

**NON-DISCLOSURE AGREEMENT
FOR
Access to Department of Energy Waste Isolation Pilot Plant (WIPP)
Management and Operations (M&O) Sensitive Information**

I, _____, hereby certify that:

1. I am a United States citizen by birth (date, State and City of birth) _____ or by naturalization (date and place of naturalization) _____.
2. I sign this form in my capacity as _____ [TITLE] of _____ [NAME OF CORPORATION, LLC, PARTNERSHIP, JOINT VENTURE, CONSORTIUM, COLLEGE/UNIVERSITY, NOT-FOR-PROFIT, ETC.] (the "Company"). My business address and telephone numbers are: _____.
3. The Company in paragraph 2 is: (check one)
 foreign owned U.S. owned
The Company corporate headquarters or principal place of business is _____.
4. I understand and agree that the term "Company" and the certifications contained herein refer only to the entity identified in paragraph 2.
5. I understand and agree that if the Company is part of a consortium, joint venture, or other teaming arrangement, or if the Company has a parent or subsidiary corporation, each parent or subsidiary corporation, or each entity comprising the consortium, joint venture or other teaming arrangement must submit a "Non-disclosure for Access to Department of Energy WIPP M&O Sensitive Information" form in order to gain access to any SENSITIVE INFORMATION. Under no circumstances shall the Company share SENSITIVE INFORMATION with any other entity, including a parent or subsidiary corporation, or any employee thereof.
6. I am an agent of the Company. There exists a principal agent relationship between me and the Company, which, for purposes of this form, means that the certifications contained herein are legally binding on both me and the Company.
7. For purposes of this form, I understand and agree that the term "foreign national" means an individual who is not a United States citizen.
8. The Company (check one) [has] [has no] foreign national employees that require access to the requested SENSITIVE INFORMATION.

9. I understand and acknowledge that DOE is providing the requested SENSITIVE INFORMATION for the specific purpose of responding to a Request for Proposal for WIPP M&O. Furthermore, I understand and acknowledge that all Company employees approved to have access to the requested information will comply with the duties and responsibilities identified herein.
10. SENSITIVE INFORMATION provided on the CD is designated as Official Use Only (OUO). Information marked as OUO is sensitive unclassified information that must be protected and controlled. Access to OUO information is based on need to know. The Company will limit and control the reproduction and dissemination of the requested SENSITIVE INFORMATION to the minimum required for responding to the Request for Proposals. The Company shall adhere to the protection and control requirements of SENSITIVE INFORMATION as described below:

Protection in Use: While SENSITIVE INFORMATION is in use, positive control must be maintained to prevent unauthorized access, removal, or copying.

Protection in Storage: SENSITIVE INFORMATION may be stored in an unlocked filing cabinet, desk, or in a bookcase in areas where there is internal building security after hours. In areas where internal building security is not provided, SENSITIVE INFORMATION must be stored in a locked room, filing cabinet, desk, bookcase, or briefcase.

Reproduction: SENSITIVE INFORMATION may be reproduced without the permission of the originator to the minimum extent necessary to carry out official duties. Copies must be marked and protected in the same manner as the originals. Copy machine malfunctions must be cleared and all paper paths checked.

Destruction: SENSITIVE INFORMATION must be destroyed by using a strip-cut shredder (i.e., ¼ inch wide strips) or by any other means that provides a similar or greater level of destruction.

Export Controlled Information: For those documents that are marked as “Export Controlled Information” (ECI), it is unlawful to send or take ECI out of the United States.; disclose orally or visually, or transfer ECI to a foreign person/entity inside or outside the U.S. without proper authorization. A license may be required for foreign nationals to access ECI. A foreign person is a person who is not a U.S. citizen or permanent resident alien of the U.S. The law makes no exceptions for foreign graduate students.

11. I understand and acknowledge that the Company has a continuing obligation with respect to the requested SENSITIVE INFORMATION. Upon award of contract under this Request For Proposal (RFP), the Company will return a Certificate of Destruction to wippmo@emcbc.doe.gov which states that the Company has either a) properly disposed of all sensitive information received from DOE by shredding per

“Destruction” in paragraph 10 above, or b) returned all sensitive information received from DOE to the following address:

U.S. Department of Energy, EMCBC
Attn: Nina Akgunduz
250 E. Fifth Street, Suite 500
Cincinnati, OH 45202

12. I understand and acknowledge that the Company may be contacted to verify the statements made herein and that DOE may visit the Company to ensure that proper information security practices are in place and are being followed. The Company agrees to cooperate fully in any DOE effort in this regard.
13. My statements in this form are true, complete and correct to the best of my knowledge, information and belief. They are made in good faith for the purpose of obtaining access to Department of Energy WIPP M&O Sensitive Information. I understand and acknowledge that a knowing and willful false statement in this form is punishable by fine or imprisonment or both, pursuant to 18 United States Code, Section 1001.
14. The following additional information must also be included:

Company or Organization Name:
State where incorporated:
DUNS Number:
Name of POC:
Title of POC:
POC mailing address:
POC telephone number:
POC fax number:
POC email address:

Signed By: _____

Name and Title Date
(An officer of the organization with authority to legally commit and bind the organization)