



NNPP INSTRUCTION 5510.01

CONTROLLED UNCLASSIFIED INFORMATION

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Purpose: In accordance with the responsibilities and authorities assigned to the Director of the Naval Nuclear Propulsion Program (NNPP) by Executive Order (EO) 12344, codified in Title 50 of the United States Code Sections 2406 and 2511, and to ensure consistency throughout the joint Navy/Department of Energy (DOE) NNPP, this instruction:

- Establishes policy, assigns responsibilities, and prescribes procedures for CUI throughout the NNPP in accordance with EO 13556, Part 2002 of Title 32, Code of Federal Regulations, and Defense Federal Acquisition Regulation Supplement (DFARS) Sections 252.204-7008 and 252.204-7012.
- Fulfills the organizational obligations established by Department of Defense (DoD) Instruction 5200.48, Secretary of the Navy (SECNAV) Notice 5510, and DOE Order 471.1.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. Department of the Navy.

This instruction applies to all Navy commands and to all military and civilian personnel assigned to or employed by any element of the Navy that handles or processes unclassified Naval Nuclear Propulsion Information (NNPI). This includes cleared contractor visitors working under the purview of a commanding officer (CO).

This instruction supplements existing requirements imposed by Department of Defense (DoD) Instruction (DoDI) 5200.48 and Secretary of the Navy (SECNAV) Notice (SECNAVNOTE) 5510 by capturing specific elements necessary for the marking and protecting of unclassified NNPI within the federal controlled unclassified information (CUI) program.

b. Department of Energy.

This instruction applies to Department of Energy (DOE) Activities under the authority of the Deputy Administrator for Naval Reactors (Director), including NNL and BPMI.

This instruction replaces DOE Order 471.7 through equivalency to ensure consistency across Naval Nuclear Propulsion Program (NNPP) Activities. Documents and materials generated by NNPP Activities must conform to the requirements of this instruction.

1.2. POLICY.

It is the policy of the NNPP that:

a. As part of the phased DoD CUI program process, the designation, handling, and decontrolling of CUI (including CUI identification, sharing, marking, safeguarding, storage, dissemination, destruction, and records management) will be conducted in accordance with DoDI 5200.48 and SECNAVNOTE 5510, and Sections 252.204-7008 and 252.204-7012 of the Defense Federal Acquisition Regulation Supplement (DFARS) when applied by contract to non-government systems.

b. All CUI in the NNPP must be controlled until authorized for public release in accordance with DoDI 5230.09 or the Naval Reactors Public Utterance policy. Official NNPP information that is not classified or controlled as CUI will also be reviewed prior to public release.

c. Information will not be designated CUI in order to:

- (1) Conceal violations of law, inefficiency, or administrative error.
- (2) Prevent embarrassment to a person, organization, or agency.

(3) Prevent open competition.

d. Information not requiring protection under an approved law, regulation, or government-wide policy, may not be protected as CUI until approved by the CUI executive agent at the National Archives and Records Administration, through the NNPP Director of Security.

e. CUI markings will only be applied to information categories found on the CUI registry and require control in accordance with the category's defining law, regulation or government-wide policy. The DoD CUI registry (<https://www.dodcui.mil>) lists all authorized CUI categories. No other CUI categories are authorized for use by NNPP Activities.

f. CUI markings not defined in this instruction or otherwise specified in DoDI 5200.48 or SECNAVNOTE 5510 may not be used to mark or identify CUI.

g. In accordance with the phased CUI implementation outlined in DoDI 5200.48, all NNPP documents containing CUI must carry markings set forth in this instruction. Although NNPP Activities are not required to use the terms "Basic" and "Specified" as set forth in Part 2002 of Title 22, Code of Federal Regulations (CFR), all NNPP Activities must at least employ the minimum safeguards required to protect CUI.

SECTION 2: RESPONSIBILITIES

2.1. DIRECTOR, NAVAL NUCLEAR PROPULSION PROGRAM.

The Director is principally responsible for all aspects of the NNPP CUI program. The duties and responsibilities of the Senior Agency Official delineated in DoDI 5200.48, as applicable, are filled by the Director. This responsibility is assigned to the Director per Section 2511 of Title 50, United States Code (U.S.C.).

2.2. DIRECTOR OF SECURITY, NNPP.

The Director of Security is the component program manager for the NNPP CUI program. The Director of Security is responsible for:

- a. Overseeing and managing the NNPP CUI program.
- b. In coordination with the Director, establishing policy and overseeing the NNPP Information Security Program.
- c. Reviewing and providing guidance to NNPP Activities on implementation policy and CUI-related matters.
- d. Coordinating with the Office of the Deputy Under Secretary of the Navy (Intelligence & Security) (DUSN (I&S)) and the Office of the DOE Senior Agency Official for CUI to recommend changes to national CUI policy necessary to support the unique nature of the NNPP.
- e. In coordination with the Director of Information Technology Management (DITM) for the NNPP, providing guidance on the implementation and deployment of uniform standards to display and control CUI on NNPP systems and networks.
- f. Establishing protocol for resolving disputes and inconsistencies related to implementing and interpreting the requirements of this instruction, DoDIs and DOE Orders.
- g. Establishing standard processes for identifying, sharing, marking, safeguarding, storing, disseminating, decontrolling, destroying and managing CUI within the NNPP.

2.3. DITM, NNPP.

The DITM is the Chief Information Officer (CIO) for the NNPP. The DITM is responsible for:

- a. Serving as the subject matter expert on CUI containing Personally Identifiable Information (PII) and its release in accordance with Privacy Act of 1974 in Section 552 of Title 5, U.S.C.

b. Supporting the Director of Security in information security matters and ensuring tools and systems that handle CUI are developed, designed, and configured as required by law.

2.4. HEADS OF NNPP ACTIVITIES.

The heads of NNPP Activities, including commanding officers and general managers are responsible for identifying and planning for the necessary resources to implement this CUI program as part of their information security programs. They are responsible for ensuring compliance with this instruction and coordinating with their Naval Reactors Field Representatives for any identified deficiencies in compliance with this instruction.

2.5. ALL NNPP PERSONNEL.

All individuals (military, civilian, and contractor) who are subject to the requirements of this instruction are responsible for ensuring their personal compliance and for safeguarding and protecting CUI from unauthorized disclosure. All individuals who are aware of unauthorized CUI disclosures have a duty to report such information to their cognizant security office immediately.

SECTION 3: PROGRAM REQUIREMENTS

3.1. IMPLEMENTATION.

a. CUI is a marking for unclassified information the government creates or possesses, or that an entity creates or possesses for or on behalf of the government, that a law, regulation, or government-wide policy requires or permits an agency to handle using safeguarding of dissemination controls, but does not meet the requirements for classification per EO 13526 and the Atomic Energy Act of 1954, as amended, in Title 42, U.S.C.

b. All NNPP Activities will implement Phase I of the NNPP CUI Program as follows:

(1) Complete the initial and annual training requirements described in Section 3.4.

(2) Apply the acronym “CUI” to the header and footer of documents containing CUI as required by SECNAVNOTE 5510. DoDI 5200.48 contains detailed information on the proper format for CUI banner line markings. The banner marking “CONTROLLED” is no longer authorized.

(3) Apply the designation indicator block described in DoDI 5200.48 to the cover page or first page of all CUI documents.

(4) Ensure contract agreements are updated to reflect the requirements of this instruction for contractors with access to, or originating NNPP CUI.

(5) Ensure all information systems (ISs) or electronic collection efforts to include development, purchase, and contracting have the ability to apply the CUI designation as required in DoDI 5200.48.

c. Permanent burial of non-record CUI materials is allowed per DOE O 471.7, provided the requirements of that directive are met.

3.2. CLASSIFIED DOCUMENTS CONTAINING CUI.

a. Documents produced on classified systems will be marked at the highest level of classified information contained within the document. The banner marking “CUI” will not appear in the header or footer of a classified document. Additionally, there is no requirement to mark a document “UNCLASSIFIED” or “U” as was required with the “For Official Use Only” legacy marking.

b. At the time a document is processed for declassification, a thorough review of the document must occur and the document, if declassified, will either be approved for public release or remarked as CUI and protected in accordance with DoDI 5200.48.

c. The portion mark for paragraphs and subparagraphs known to contain only CUI is “(CUI).” The portion mark, “(U),” will be used for identifying unclassified, uncontrolled

information within a portion marked document. Dissemination markings are included in the portion mark, as required. There is no requirement to portion mark CUI documents.

d. Documents that comingle classified national security information (NSI) and CUI require use of the CUI designation indicator block in the lower right corner of the cover page or first page. Additionally, the classification authority block is required in the lower left corner of the cover page or first page. Additional details are in DoDI 5200.48.

e. Documents that comingle CUI with classified NSI will carry the following modified “CUI Warning for Classified Material” as required by DoDI 5200.48. This marking is optional for documents that comingle CUI with Restricted Data (RD) (See Section 3.2.g).

This content is classified at the [insert highest classification level of source data to include identification of NSI or RD] level and may contain elements of controlled unclassified information (CUI), unclassified, or information classified at a lower level than the overall classification displayed. This content shall not be used as a source of derivative classification; refer instead to [cite specific reference, where possible, or state “the applicable classification guide(s)”]. It must be reviewed for [insert NSI or RD as applicable] and CUI prior to declassification or public release. [Add point of contact if not already within footer blocks].

f. During Phase I, there are no requirements to distinguish between Basic and Specified CUI categories when marking documents and CUI materials.

g. Documents that comingle CUI and RD are subject to the requirements of Part 1045 of Title 10, CFR with respect to RD. The designation indicator block and the modified CUI warning will be used for comingled documents that utilize portion marking. When portion marking is not applied, the designation indicator block and the modified CUI warning are optional. However, if one is included the other must be included as well.

3.3. LEGACY MARKINGS.

a. Documents bearing legacy markings do not require redaction or re-marking. However, any new document created with information derived from legacy material must be marked as CUI, after a determination is made that the relevant information meets the definition of CUI.

(1) Legacy NNPP materials do not require re-marking or redaction while it remains within the DoD or DOE; however, any new document or derivative document must be marked in accordance with this instruction if the information qualifies as CUI. Legacy NNPP materials stored in NNPP access-controlled locations that are available to non-DoD and non-DOE entities do not need to be re-marked or redacted.

(2) Legacy NNPP information does not automatically become CUI. It must be reviewed by the originator of the information to determine if it meets the CUI requirements. Specifically, markings such as “NOFORN,” “CONTROLLED,” and even “CUI//SP-NNPI//NOFORN” issued

prior to the date of this instruction, cannot be used to identify CUI or to validate the presence of CUI in that document.

(3) When legacy NNPP information is incorporated into, or cited in, another document or material, it must be reviewed for CUI and marked in accordance with this instruction.

b. The legacy marking “U//FOUO” and its variants (e.g., OUO, SBU) are no longer authorized on any NNPP materials. Additionally, no legacy markings may be used to control or identify for control information within the NNPP.

c. This instruction does not limit the use of administrative banner markings such as “deliberative,” “pre-decisional,” or “draft” as allowed by local policy.

3.4. TRAINING.

a. DoDI 5200.48 requires all personnel (military, civilian, and contractor) to receive initial CUI training, and thereafter annual CUI refresher training.

b. Initial CUI training must be completed within six months of the issuance of this instruction.

c. The Center for Development of Security Excellence (CDSE), an element of the Defense Counterintelligence and Security Agency, developed and released an authorized and approved CUI training module that includes an exam. This training is available to satisfy an individual’s CUI training requirement. Other trainings that meet the requirements of DoDI 5200.48 may also be developed and used.

d. All personnel must provide proof of CUI training completion to their designated training office or designee to be qualified to handle and mark CUI documents. Completion of this training must be documented annually for personnel to be qualified to derivatively mark documents as containing controlled information.

3.5. CONTRACTS REQUIRING ACCESS TO CUI.

Contracts containing CUI shared from the NNPP or generated, managed, or transmitted by the contractor via their ISs, will be in accordance with this instruction, which will be incorporated into each NNPP contract.

a. When established by contract, contractors, sub-contractors, and consultants must comply with safeguarding requirements identified in the contract for all types of CUI.

b. The NNPP Activity responsible for the contract must identify NNPP CUI at the time of contract award. NNPP Activities must review recurring or renewed contracts for CUI to comply with this issuance.

3.6. UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION.

Unclassified Controlled Nuclear Information (UCNI) is defined in and governed by Part 1017 of Title 10, CFR. The marking requirements for UCNI are carried forward in the DoD CUI registry, including the need for special statements in the footer of UCNI documents. UCNI processed within the NNPP must conform to the requirements of this instruction unless a direct and unavoidable conflict exists. In cases where such a direct and unavoidable conflict exists, the originator of the document may defer to Part 1017 of Title 10, CFR.

3.7. RECORDS MANAGEMENT.

- a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedule for the NNPP.
- b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the NNPP Records Management Office.

SECTION 4: NAVAL NUCLEAR PROPULSION INFORMATION

4.1. NNPI IN THE CUI FRAMEWORK.

- a. Unclassified NNPI is a type of Specified CUI as defined by Part 2002 of Title 32, CFR, and is subject to the requirements of OPNAV Instruction (OPNAVINST) N9210.3.
- b. The marking “NOFORN” as a standalone banner line is no longer authorized for use on any documents or materials.
- c. Documents bearing the legacy “NOFORN” banner line marking must be reviewed to ensure they contain unclassified NNPI before they are re-marked as containing CUI.
- d. Nothing in this instruction supersedes or alters the existing cybersecurity requirements for NNPP ISs or the cybersecurity requirements for processing unclassified NNPI.

4.2. NNPI CUI MARKINGS.

- a. Documents containing unclassified NNPI will be marked as required by DoDI 5200.48. The CUI category code for unclassified NNPI is “NNPI.” This category code is used to identify CUI in the designation indicator block. This category code is not included in the banner line.
- b. Unclassified NNPI documents may utilize limited dissemination markings as outlined in DoDI 5200.48. CUI documents containing unclassified NNPI, by default, should carry no dissemination marking in the banner line. When unclassified NNPI is intended for release under an international agreement (e.g., AUKUS) it should carry a “Releasable To” marking. Section 4.3 contains more information on distribution warning statements. Section 4.4 contains information specific to the foreign release of NNPI under a formal international agreement.
- c. The statement “**NAVAL NUCLEAR PROPULSION INFORMATION**” should be placed in the footer above the “CUI” banner line on all pages including the title page. Deviations from this requirement will be approved by the NNPP Director of Security, or a designee.
- d. Only the dissemination markings defined in DoDI 5200.48 or in this instruction are authorized for use.

4.3. DISTRIBUTION WARNING STATEMENTS.

- a. The following distribution warning statement must be placed on the cover page or front page of all documents containing unclassified NNPI:

NNPI: This document contains Naval Nuclear Propulsion Information. Dissemination to foreign nationals requires the express authorization of the Naval Nuclear Propulsion Program. Unauthorized dissemination may be subject to

civil and criminal sanctions under the Atomic Energy Act of 1954, as amended (Title 42, U.S.C., Section 2168).

b. The following export control distribution warning statement is required on all unclassified and classified documents that contain unclassified NNPI. However, this distribution warning statement is optional for RD documents, unless the presence of NNPI is specifically identified via the use of the designation indication block.

WARNING: *This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Section 2751, et seq.) or the Export Control Reform Act of 2018 (Title 50, U.S.C., Chapter 58, Section 4801-4852). Violations of these export laws are subject to severe criminal penalties..*

c. The following foreign release distribution warning statement is required on all unclassified and classified documents that contain unclassified NNPI that are intended for release to the United Kingdom under the US/UK 1958 Mutual Defense Agreement.

NOTICE: *The information in this document is transmitted pursuant to the US/UK 1958 Mutual Defense Agreement and must be handled accordingly.*

d. The following foreign release distribution warning statement is required on all unclassified and classified documents that contain unclassified NNPI that are intended for release to Australia, or to Australia and the United Kingdom under the Exchange of Naval Nuclear Propulsion Information Agreement.

NOTICE: *The information in this document is transmitted pursuant to the Exchange of Naval Nuclear Propulsion Information Agreement (ENNPIA) and must be handled accordingly.*

4.4. FOREIGN RELEASE.

Dissemination of unclassified NNPI to foreign nationals is prohibited unless an international agreement exists authorizing its release. CUI markings for documents in general can be found in Section 4.2. When specific dissemination is authorized to foreign government partners as part of the AUKUS or US/UK exchanges on naval nuclear propulsion, the following dissemination markings will be used to identify the authorized recipients.

a. All documents containing unclassified NNPI may utilize the “REL TO” dissemination marking as follows:

(1) Documents containing unclassified NNPI may only utilize the REL TO dissemination marking when a specific authority (e.g., a security classification guide) designates the subject matter as releasable to a foreign government partner. When the REL TO dissemination marking is used, all subject matter in the document must be designated as releasable (i.e., comingled REL TO and NOFORN designated information cannot be labelled REL TO, because NOFORN is a more restrictive dissemination marking).

(2) The proper tetragraph for AUKUS information is “AUKS” as provided by national policy. For example, “REL TO USA, AUKS.” Use of trigraphs for individual AUKUS partners is also acceptable (i.e., “REL TO USA, AUS, GBR”).

(3) DoDI 5200.48 contains comprehensive marking guidance and marking examples.

b. While unclassified NNPI is eligible for release under approved international agreements, not all unclassified NNPI has been approved for release to foreign government partners. When Program policy identifies unclassified NNPI that shall not be shared with foreign nationals, the document must carry the “NOFORN” dissemination marking (i.e., “CUI//NOFORN”). Documents marked in this way may not be handled by, shown to, or discussed with any foreign nationals. CUI documents carrying the NOFORN dissemination marking require a coversheet when not in proper storage. The discontinuance of the NOFORN marking as a standalone banner line has no impact on the export controlled nature of unclassified NNPI.

c. CUI materials, by default, will not carry any dissemination marking (i.e., they will be marked solely with “CUI” without any dissemination marking).

(1) The lack of a dissemination marking does not authorize release of unclassified NNPI to foreign nationals, but provides flexibility should future release be authorized. In contrast, documents properly carrying the “NOFORN” dissemination marking must not be shown to, released to, or shared with foreign nationals.

(2) Documents with neither the REL TO nor NOFORN dissemination markings may be shared with authorized foreign nationals working under formal personnel arrangements with foreign government partners, or those participating in a formal intra-governmental visit or meeting. CUI without a REL TO banner line may not be retained by any foreign nationals.

d. This instruction does not change the established processes for transmitting information to Australia or the United Kingdom via government-to-government channels.

e. Documents with legacy markings may be shared with authorized foreign nationals in a DISPLAY ONLY manner (i.e., no retention) to support operational necessities. However, legacy markings must be systematically phased out in accordance with Section 3.3.

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
BPMI	Bechtel Plant Machinery, Inc.
CDSE	Center for Development of Security Excellence
CIO	Chief Information Officer
CO	Commanding Officer
CUI	controlled unclassified information
DFARS	Defense Federal Acquisition Regulation Supplement
DITM	Director of Information Technology Management
DoD	Department of Defense
DOE	Department of Energy
DUSN (I&S)	Deputy Under Secretary of the Navy for Intelligence and Security
FOUO	for official use only
IS	information system
NNL	Naval Nuclear Laboratory
NNPI	Naval Nuclear Propulsion Information
NNPP	Naval Nuclear Propulsion Program
NOFORN or NF	not releasable to foreign nationals
NSI	national security information
OPNAV	Office of the Chief of Naval Operations
OUO	official use only
PII	personally identifiable information
RD	restricted data
REL TO	releasable to
SBU	sensitive but unclassified
SECNAV	Secretary of the Navy
U	unclassified

G.2. DEFINITIONS.

The terms used in this instruction carry the meaning provided them in DoDI 5200.48 and the DoD Security Lexicon. Terms below that are already defined in DoDI 5200.48 or the DoD Security Lexicon are provided for convenience.

TERM	DEFINITION
AUKS	A tetragraph provided for information deemed releasable to foreign partners under the AUKUS information sharing agreement. Trigraphs are used when referring to individual countries, whereas tetragraphs are used to refer to multi-national groupings.
AUKUS	Australia, United Kingdom, and the United States. A tri-lateral information sharing agreement that includes the sharing of both NNPI and RD.
CUI	Controlled unclassified information is information the Government creates or possesses, or that an entity creates or possesses for or on behalf of the Government, that a law, regulation, or Government-wide policy requires or permits an agency to handle using safeguarding or dissemination controls.
CUI Basic	CUI Basic is the subset of CUI for which the authorizing law, regulation, or Government-wide policy does not set out specific handling or dissemination controls. Agencies handle CUI Basic according to the uniform set of controls set forth in Part 2002 of Title 32, Code of Federal Regulations.
CUI Specified	CUI Specified is the subset of CUI in which the authorizing law, regulation, or Government-wide policy contains specific handling controls that it requires or permits agencies to use that differ from those for CUI Basic.
NNPP Activity	Any laboratory, shipyard, vendor, or other entity authorized directly or by contract to process information for or on behalf of the NNPP.
Public Utterance	An NNPP process for verifying independent work by those with access to NNPI is reviewed prior to publication to ensure no NNPI is inadvertently released.

REFERENCES

- Agreement Between the Government of the United States of America, the Government of Australia, and the Government of the United Kingdom of Great Britain and Northern Ireland for the Exchange of Naval Nuclear Propulsion Information (ENNPIA).*
- Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America for Cooperation on Uses of Atomic Energy for Defense Purposes (the US/UK 1958 Mutual Defense Agreement).*
- Code of Federal Regulations, Title 10, Part 1017, *Controlled Unclassified Information.*
- Code of Federal Regulations, Title 10, Part 1045, *Nuclear Classification and Declassification.*
- Code of Federal Regulations, Title 32, Part 2002, *Controlled Unclassified Information.*
- Defense Federal Acquisition Regulation Supplement, Section 252.204-7008, Lorem
- Defense Federal Acquisition Regulation Supplement, Section 252.204-7012, Lorem
- DoD Instruction 5200.48, *Controlled Unclassified Information (CUI)*, March 6, 2020.
- DoD Instruction 5230.09, *Clearance of DoD Information for Public Release*, January 25, 2019.
- DOE Order 471.7, *Controlled Unclassified Information*, February 3, 2022.
- Executive Order 12344, *Naval Nuclear Propulsion Program*, February 1, 1982.
- Executive Order 13526, *Classified National Security Information*, December 29, 2009.
- OPNAV Instruction N9210.3, *Safeguarding of Naval Nuclear Propulsion Information*, June 7, 2010.
- SECNAV Notice 5510, *Department of the Navy Implementation of Controlled Unclassified Information Policy*, July 26, 2022.
- United States Code, Title 5, Chapter 5, Section 552, *Privacy Act of 1974.*
- United States Code, Title 42, Chapter 14, *Atomic Energy Act of 1956*, as amended.
- United States Code, Title 50, Chapter 42, Section 2511, *Naval Nuclear Propulsion Program.*