

**Subpart B—Polygraph Examination Protocols and Protection of National Security**

- 709.11 What types of topics are within the scope of a polygraph examination?
- 709.12 How does DOE determine the wording of questions?
- 709.13 May an individual refuse to take a polygraph examination?
- 709.14 What are the consequences of a refusal to take a polygraph examination?
- 709.15 How does DOE use polygraph examination results?

**Subpart C—Safeguarding Privacy and Employee Rights**

- 709.21 When is an individual notified that a polygraph examination is scheduled?
- 709.22 What rights to counsel or other representation does an individual have?
- 709.23 How does DOE obtain an individual's consent to a polygraph examination?
- 709.24 What other information is provided to the individual prior to a polygraph examination?
- 709.25 Are there limits on use of polygraph examination results that reflect "deception indicated" or "no opinion"?
- 709.26 How does DOE protect the confidentiality of polygraph examination records?

**Subpart D—Polygraph Examination and Examiner Standards**

- 709.31 What are the DOE standards for polygraph examinations and polygraph examiners?
- 709.32 What are the training requirements for polygraph examiners?

AUTHORITY: 42 U.S.C. 2011, *et seq.*, 42 U.S.C. 7101, *et seq.*, 42 U.S.C. 7383h.

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**Subpart A—General Provisions**

**§ 709.1 What is the purpose of this part?**

This part:

- (a) Describes the categories of individuals who are eligible for counterintelligence-scope polygraph testing; and
- (b) Provides guidelines for the use of counterintelligence-scope polygraph examinations and for the use of exculpatory polygraph examinations, upon the request of an individual, in order to

resolve counterintelligence investigations and personnel security issues; and

(c) Provides guidelines for protecting the rights of individual DOE, and DOE contractor, and employees subject to this rule.

**§ 709.2 What is the scope of this part?**

This part includes:

- (a) A description of the conditions under which DOE may administer and use polygraph examinations;
- (b) A description of the positions which DOE may subject to polygraph examination;
- (c) Controls on the use of polygraph examinations; and
- (d) Safeguards to prevent unwarranted intrusion into the privacy of individuals.

**§ 709.3 What are the definitions of the terms used in this part?**

For purposes of this part:

*Accelerated Access Authorization Program or AAAP* means the program for granting interim access to classified matter and special nuclear material based on a drug test, a National Agency Check, a psychological assessment, and a counterintelligence-scope polygraph examination consistent with this part.

*Access* means the admission of DOE and contractor employees and applicants for employment, and other individuals assigned or detailed to Federal positions at DOE to the eight categories of positions identified in § 709.4(a)(1)–(8).

*Access authorization* means an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.

*Adverse personnel action* means

- (1) With regard to a DOE employee, the removal, suspension for more than 14 days, reduction in grade or pay, or a furlough of 30 days or less as described in 5 U.S.C. Chapter 75; or
- (2) With regard to a contractor employee, the discharge, discipline, or denial of employment or promotion, or any other discrimination in regard to hire or tenure of employment or any term or condition of employment.