

## CONTROL OF NAVAL NUCLEAR PROPULSION INFORMATION (NNPI)

(APPLIES TO BID SOLICITATIONS, LETTER CONTRACTS, AND/OR PURCHASE ORDERS CONTAINING NNPI.)

THIS BID SOLICITATION (E.G., REQUEST FOR PROPOSAL/QUOTATION), LETTER CONTRACT, PURCHASE ORDER, AND/OR SUPPORTING DOCUMENTATION CONTAINS NAVAL NUCLEAR PROPULSION INFORMATION (NNPI) WHICH IS SUBJECT TO SPECIAL EXPORT AND OTHER CONTROLS. OTHER CONTRACTUAL AND/OR LEGAL REQUIREMENTS REGARDING DISCLOSURE ALSO APPLY.

THE PROSPECTIVE BIDDER IS TO RETURN THE BID SOLICITATION IN ITS ENTIRETY AND ANY COPIES OF DOCUMENTS MADE IN THE EVENT THAT IT DOES NOT AGREE TO THIS PROVISION. IN SUCH A CASE, THE PROSPECTIVE BIDDER SHALL BE DEEMED TO HAVE DECLINED TO SUBMIT A PROPOSAL OR "NO BID" THE SOLICITATION.

THE DESIGNATION NOFORN INDICATES THAT THE DOCUMENT CONTAINS UNCLASSIFIED NNPI. CLASSIFIED NNPI IS IDENTIFIED BY OTHER MARKINGS DESIGNATED IN OPNAVINST N9210.3.

NNPI MAY NOT BE DISCLOSED TO FOREIGN NATIONALS, FOREIGN INTERESTS, OR REPRESENTATIVES OF FOREIGN INTERESTS (REGARDLESS OF CITIZENSHIP).

BIDDER/SELLER IS REQUIRED TO COMPLY WITH ALL NNPI SPECIAL MARKING, HANDLING, DISCLOSURE, AND DISPOSAL REQUIREMENTS OF OPNAVINST N9210.3 (CONSULT WITH BUYER FOR THE LATEST REVISION APPLICABLE) AND WITH ALL CLAUSES IN EB TERMS AND CONDITIONS OF PURCHASE DEALING WITH NNPI, WHICH MAY INCLUDE (WITH OR WITHOUT CLAUSE NUMBER):

NAVSEA 5252.227-9100, PROTECTION OF NAVAL NUCLEAR PROPULSION INFORMATION (SEE NOTE 1)

NAVSEA 5252.227-9100, TRANSMISSION ABROAD OF EQUIPMENT OR TECHNICAL DATA RELATING TO THE NUCLEAR PROPULSION OF NAVAL SHIPS (SEE NOTE 1)

NOTE 1: UNLESS OTHERWISE SPECIFICALLY STATED IN THE PURCHASE ORDER, SUBSTITUTE THE WORDING "OPNAVINST N9210.3" FOR THE "NAVSEAINST 5511.32C" IN THESE TWO CLAUSES WHEREVER IT MAY APPEAR.

DISPOSAL-SELLER IS REQUIRED TO DISPOSE OF DOCUMENTS CONTAINING

NNPI AND COMPONENTS AND EQUIPMENT THAT REVEAL NNPI IN ACCORDANCE

WITH OPNAVINST N9210.3. IN ADDITION, FOR COMPONENTS WITH NNPI MARKINGS, SELLER MUST REMOVE ALL NNPI MARKINGS FROM MATERIAL PRODUCED UNDER THIS PURCHASE ORDER BUT NOT DELIVERED.

SECURITY AGREEMENT FOR PROTECTION OF UNCLASSIFIED NNPI ("U-NNPI) (EXCERPTED AND MODIFIED FROM OPNAVINST N9210.3 APPENDIX C.)

BID SOLICITATIONS AND PURCHASE ORDERS/SUBCONTRACTS/LETTER CONTRACTS/(COLLECTIVELY "PURCHASE ORDER").

IN THE CASE OF A BID SOLICITATION WHERE NO "PURCHASE ORDER" YET EXISTS, OR, IN THE CASE OF A "PURCHASE ORDER" AWARD, THE FOLLOWING APPLIES:

(A) BY RECEIVING AND ACTING ON THIS BID SOLICITATION (E.G., RFQ/REP) OR THIS "PURCHASE ORDER", THE PROSPECTIVE BIDDER (THE ADDRESSEE OF THE SOLICITATION) OR AWARDEE AGREES THAT WHEN DOCUMENTS PROVIDED (E.G., RFQ, P.O., SPECIFICATIONS, DRAWINGS, ETC.) ARE MARKED AS CONTAINING NOFORN SENSITIVE INFORMATION THAT MUST BE CONTROLLED PURSUANT TO FEDERAL LAW AND/OR CONTRACTUAL REQUIREMENTS THAT:

- (1) THE INFORMATION CONTAINED THEREIN AND GENERATED AS PART OF THE INQUIRY SHALL BE USED ONLY FOR THE PURPOSE STATED IN THE INQUIRY AND PURCHASE ORDER, AND
- (2) THEY SHALL IN NO CASE BE TRANSMITTED OUTSIDE THE PROSPECTIVE BIDDER'S/AWARDEE'S COMPANY (UNLESS SUCH TRANSMITTALS COMPLY WITH THE DETAILED GUIDANCE OF THE INQUIRY AND PURCHASE ORDER, AND, EXCEPT TO PROSPECTIVE SUBCONTRACTOR'S WHO HAVE A SPECIFIC NEED TO KNOW AND TO WHOM THE PROSPECTIVE BIDDER/AWARDEE HAS DETERMINED TO BE ELIGIBLE TO RECEIVE IT AND HAS INVOKED SIMILAR CONTROLS), AND
- (3) THEY SHALL NOT BE TRANSMITTED OR DISCLOSED TO ANY FOREIGN NATIONAL OR FOREIGN INTEREST, WHETHER WITHIN OR OUTSIDE THE PROSPECTIVE BIDDER'S COMPANY, AND
- (4) WHILE IN USE THE DOCUMENTS SHALL BE PROTECTED FROM UNAUTHORIZED OBSERVATION, AND
- (5) THEY SHALL BE KEPT SECURE SO AS TO PRECLUDE ACCESS BY ANY PERSONS NOT HAVING A LEGITIMATE NEED TO VIEW THEM, AND
- (6) THEY SHALL NOT BE COPIED UNLESS DONE IN CONFORMANCE WITH THE DETAILED GUIDANCE OF THE INQUIRY AND PURCHASE ORDER AND EXCEPT TO THE MINIMUM EXTENT REQUIRED TO PROVIDE A BID RESPONSE OR PERFORM ON A RESULTANT PURCHASE ORDER,

AND

(7) FOLLOWING PREPARATION/SUBMITTAL OF THE BID SOLICITATION RESPONSE, THE DOCUMENTS AND COPIES SHALL BE PROMPTLY RETURNED IN THEIR ENTIRETY TO THE BUYER UNLESS AUTHORIZED BY THE BUYER FOR RETENTION OR PROPER DISPOSAL FOLLOWING COMPLETION OF THE PURCHASE ORDER.

(B) IN ADDITION, THE FOLLOWING SPECIFIC REQUIREMENTS FOR PROTECTING U-NNPI APPLY:

(1) ONLY U.S. CITIZENS WHO HAVE A NEED-TO-KNOW REQUIRED TO EXECUTE THE "PURCHASE ORDER" SHALL BE ALLOWED ACCESS TO U-NNPI.

(2) WHEN NOT IN DIRECT CONTROL OF AN AUTHORIZED INDIVIDUAL, U-NNPI MUST BE SECURED IN A LOCKED CONTAINER (E.G., FILE CABINET, DESK, SAFE). ACCESS TO THE CONTAINER MUST BE SUCH THAT ONLY AUTHORIZED PERSONS CAN ACCESS IT, AND COMPROMISE OF THE CONTAINER WOULD BE OBVIOUS AT SIGHT. CONTAINERS SHOULD HAVE NO LABELS THAT INDICATE THE CONTENTS. IF REMOVED FROM THE SITE, U-NNPI MUST REMAIN IN THE PERSONAL POSSESSION OF INDIVIDUAL. AT NO TIME SHOULD U-NNPI BE LEFT UNSECURED (E.G., IN A HOME OR AUTOMOBILE, OR UNATTENDED IN A MOTEL ROOM OR SENT WITH BAGGAGE).

(3) U-NNPI DOCUMENTS WILL HAVE THE WORD "NOFORN" AT THE TOP AND BOTTOM OF EACH PAGE, THE COVER SHEET WILL HAVE THE WARNING STATEMENT SHOWN BELOW. DOCUMENTS ORIGINATED IN THE COURSE OF WORK THAT REPRODUCE, EXPAND, OR MODIFY MARKED INFORMATION SHALL BE MARKED AND CONTROLLED IN THE SAME WAY AS THE ORIGINAL. MEDIA SUCH AS VIDEO TAPES, DISKS, ETC., MUST BE MARKED AND CONTROLLED SIMILAR TO THE MARKINGS ON THE ORIGINAL INFORMATION.

(NOTE: THE FOLLOWING DISTRIBUTION WARNING STATEMENT IS FOR TRAINING PURPOSES ONLY).

NOFORN: THIS DOCUMENT IS SUBJECT TO SPECIAL EXPORT CONTROLS, AND EACH TRANSMITTAL TO FOREIGN GOVERNMENTS OR FOREIGN NATIONALS MAY BE MADE ONLY WITH THE APPROVAL OF NAVAL SEA SYSTEMS COMMAND.

(4) U-NNPI MAY NOT BE PROCESSED ON NETWORKED COMPUTERS WITH OUTSIDE ACCESS UNLESS APPROVED BY THE CNO (N00N). IF DESIRED, THE COMPANY MAY SUBMIT A PROPOSAL FOR PROCESSING NNPI ON COMPANY COMPUTER SYSTEMS. PERSONALLY OWNED COMPUTING SYSTEMS, SUCH AS

PERSONAL COMPUTERS, LAPTOPS, PERSONAL DIGITAL ASSISTANTS, AND OTHER PORTABLE ELECTRONIC DEVICES ARE NOT AUTHORIZED FOR PROCESSING NNPI. EXCEPTIONS REQUIRE THE SPECIFIC APPROVAL OF THE COGNIZANT DAA AND CNO (N00N).

- (5) U-NNPI MAY BE FAXED WITHIN THE CONTINENTAL UNITED STATES AND HAWAII PROVIDED THERE IS AN AUTHORIZED INDIVIDUAL WAITING TO RECEIVE THE DOCUMENT AND PROPERLY CONTROL IT. U-NNPI MAY NOT BE FAXED TO FACILITIES OUTSIDE THE CONTINENTAL UNITED STATES, INCLUDING MILITARY INSTALLATIONS, UNLESS ENCRYPTED BY MEANS APPROVED BY THE CNO (N00N).
- (6) U-NNPI MAY BE SENT WITHIN THE CONTINENTAL UNITED STATES AND HAWAII VIA FIRST CLASS MAIL IN A SINGLE OPAQUE ENVELOPE THAT HAS NO MARKINGS INDICATING THE NATURE OF THE CONTENTS.
- (7) DOCUMENTS CONTAINING U-NNPI SHALL BE DISPOSED OF AS CLASSIFIED MATERIAL.
- (8) REPORT ANY ATTEMPTS TO ELICIT U-NNPI BY UNAUTHORIZED PERSONS TO THE APPROPRIATE SECURITY PERSONNEL.
- (9) REPORT ANY COMPROMISES OF U-NNPI TO THE APPROPRIATE SECURITY PERSONNEL. THIS INCLUDES INTENTIONAL OR UNINTENTIONAL PUBLIC RELEASE VIA SUCH METHODS AS THEFT, IMPROPER DISPOSAL (E.G., MATERIAL NOT SHREDDED, DISKS LOST), PLACEMENT ON WEB SITE, TRANSMISSION VIA E-MAIL, OR VIOLATION OF THE INFORMATION SYSTEM CONTAINING U-NNPI.