/escort training prior to undertaking such duties. Foreign visit/assignment requests will not be approved until the designated host/escort has completed this training. Completion of the training signifies authorization to host or escort for a period of one year from the date of the training, therefore, recertification is necessary.

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A. Access Guidance for Foreign National Visits/Assignments (cont.)**Host/
Host Organization**

4. Develop a generic or specific security plan for the visit or assignment. Contact the Y-12 FNO to receive the most current template for completing the plan.
 - a. IF the visitor or assignee is a nonsensitive country foreign national and will access the PPA or off-site facility or event, THEN
complete a generic security plan.
 - b. IF the visitor or assignee is a nonsensitive country foreign national and will access Limited Area or higher security area or will be involved in sensitive subject discussions, THEN
complete a specific security plan.
 - c. IF the visitor or assignee is a sensitive country foreign national and will access any security area or off-site facility or event or will be involved in sensitive subject discussions, THEN
complete a specific security plan.
 - d. IF the visitor or assignee is a terrorist country foreign national and will access any security area or off-site facility or event, THEN
complete a specific security plan.
5. Submit completed plan to the Y-12 FNO.
6. Prepare an ADP Risk Management/Risk Assessment Plan for foreign national requiring cyber access at Y-12. Contact the Y-12 FNO to receive the most current template for completing the plan.
7. Submit completed plan to the Y-12 FNO.
8. Send plan to Cyber Security for approval.

FNO

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A. Access Guidance for Foreign National Visits/Assignments (cont.)**FNO**

9. Receive UCN-20901 form and review for compliance with DOE Notice 142.1.
 - a. IF the package is deemed incomplete, THEN recommend corrective action and/or return the request to the hosting division for revision and resubmission.
10. Input UCN-20901 form data into FACTS.
11. Initiate indices checks for:
 - citizens of or employed by a sensitive country OR
 - all foreign nationals conducting sensitive subject discussions OR
 - all foreign nationals accessing security areas higher than the PPA.

NOTE 7: See Appendix B, *Y-12 Foreign National Program and Access Approval Review Advisory Committee*, for indices checks resulting in nonconcurrency and indices waiver process information.

12. Determine appropriate visa status.
13. Review generic and specific security plans and if changes are required, contact the host organization.
14. Review and approve generic security plan, GO TO STEP 17.

Physical Security

15. Perform walkdown prior to the visit/assignment of any foreign national accessing security areas greater than the PPA to determine any possible security concerns.

NOTE 8: Walkdown will include members of the host organization and an authorized derivative classifier. FNO may also participate in the walkdown.

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A. Access Guidance for Foreign National Visits/Assignments (cont.)

FNO

16. Obtain concurrence of specific security plan and ADP Risk Management/Risk Assessment (if applicable) from National Nuclear Security Administration (NNSA).
17. Request final approval of foreign national visit or assignment request and specific security plan (if applicable) after appropriate concurrences and requirements have been met. Visit concurrences are required from: (1) Classification, (2) OCI, (3) Cyber Security, (4) Export Compliance, (5) Operations Security (OPSEC) Chairperson, (6) Technology Transfer/Foreign Intelligence, and (7) Security. Concurrences and nonconcurrences are sent via facsimile or electronic mail to the FNO.

NOTE 9: See Appendix B, *Y-12 Foreign National Program and Access Approval Review Advisory Committee*, for visits or assignments resulting in nonconcurrence(s) by concurring officials.

Approval Authority

18. Review request and specific security plan (if applicable) and approve/disapprove visit/assignment as appropriate.

FNO

19. Notify the hosting organization that the visit or assignment is approved or disapproved.

**Host/
Host Organization**

20. IF the visit or assignment is approved, THEN
implement the requirements of the security plan and ADP Risk Assessment/Risk Plan.
21. IF the visit or assignment is disapproved and the host determines the visit remains necessary and the grounds for the disapproval can be overcome with the submission of additional data, THEN
revise the package and resubmit to the FNO for processing.

FNO

22. Input final determination in FACTS.
23. Provide Visitor Control the approvals and security plan information in order to ensure Y-12 access and badging.

NOTE 10: Visitor or assignee may pick up their badge at the Y-12 Visitor Center in Building 9109.

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A. Access Guidance for Foreign National Visit/Assignments (cont.)

- FNO**
24. Provide the current approved foreign national access list for Y-12 portal access to the appropriate personnel prior to the visit or assignment.
 25. Enter approved foreign national visitor or assignee information into the historical database.
 26. Provide checklist of host report requirements via electronic mail to the designated host.
- Host**
27. Submit a host report to the FNO via electronic mail within 10 days of completion so as to allow submission to applicable parties within the required 15-day time frame.
- FNO**
28. Distribute the host report via FACTS to the appropriate government offices and officials in accordance with DOE Notice 142.1.
 29. Conduct announced and unannounced field audits in accordance with Y15-903, *Independent Assessment*, to verify compliance with approved security and cyber plans.
- Host/
Host Organization**
30. Request approval from the FNO prior to making any changes to the approved security plan.
 31. Report any possible security incident or concern involving the visit or assignment of a foreign national to the Y-12 FNO.
 32. Inform the FNO if a visitor or assignee terminates prior to the conclusion of the visit/assignment.

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B. Export Guidance for Foreign National Hosts

NOTE 1: It is the policy of BWXT Y-12 to comply with U.S. export/import laws and regulations, as well as with the export/import laws and regulations of each foreign country where it does business.

An export is any delivery or exposure of U.S. hardware or technical data, including services, to non-U.S. citizens, whether in or outside the U.S. Disclosure of unclassified technical data to foreign persons in the course of employment at or in the course of a visit or assignment to DOE facilities is considered an export disclosure and requires a U.S. government license. Accordingly, foreign nationals will not have access to technical data, as defined by Export Administration Regulations, until the appropriate authorization has been determined.

For export control purpose only, a permanent resident alien (PRA) is not considered a foreign person.

Host/ Host Organization

1. Ensure that all foreign national transactions are in accordance with Y30-205 INS, *Exporting Compliance for Foreign National Transactions: Commodities, Hardware, Software, and Information*.

RECORDS

Records generated as a result of this procedure are maintained in accordance with BWXT Y-12 records management practices and established retention and disposition schedules.

FNO

1. Maintain the original UCN-20901, *Y-12 National Security Complex Request Form for Foreign National Visits/Assignments*, form with all applicable concurrences and final approvals/disapprovals.

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RECORDS (cont.)**FNO**

2. Maintain a copy of the approved security plan and ADP Risk Management/Risk Assessment plan (if applicable).
3. Maintain copies of all host reports in files.
4. Maintain a current listing of all sensitive and terrorist countries.
5. Maintain statistical data relative to all foreign national access.

**Host/
Host Organization**

6. Maintain, for the duration of the visit or assignment, copies of all forms and documentation submitted for approval.

**SOURCE
DOCUMENTS**

- DOE Notice 142.1, *Unclassified Visits and Assignments by Foreign Nationals*.
- DOE Policy 142.1, *Unclassified Visits and Assignments by Foreign Nationals*.

APPENDICES

- A. Definitions
- B. Y-12 Foreign National Program and Access Approval Review Advisory Committee

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APPENDIX A
DEFINITIONS
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Approval Authority - Final Approval Authority for BWXT Y-12-sponsored visits or assignments is the BWXT Y-12 President/General Manager or designee. Final Approval Authority for Y-12 NNSA-sponsored visits or assignments is the NNSA Y-12 Area Office Manager or designee. UT-Battelle Approval Authority approves visits and assignments to their assigned buildings in the Y-12 PPA after concurrence is given by Y-12 Security and Cyber Security for the visit or assignment.

Assignment – Presence, including employment, of an invited foreign national at a DOE facility for more than 30 calendar days. Assignments are normally for the purpose of participating in the work of the facility, gaining experience, or contributing to project.

Close and Continuing Contact – Close and continuing contact with a foreign national is defined as a relationship that (a) involves bonds of affection and/or personal obligation, and/or (b) where the employee and foreign national share private time together in a public or private setting where sensitive professional and personal information is discussed or is the target of discussion. This includes contact regardless of location (on or off-site) but does not include incidental contact. Questions concerning this term and the required reporting obligations should be directed to OCI.

Concurrence – A required consent for visits and assignments to the Y-12 National Security Complex or Y-12 sponsored activities. Concurrence includes OCI, Export Compliance, Cyber Security, Security, Classification, OPSEC, Technology Transfer, and Foreign Intelligence.

Escorting – Positive control over foreign national visitors and assignees to limit their entry/exit of portals, routes of travel, and access to buildings and work areas to those authorized by the approved specific security plan.

Export Controlled Information – Certain unclassified Government information under DOE's cognizance which requires a specific license or authorization for export under U.S. laws or regulations and which unrestricted dissemination could reasonably be expected to adversely affect U.S. national security and nonproliferation objectives.

FACTS – Foreign Access Central Tracking System is in the National Reporting System for DOE Headquarters. Used by the FNO to report all foreign national visits and assignments to Y-12 National Security Complex. Results of indices checks are retrieved via this system.

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Foreign National – For purpose of this procedure, a foreign national is any person who is not a U.S. citizen, and includes permanent resident aliens. Foreign nationals sponsored for visits or assignment may include, among others: (1) officials or other persons employed by foreign governments or other foreign institutions, who may or may not be involved in cooperation under international agreements; (2) foreign students at U.S. institutions; (3) employees of DOE or other U.S. Government agencies or their contractors, of universities, of companies (professional or service staff), or of other institutions; and (4) prospective employees of DOE or DOE contractors.

Host – A DOE or DOE contractor employee who is sponsoring a visitor or assignee as described in this procedure. A visitor or assignee cannot be a host unless he or she is an employee of DOE or a DOE contractor. A sensitive country foreign national cannot be a host of another sensitive country foreign national. The host is directly responsible for ensuring adherence to the requirements of this procedure.

Indices Check – A procedure whereby a request is made to appropriate U.S. Government agencies to determine whether information exists on a particular foreign national.

Property Protection Area – A security area established for the protection of unclassified (DOE) property against damage, destruction, or theft.

Security Area – A specific physically bounded area, individually certified by the cognizant security officer, which has been approved by the Department for generating, receiving, using, processing, storing, reproducing, transmitting, destroying, or handling special nuclear material or classified matter. A security facility temporarily sanitized to protect a security interest during a visit or assignment continues to be a security facility for the purpose of this procedure. unclassified foreign visits and assignments involving access to a security facility, access to a sensitive subject, or access to any DOE facility or site by a foreign national from a sensitive country shall develop a security plan specific to the individual visit. The specific security plan shall impose specific access restrictions and security countermeasures to ensure effective protection of DOE assets. The security plan will be approved by the Approval Authority for the

Security Plan – The plan developed and implemented to protect DOE and DOE contractor assets to prevent the compromise of DOE security interest or sensitive subject to a foreign visitor or assignee. All sites and facilities hosting unclassified foreign visits and assignments are responsible for developing and approving a generic security plan that identifies general restrictions on access by all foreign visitors and assignees. Sites and facilities hosting unclassified foreign visit or assignment. The effectiveness of the security plan will serve as a critical decision element regarding approval actions. The security plan must provide sufficient detail to support the Approval Authority in the decision making process.

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Sensitive Country – A country to which particular consideration is given for policy reasons during the DOE internal review and approval process of visits and assignments by foreign nationals. Countries may appear on this list for reasons of national security, nuclear nonproliferation, regional instability, threat to national economic security, or terrorism support. For purposes of this procedure, a foreign national is considered to be from a sensitive country if a citizen of, or employed by, a government or institution of a sensitive country. The list of sensitive countries, derived from existing Government sources, are maintained by the FNO.

Sensitive Subject – Unclassified subject/topics identified in existing Federal regulations governing export control as well as those identified by DOE as unique to its work, which involves information, activities, and/or technologies that are relevant to national security. Disclosure of sensitive subjects has potential for enhancing weapons of mass destruction capability, leading to weapons of mass destruction proliferation, divulging military critical technologies, or revealing other advanced technologies which may adversely affect U.S. national economic security. Therefore, they require special management oversight, especially prior to release to foreign nationals. The list of sensitive subjects is available from the Export Compliance organization.

Sponsor – Entity or individual with whom the visitor or assignee has an association (normally employer or school) and who is supporting the visitor or assignee to participate in the work/research of the facility.

Technology – Also referred to as technical data, technical skills or know-how, or as scientific and technical information. Technology is derived from basic or applied research, development, engineering, technological demonstration, economic and social research, or scientific inquiry into phenomena or technology applications. It may exist as machinery or equipment; it may be recorded, spoken, or represented in a medium for storage of communication, and may be contained in computer software with scientific and technical applications.

Terrorist Country – Countries identified by the Department of State as involved in State Sponsored Terrorism. List of countries is maintained by the FNO.

U.S. Citizen – A citizen of the United States, including naturalized citizens.

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Visit – Presence of a foreign national at a DOE facility for 30 days or less. Visits which total over 30 calendar days in a period of 12 months are defined as assignments. Visits are normally for the purpose of technical discussions, orientation, observation of projects or equipment, training, contract service work, or discussion of collaboration on topics of mutual interest without participation in the work of the facility, or for courtesy purposes. The term “visit” includes officially-sponsored attendance at a DOE event off-site from a DOE facility, but does not include on, or off-site events and activities open to the general public. Off-site events, that do not include participation by DOE or DOE contractor personnel that work in areas of national security and nonproliferation, or have knowledge in subjects of interest to foreign national that may attempt to compromise national security may be exempted from the provisions of this procedure by the approving official from the host organization.

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APPENDIX B
Y-12 FOREIGN NATIONAL PROGRAM AND ACCESS APPROVAL REVIEW
ADVISORY COMMITTEE
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The Y-12 Foreign National Program and Access Approval Review Advisory Committee's (NARC) purpose is to provide program oversight to ensure compliance with DOE foreign national directives. The committee also reviews access approval for foreign national visits/assignments and recommends and advises the Y-12 Approval Authority or designee, as necessary, regarding foreign national visits/assignments access at Y-12. This committee is comprised of the following representatives: Foreign National Coordinator/Security, Classification, Cyber Security, OPSEC Chairperson, OCI, and Export Compliance. The following information outlines the NARC committee responsibilities and actions regarding the approval process of foreign national visits and assignments.

INDICES CHECKS NONCURRENCE

If, during indices checks, OCI deems the situation as a nonconurrence, then OCI notifies the Y-12 FNO. OCI briefs designated host and/or division management, as appropriate. Determination is made by host and/or organization management to pursue or cancel the request. If hosts desires to continue processing the request, the NARC may convene at the request of OCI to review and make determinations if the visit/assignment should proceed. The committee will then notify the host of their final decision. If the committee recommendation is to disapprove the visit/assignment and the host organization wants to continue to process the visit/assignment, the committee will send their comments and a justification for visit/assignment from the host along with the final approval package to the Y-12 Approval Authority. Y-12 Approval Authority will have the ultimate decision on whether the visit/assignment will be granted. Host organization will be notified of the final decision.

INDICES WAIVER REQUEST

If indices have not been completed with 5 days of proposed start date, the hosting organization has the option to initiate a waiver request. Host organization will provide justification on why the visit/assignment should proceed on the specified start date. All concurrenrs will review indices waiver and approve or disapprove the waiver. Y-12 Approval Authority will receive the waiver request information from the host organization and concurrenrs comments with the final approval package. Y-12 Approval Authority will have the ultimate decision on whether the visit/assignment will be granted. Host organization will be notified that the indices waiver is granted or denied. Indices will be completed by OCI. All documentation will be maintained in the Y-12 FNO file.

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NONCURRENCE OF VISIT OR ASSIGNMENT

If any one of the concurring officials nonconcur, a NARC meeting may be convened if deemed necessary by the chairperson or a committee member. Appropriate members will be invited. If a nonconcurrency decision stands after the meeting, the FNO will present detailed NARC determination to the division host and management. Determination is made by host and organization management to pursue or cancel the request. Written cancellation is submitted to the FNO. If the division desires to continue to process the request, written justification is presented to the FNO. FNO presents the NARC determination, host organization justification, and final approval request to the Y-12 Approval Authority for final determination. All documentation will be maintained in the FNO file.