

DOE M 475.1-1, IDENTIFYING CLASSIFIED INFORMATION, dated 5-8-98, an earlier version which did not contain some last minute changes and the indexes for both the manual and the CRD, has been replaced on the Directives Site -Explorer. **Destroy all copies printed from Explorer prior to 5-28-98.** The attached version is to be used since it is current and includes the indexes.

CANCELED

5-8-98

# IDENTIFYING CLASSIFIED INFORMATION

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**U.S. DEPARTMENT OF ENERGY**  
Office of Nonproliferation and National Security

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**Distribution:**  
All Departmental Elements

**Initiated By:**  
Office of Declassification

## IDENTIFYING CLASSIFIED INFORMATION

1. PURPOSE. This Manual provides requirements for managing the Department's classification and declassification program, including details for classifying and declassifying information, documents, and material. This Manual also supplements DOE O 200.1, INFORMATION MANAGEMENT PROGRAM, which combines broad information management topics under a single Order. Specific requirements for each topic are issued in separate Manuals.
2. CANCELLATION. DOE O 5650.2B, IDENTIFICATION OF CLASSIFIED INFORMATION, of 12-31-91.
3. APPLICABILITY.
  - a. DOE Elements. This Manual applies to all DOE elements that may generate classified information, documents, or material.
  - b. DOE Contractors. The Contractor Requirements Document (CRD) sets forth requirements to be applied to DOE contractors and subcontractors that may generate classified information, documents, or material. Contractor compliance with the CRD shall be required to the extent set forth in a contract.
4. USAGE. This Manual is divided into the following chapters:
  - a. Chapter I - Responsibilities and Authorities. Lists specific responsibilities and authorities for DOE Headquarters and field element officials and employees.
  - b. Chapter II - Program Administration. Part A contains qualification and designation requirements for Classification Officers, Headquarters Classification Representatives, Original Classifiers, Derivative Classifiers, and Derivative Declassifiers. Part B contains administrative policies that apply to the overall DOE classification and declassification program.
  - c. Chapter III - Classification Categories and Levels. Provides an overview of the categories of classified information and what levels may be applied to these categories.
  - d. Chapter IV - Classifying and Declassifying Information. Describes how information is initially classified, declassified, downgraded or upgraded, or reclassified. Requirements in this chapter are applied by the Director of Declassification, the Director of Security Affairs, and Original Classifiers.

- e. Chapter V - Classification Guidance. Describes the DOE classification guidance system, which specifies the information that is classified and unclassified.
  - f. Chapter VI - Classifying and Declassifying Documents and Material. Describes how documents and material are classified, declassified, downgraded or upgraded, or reclassified. Requirements in this chapter are applied by originators of documents and material, Derivative Classifiers, Derivative Declassifiers, Classification Officers, Headquarters Classification Representatives, the Director of Declassification, and the Director of Security Affairs.
  - g. Chapter VII - Education Program. Describes training needed by Original and Derivative Classifiers, Derivative Declassifiers, and other DOE employees who generate classified information.
  - h. Chapter VIII - Classification and Declassification Oversight Program. Describes elements of the oversight program to ensure that organizations generating classified information, documents, and material maintain an adequate and effective classification and declassification program.
  - i. Contractor Requirements Document (Attachment 2) - Describes the requirements that apply to contractors.
5. DEFINITIONS. Definitions of terms used throughout this Manual can be found in Attachment 1.
6. CONTACT. Questions concerning this Manual should be addressed to the Policy and Quality Management Division, Office of Declassification (301-903-5454).

BY ORDER OF THE SECRETARY OF ENERGY:



ARCHER L. DURHAM  
Assistant Secretary for  
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## CHAPTER I

### RESPONSIBILITIES AND AUTHORITIES

Except as specifically prohibited by this Manual, any authority assigned to an individual herein may be redelegated to subordinate officials within the individual's organization. The Director of Declassification shall concur in any such redelegation, as appropriate.

All responsibilities and authorities are limited to those within the cognizance or jurisdiction of the individual(s) indicated.

1. SECRETARY delegates Top Secret Original Classification Authority to those principal subordinates who require such authority. This authority may not be redelegated.
2. SECRETARIAL OFFICERS ensure that information, documents, and material are reviewed and processed in accordance with requirements in this Manual.
3. DIRECTOR OF SECURITY AFFAIRS.
  - a. Establishes classification and declassification program requirements under the Atomic Energy Act of 1954, as amended, and Executive Order 12958.
  - b. Declassifies and transclassifies Restricted Data (RD) and declassifies Formerly Restricted Data (FRD) under the Atomic Energy Act of 1954, as amended.
  - c. Makes the final appeal determination concerning the release of any portion of a document requested under statute or Executive order that was previously denied because it was classified.
4. DIRECTOR OF DECLASSIFICATION.
  - a. Develops, implements, and interprets DOE classification and declassification policy, regulations, and procedures.
  - b. Serves as the senior agency official responsible for directing and administering the DOE classification/declassification program under Executive Order 12958, except for those provisions of the Executive order and implementing directives that deal with protecting classified information (e.g., personnel security, physical security, information security, and special access programs).

- c. Manages programs for reviewing documents and material for classification, declassification, downgrading, upgrading, and reclassification.
- d. Serves as the DOE Headquarters Classification Officer.

5. HEADS OF HEADQUARTERS AND FIELD ELEMENTS.

- a. Ensure that the necessary staff are designated to fulfill the requirements contained in this Manual. (See Chapter II.)
- b. Ensure that information, documents, and material are reviewed and processed in accordance with the requirements in this Manual. (See Chapter IV and VI.)
- c. Ensure that Headquarters Classification Representatives, Classification Officers, and other personnel with classification responsibilities participate in the early planning stages of any new program that may generate classified information, documents, or material.
- d. Ensure that the management of classified information is included as a critical element or item to be evaluated in the performance standards of Headquarters Classification Representatives, Classification Officers, Original Classifiers, and any other individuals whose duties include significant involvement in generating classified information, documents, or material.
- e. Appoint an individual to be responsible for notifying the contracting officer of each procurement falling within the scope of this Manual. If such an individual is not appointed, this responsibility is that of the procurement request originator (i.e., the individual responsible for initiating a requirement on DOE F 4200.33, "Procurement Request Authorization").

6. HEADQUARTERS CLASSIFICATION REPRESENTATIVES.

- a. Serve as the points of contact with the Office of Declassification for their Headquarters elements.
- b. Coordinate the classification and declassification reviews of documents and material for their organizations.
- c. Assist individuals within their organizations in implementing the classification and declassification policies and procedures in this Manual; refer questions, as necessary, to the Office of Declassification.

7. FIELD ELEMENT CLASSIFICATION OFFICERS.
  - a. Serve as the points of contact with the Office of Declassification for their field elements.
  - b. Administer the field element classification and declassification programs.
  - c. Ensure that a classification review is performed prior to the dissemination of each document that may be classified and that is prepared by a field element employee.
8. DIRECTOR, NAVAL NUCLEAR PROPULSION PROGRAM, implements and oversees all policy and practices pertaining to this Manual for activities under the Director's cognizance.
9. PROCUREMENT REQUEST ORIGINATORS or such other individual(s) appointed by the cognizant head of the DOE element.
  - a. Bring to the attention of the cognizant contracting officer the following:
    - (1) each procurement requiring the application of this Manual (reference 48 CFR Part 952.204-70),
    - (2) requirements to apply the provisions of this Manual to any subcontract or subaward, and
    - (3) portion(s) of this Manual with which the awardee or subawardee is to comply.
  - b. Identify the classification guidance that applies to a proposed contract.
10. CONTRACTING OFFICERS, based on advice received from the procurement request originator or other appointed individual, apply requirements contained in this Manual to DOE contractors that may generate classified information, documents, or material.
11. DOE EMPLOYEES.
  - a. Submit any potentially classified document or material they originate to a Derivative Classifier for classification review and a determination prior to dissemination.
  - b. Submit any potentially classified document or material they originate that is intended for widespread distribution or public release to the local Classification Officer for classification review and a determination prior to dissemination.

- c. Ensure that any document or material that may be classified is determined to be unclassified and appropriate for public release before it is removed from official premises by an employee who is retiring or otherwise terminating employment.

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## CHAPTER II

### PROGRAM ADMINISTRATION

#### PART A - QUALIFICATIONS AND DESIGNATIONS

##### 1. CLASSIFICATION OFFICER.

###### a. Requirement for Position.

- (1) Field Element. The Director of Declassification shall determine when the head of a field element is required to designate a Classification Officer.
- (2) Contractor. The field element Classification Officer shall determine when a contractor under his/her cognizance is required to designate a Classification Officer.

###### b. Qualifications. A Classification Officer must have a scientific or technical degree related to the field in which he/she is working. The Director of Declassification may waive this requirement for nominees with suitable experience. Each DOE Classification Officer shall also be an Original and Derivative Classifier and a Derivative Declassifier.

###### c. Nomination.

- (1) Field Element. The head of a field element shall nominate an individual for the position of Classification Officer by submitting that individual's name and qualifications to the Director of Declassification for approval.
- (2) Contractor. The head of each contractor organization shall nominate an individual for the position of Classification Officer by submitting that individual's name and qualifications to the field element Classification Officer for review. The field element Classification Officer shall submit the nomination to the Director of Declassification with a recommendation for approval if the qualifications are adequate. If the qualifications are not adequate, the field element Classification Officer shall return the nomination to the head of the contractor organization for reconsideration.

###### d. Training Requirement. Approval by the Director of Declassification is contingent upon the nominee successfully completing the training course given by the Office of Declassification.

- e. Removal from Position. The head of the field element or the Director of Declassification may remove an employee from the Classification Officer position when the employee cannot or does not perform his/her responsibilities reliably.
  - (1) Removal By the Head of the Field Element. The head of the field element shall notify the employee and inform the Director of Declassification of the removal, the reason for removal, and the effective date.
  - (2) Removal By the Director of Declassification. The Director of Declassification shall notify the employee and inform the head of the field element of the removal, the reason for removal, and the effective date.

## 2. HEADQUARTERS CLASSIFICATION REPRESENTATIVE.

- a. Determination of Need. The Director of Declassification shall determine when a Headquarters element needs to designate a Classification Representative.
- b. Qualifications. A Headquarters Classification Representative shall be a Derivative Classifier.
- c. Nomination. The head of a Headquarters element shall nominate an individual for the position of Headquarters Classification Representative by submitting his/her name and qualifications to the Director of Declassification for approval.
- d. Training Requirement. Approval by the Director of Declassification is contingent upon the nominee successfully completing the training course given by the Office of Declassification.
- e. Removal from Position. Either the head of a Headquarters element or the Director of Declassification may remove an employee from the Headquarters Classification Representative position when the employee cannot or does not perform his/her responsibilities reliably.
  - (1) Removal By the Head of a Headquarters Element. The head of a Headquarters element shall notify the employee and inform the Director of Declassification of the removal, the reason for removal, and the effective date.
  - (2) By the Director of Declassification. The Director of Declassification shall notify the employee and inform the head of the Headquarters element of the removal, the reason for removal, and the effective date.

3. ORIGINAL CLASSIFIER.

- a. Designation by Secretary of Energy. The Secretary of Energy designates individuals occupying certain positions as Top Secret Original Classifiers. Such authority may not be redelegated. (Individuals designated by the Secretary automatically have Secret and Confidential original classification authority and are not subject to the requirements in Paragraph b, below. In addition, such individuals are automatically granted derivative classification authority at the Top Secret, Secret, and Confidential levels.)
- b. Designation by Director of Declassification. The Director of Declassification designates specific individuals as Secret or Confidential Original Classifiers. These individuals may exercise original classification authority only while occupying those positions for which the authority was granted. This authority may not be assumed by an individual serving in an acting capacity. This authority is not retained when the individual transfers to another position. If an individual vacates a position that requires original classification authority, the individual who will permanently fill the vacancy is not automatically granted the authority, but is designated only in accordance with the procedures in Paragraph 3b(2) below.
  - (1) Qualifications. To be nominated as an Original Classifier, an individual shall—
    - (a) be a Federal employee;
    - (b) have demonstrated competence in the subject area in which the authority will be used; and
    - (c) be familiar with DOE classification policy and procedures, especially in the subject area for which the authority will be used.
  - (2) Designation Process.
    - (a) Request for Designation. The office director or higher authority shall submit a designation request to the Director of Declassification. The Office of Declassification (301-903-0368) can provide detailed instructions on how to submit the request.
    - (b) Evaluation of Request. The Director of Declassification shall evaluate the need for the authority and the qualifications of the individual.



(c) Required Training.

- 1 New Original Classifier. Prior to being designated as an Original Classifier, each employee shall successfully complete a training program and examination specified by the Office of Declassification.
- 2 Original Classifier Recertification. To recertify as an Original Classifier, an employee must successfully complete an examination given by the Office of Declassification.
- 3 Waiver of Required Training. The Director of Declassification may waive the required training and examination for an employee who has met the requirements within the last 3 years and who is transferring from a similar programmatic position.

(d) Designation. The Director of Declassification shall designate in writing each Secret or Confidential Original Classifier. Each designation shall describe the specific subject areas covered by the Original Classifier's authority and state the date the authority expires.

- (3) Duration of Authority. Original classification authority is granted for a period of 3 years. After 3 years, recertification is required if the authority is still needed.
- (4) Redelegation. Authority granted under this chapter, Part A, Paragraph 3b, cannot be redelegated.
- (5) Cancellation of Authority. Either the office director or the Director of Declassification may cancel original classification authority when an employee's position no longer requires such authority or an employee occupying a position with original classification authority cannot or does not exercise that authority reliably.
  - (a) By the Office Director. The office director who cancels the original classification authority for an employee shall notify the employee and inform the Director of Declassification of the employee's name and position, the reason for cancellation, and the date when the authority will end.

- (b) By the Director of Declassification. Upon canceling the original classification authority for an employee, the Director of Declassification shall notify the employee and inform the employee's office director, providing the employee's name and position, the reason for cancellation, and the date when the authority will end.
  - (6) Notification of Vacant Position. When an employee vacates a position that requires original classification authority, the Headquarters Classification Representative or the field element Classification Officer shall promptly inform the Director of Declassification of the employee's name, position, and date of departure.
- 4. DERIVATIVE CLASSIFIER. Classification Officers designate specific individuals as Derivative Classifiers. These individuals may exercise derivative classification authority only while occupying those positions for which the authority was granted. This authority may not be assumed by an individual serving in an acting capacity. This authority is not retained when the individual transfers to another position. If an individual vacates a position that requires derivative classification authority, the individual who will permanently fill the vacancy is not automatically granted the authority, but is designated only in accordance with the procedures in Paragraph 4b below.
  - a. Qualifications. To be nominated as a Derivative Classifier, an employee shall—
    - (1) have demonstrated competence in the subject area in which the authority will be used and
    - (2) be familiar with DOE classification policy, procedures, and guidance, especially in the subject area for which the authority will be used.
  - b. Designation Process.
    - (1) Designating Official.
      - (a) Top Secret Derivative Classifiers. The Director of Declassification shall designate all Top Secret Derivative Classifiers.
      - (b) Secret and Confidential Derivative Classifiers. The local Classification Officer shall designate Secret and Confidential Derivative Classifiers for organizations under his/her purview and shall maintain a current list of such designations.
    - (2) Request for Designation. The office director or higher authority shall submit a designation request to the designating official following instructions issued by the local classification office.

- (3) Evaluation of Request. The designating official shall evaluate the need for the authority and the qualifications of the individual.
- (4) Required Training.
  - (a) New Derivative Classifier. Prior to being designated as a Derivative Classifier, each employee shall successfully complete a training program and examination specified by the designating official.
  - (b) Derivative Classifier Recertification. To recertify as a Derivative Classifier, an employee shall successfully complete an examination specified by the designating official.
  - (c) Waiver of Required Training. The designating official may waive the required training and examination for an employee who has met the requirements within the last 3 years and who is transferring from a similar programmatic position.
- (5) Designation. The designating official shall designate in writing each Derivative Classifier. Each designation shall describe the specific subject areas covered by the Derivative Classifier's authority and state the date the authority expires.
- c. Duration of Authority. Derivative classification authority is granted for a period of 3 years. After 3 years, recertification is required if the authority is still needed.
- d. Redelegation. Derivative classification authority cannot be redelegated.
- e. Cancellation of Authority.
  - (1) Top Secret. The office director or the Director of Declassification may cancel Top Secret derivative classification authority when the employee's position no longer requires such authority or the employee cannot or does not exercise that authority reliably.
    - (a) By the Office Director. The office director who cancels the Top Secret derivative classification authority for an employee shall notify the employee and inform the Director of Declassification of the employee's name and position, the reason for cancellation, and the date the authority will end.

- (b) By the Director of Declassification. Upon canceling the Top Secret derivative classification authority for an employee, the Director of Declassification shall notify the employee and inform the office director of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (2) Secret and Confidential. The office director, the designating official, the Field Element Classification Officer for contractors under his/her cognizance, or the Director of Declassification may cancel Secret or Confidential derivative classification authority when the employee's position no longer requires such authority or the employee cannot or does not exercise that authority reliably.
    - (a) By the Office Director. The office director who cancels the Secret or Confidential derivative classification authority for an employee shall notify the employee and inform the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
    - (b) By the Designating Official. The designating official who cancels the Secret or Confidential derivative classification authority for an employee shall notify the employee and inform the employee's office director of the employee's name and position, the reason for cancellation, and the date the authority will end.
    - (c) By the Field Element Classification Officer. The Field Element Classification Officer who cancels the Secret or Confidential derivative classification authority for a contractor employee under his/her cognizance shall notify the employee and inform the employee's office director and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
    - (d) By the Director of Declassification. Upon canceling the Secret or Confidential derivative classification authority for an employee, the Director of Declassification shall notify the employee and inform the employee's office director and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
- f. Notification of Vacant Headquarters Position. When a Headquarters employee vacates a position that requires derivative classification authority, the Headquarters Classification Representative shall promptly inform the Director of Declassification of the employee's name, position, and date of departure.

5. DERIVATIVE DECLASSIFIER. The Director of Declassification designates specific individuals as Derivative Declassifiers. These individuals may exercise derivative declassification authority only while occupying those positions for which the authority was granted. This authority may not be assumed by an individual serving in an acting capacity. This authority is not retained when the individual transfers to another position. If an individual vacates a position that requires derivative declassification authority, the individual who will permanently fill the vacancy is not automatically granted the authority, but is designated only in accordance with the procedures in Paragraph 5b below.
- a. Qualifications. To be nominated as a Derivative Declassifier, an employee shall—
- (1) have a scientific or technical degree (the Director of Declassification may waive this requirement for nominees with suitable experience);
  - (2) have demonstrated competence in the subject area in which the authority will be used; and
  - (3) be familiar with DOE classification and declassification policy, procedures, and guidance, especially in the subject area for which the authority will be used.
- b. Designation Process.
- (1) Request for Designation. The office director or higher authority shall submit a designation request to the Director of Declassification. The Office of Declassification (301-903-0368) can provide detailed instructions on how to submit the request.
  - (2) Evaluation of Request. The Director of Declassification shall evaluate the need for the authority and the qualifications of the individual.
  - (3) Required Training.
    - (a) New Derivative Declassifier. Prior to being designated as a Derivative Declassifier, each employee shall successfully complete a training program and examination given by the Office of Declassification. In addition, the local classification office shall provide training specific to the documents and material being reviewed for declassification.
    - (b) Derivative Declassifier Recertification. To recertify as a Derivative Declassifier, an employee shall successfully complete an examination given by the Office of Declassification.

- (c) Waiver of Required Training. The Director of Declassification may waive the required training and examination for an employee who has met the requirements within the last 3 years and who is transferring from a similar programmatic position.
  - (4) Designation. The Director of Declassification shall designate in writing each Derivative Declassifier. Each designation shall identify the organizations and specific subject areas covered by the Derivative Declassifier's authority and state the date the authority expires.
- c. Duration of Authority. Derivative declassification authority is granted for a period of 3 years. After 3 years, recertification is required if the authority is still needed.
- d. Redelegation. Derivative declassification authority cannot be redelegated.
- e. Cancellation of Authority. Either the office director or the Director of Declassification may cancel derivative declassification authority when an employee's position no longer requires such authority or the employee cannot or does not exercise that authority reliably.
  - (1) By Office Director. The office director who cancels the derivative declassification authority for an employee shall notify the employee and inform the Director of Declassification of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (2) By Director of Declassification. Upon canceling the derivative declassification authority for an employee, the Director of Declassification shall notify the employee and inform the office director of the employee's name and position, the reason for cancellation, and the date the authority will end.
- f. Notification of Vacant Position. When an employee vacates a position that requires derivative declassification authority, the Headquarters Classification Representative or the field element Classification Officer shall promptly inform the Director of Declassification of the employee's name, position, and date of departure.

## **PART B - ADMINISTRATIVE POLICIES**

### **1. CHALLENGES TO CLASSIFICATION.**

#### **a. Restricted Data/Formerly Restricted Data.**

- (1) Challenge. An employee may formally challenge an RD/FRD classification determination with the Derivative Classifier who made the determination. Under no circumstances shall an individual be subject to retribution for such a challenge. The Derivative Classifier shall respond to the challenge within 90 calendar days. If no response is received, the employee may submit an initial appeal to the Director of Declassification.
- (2) Initial Appeal to Director of Declassification. If the response by the Derivative Classifier does not satisfy the employee making the challenge, the employee may appeal the determination by writing to the Director of Declassification, who shall respond within 90 calendar days. If no response is received, the employee may submit a final appeal to the Director of Security Affairs.
- (3) Final Appeal to Director of Security Affairs. If the response by the Director of Declassification does not satisfy the employee making the challenge, the employee may appeal the determination to the Director of Security Affairs.

#### **b. National Security Information.**

- (1) Challenge. An employee may formally challenge an NSI classification determination by writing to the Director of Declassification, who shall respond within 60 calendar days. Under no circumstances shall an individual be subject to retribution for such a challenge. If the Director is unable to respond within 60 calendar days, he/she shall acknowledge the challenge in writing and provide a date when the employee can expect a response. If the Director of Declassification has not responded to the challenge within 120 calendar days, the employee may forward the challenge to the Interagency Security Classification Appeals Panel (ISCAP), as described in Appendix A to 32 CFR Part 2001.
- (2) Appeal to Director of Security Affairs. If the response by the Director of Declassification does not satisfy the employee making the challenge, the employee may appeal the determination to the Director of Security Affairs, who shall respond within 90 calendar days. If the Director of Security Affairs has not responded to the appeal within 90 calendar days, the employee may forward the challenge to the ISCAP, as described in Appendix A to 32 CFR Part 2001.

2. REPORTING REQUIREMENTS. Each Headquarters Classification Representative and field element Classification Officer shall compile statistics requested by the Office of Declassification and provide them to the Director of Declassification for use in assessing DOE success at meeting performance measurements and for inclusion in reports required by the Information Security Oversight Office and 10 CFR Part 1045.
3. MISCLASSIFICATION OF INFORMATION, DOCUMENTS, OR MATERIAL.
  - a. Deliberate Action. Any knowing or willful action that results in the misclassification of information, documents, or material violates the requirements in this Manual and may result in criminal, civil, and/or administrative penalties. Such an action may also result in a security infraction or violation, as covered under DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM, and DOE O 471.2A, INFORMATION SECURITY PROGRAM. However, security infractions are not intended to be issued in cases where classifiers disagree for legitimate reasons. Examples of situations in which security infractions will be issued include classifying with no authority and classifying outside of granted authority.
  - b. Negligence in Exercising Classification/Declassification Authority. The appropriate official (as indicated in Part A of this chapter) shall promptly cancel the classification authority of any individual who demonstrates gross negligence or a pattern of negligence or carelessness in applying the requirements in this Manual that results in the misclassification of information, documents, or material.
4. DEVIATIONS FROM REQUIREMENTS. A Headquarters Classification Representative or Classification Officer may propose an alternate or equivalent means of meeting a specific requirement in this Manual or he/she may request an exemption. Such a proposal shall describe the variance or waiver and explain why it is needed. The proposal shall be submitted to the Director of Declassification for approval within 30 days. Each approved deviation shall be examined during an oversight review to ensure it is still needed.



## CHAPTER III

### CLASSIFICATION CATEGORIES AND LEVELS

#### 1. CATEGORIES OF CLASSIFIED INFORMATION.

##### a. Restricted Data and Formerly Restricted Data.

(1) Restricted Data. Information classified under the Atomic Energy Act that concerns—

- (a) the design, manufacture, or utilization of nuclear weapons;
- (b) the production of special nuclear material; or
- (c) the use of special nuclear material in the production of energy.

RD does not include information declassified or removed from the RD category under Section 142 of the Atomic Energy Act.

(2) Formerly Restricted Data. Information classified under the Atomic Energy Act that relates primarily to the military utilization of nuclear weapons and that has been removed from the RD category by a joint determination between DOE and the Department of Defense.

b. National Security Information. Information that has been determined under Executive Order 12958 or any predecessor Executive orders to require protection against unauthorized disclosure and that is marked to indicate its classified status when contained in a document.

#### 2. LEVELS OF CLASSIFICATION. The following levels of classification, listed in descending order of sensitivity, may be applied to RD, FRD, or NSI:

- a. Top Secret. This level is applied to information whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security in a way that the appropriate official can identify or describe.
- b. Secret. This level is applied to information whose unauthorized disclosure could reasonably be expected to seriously damage the national security in a way that the appropriate official can identify or describe.

- c. Confidential. The damage tests for RD/FRD and NSI are different, as noted below:
- (1) Restricted Data/Formerly Restricted Data. The Confidential level is applied to information whose unauthorized disclosure could reasonably be expected to cause undue risk to the common defense and security in a way that the appropriate official can identify or describe.
  - (2) National Security Information. The Confidential level is applied to information whose unauthorized disclosure could reasonably be expected to damage the national security in a way that the appropriate official can identify or describe.
3. USE OF THE TERM "UNCLASSIFIED." The term "Unclassified" is used to identify information that is not classified under a statute or Executive order. Unclassified information is not normally marked as "Unclassified" except to distinguish it from classified information and then only when such distinction is required or otherwise serves a useful purpose. The fact that information is unclassified does not mean that it may be released to the public.

## CHAPTER IV

### CLASSIFYING AND DECLASSIFYING INFORMATION

#### PART A - RESTRICTED DATA

##### 1. INITIAL CLASSIFICATION.

- a. Authority. The Director of Declassification initially determines whether nuclear-related information is RD under the Atomic Energy Act of 1954, as amended.
- b. Classification Level Assignment. The Director of Declassification shall assign a classification level that reflects the sensitivity of the information to the common defense and security. The classification level assigned to the information is proportional to the risk to the common defense and security by unauthorized disclosure. (See Chapter III, Paragraph 2.)
- c. Request for Determination. An employee who develops a new, nuclear-related subject area that he/she believes may be classified shall request an evaluation of the subject area by the Director of Declassification, who shall make a determination within 90 calendar days.

##### 2. DECLASSIFICATION.

- a. Authority. The Director of Declassification shall continuously review RD information and recommend to the Director of Security Affairs all actions to remove information from that category.
- b. Unauthorized Disclosure. Information classified as RD is **not** declassified automatically because of any unauthorized disclosure of identical or similar information.
- c. Declassification Proposals. The Director of Security Affairs shall consider proposals from DOE and contractor employees as well as from the public and other agencies for declassifying RD information.
  - (1) Ad Hoc Proposals. At any time, DOE and contractor employees may submit to the Director of Declassification proposals for declassifying RD information. Such proposals may be submitted to achieve a variety of goals, such as challenging classification policy, reducing operating costs, or transferring technology to the private sector.

- (2) Call for Proposals. The Director of Declassification shall periodically issue a call to DOE elements, as well as to the Department of Defense, for declassification proposals.
  - (3) Disposition of Proposal. Within 1 month after the final determination is made, the Director of Declassification shall notify, through the Headquarters Classification Representative or field element Classification Officer, each person or organization making a proposal of that proposal's final disposition.
3. DOWNGRADING OR UPGRADING. The Director of Declassification may downgrade or upgrade the classification level of RD information.
4. RECLASSIFICATION. Information once classified as RD but declassified cannot be reclassified. However, the Director of Declassification may evaluate new information in a previously declassified subject area and then classify it, if warranted.
5. NOTIFICATION REQUIREMENTS. The Director of Declassification shall notify classifiers and declassifiers when information is classified, declassified, downgraded, or upgraded by issuing classification guidance.

## **PART B - FORMERLY RESTRICTED DATA**

### **1. TRANSClassIFICATION.**

- a. Authority. Certain RD information that relates primarily to the military utilization of nuclear weapons may be removed from the RD category and transclassified to FRD. This transclassification requires a joint determination between the Director of Security Affairs and appropriate officials within the Department of Defense.
- b. Classification Level Assignment. At the time of transclassification, the Director of Security Affairs and appropriate officials from the Department of Defense shall assign a classification level that reflects the sensitivity of the information to the national security. The classification level assigned to the information is proportional to the risk to the common defense and security by unauthorized disclosure. (See Chapter III, Paragraph 2.)

### **2. DECLASSIFICATION.**

- a. Authority. The Director of Declassification shall continuously review FRD information and recommend to the Director of Security Affairs all actions to remove information from that category. The decision to remove information from the FRD category is made in coordination with the Department of Defense.
- b. Unauthorized Disclosure. Information classified as FRD is **not** declassified automatically because of any unauthorized disclosure of identical or similar information.
- c. Declassification Proposals. The Director of Security Affairs shall consider proposals from DOE and contractor employees as well as from the public and other agencies for declassifying FRD information. The process described in Part A, Paragraphs 2c(1)-(3) of this chapter, also applies to proposals for declassifying FRD information.

### **3. DOWNGRADING OR UPGRADING.** The Director of Declassification, in coordination with the Department of Defense, may downgrade or upgrade the classification level of FRD information.

### **4. RECLASSIFICATION.** Information once classified as FRD but declassified cannot be reclassified. However, the Director of Declassification, in coordination with the Department of Defense, may evaluate newly generated specific information in a previously declassified subject area and then classify it, if warranted.

5. NOTIFICATION REQUIREMENTS. The Director of Declassification shall notify classifiers and declassifiers when information is classified, declassified, downgraded, or upgraded by issuing classification guidance.

CANCELED

## PART C - NATIONAL SECURITY INFORMATION

1. ORIGINAL CLASSIFICATION. Under Executive Order 12958, an Original Classifier may determine that certain new information requires protection against unauthorized disclosure in the interest of national security. An Original Classifier may originally classify NSI within his/her programmatic jurisdiction at any classification level up to and including the level (Top Secret, Secret, Confidential) of the Original Classifier's authority whenever classification guidance or relevant classified source documents are not available.
  - a. Original Classification Standards.
    - (1) Conditions for Classification. Information may be originally classified as NSI only if all of the following conditions are met:
      - (a) An Original Classifier is classifying the information.
      - (b) The information is owned by, produced by or for, or is under the control of the U.S. Government.
      - (c) The information falls within one or more of the categories of information listed in Paragraph 1b below.
      - (d) An Original Classifier determines that the unauthorized disclosure of the information could reasonably be expected to result in damage to the national security that the Original Classifier can identify or describe.
    - (2) Doubt about Classifying. If significant doubt about the need to classify information exists, the information is **not** classified.
  - b. Classification Categories. Information may not be considered for classification unless it concerns—
    - (1) military plans, weapons systems, or operations;
    - (2) foreign government information;
    - (3) intelligence activities (including special activities), intelligence sources or methods, or cryptography;
    - (4) foreign relations or foreign activities of the United States, including confidential sources;

- (5) scientific, technological, or economic matters relating to the national security;
  - (6) U.S. Government programs for protecting and safeguarding nuclear materials or facilities; or
  - (7) vulnerabilities or capabilities of systems, installations, projects, or plans related to the national security.
- c. Classification Level Assignment. An Original Classifier shall assign a classification level that reflects the sensitivity of the information to the national security. The classification level assigned to the information is proportional to the risk to the national security by unauthorized disclosure. (See Chapter III, Paragraph 2.) If there is significant doubt about the appropriate level of classification, the information is classified at the lower level.
- d. Duration of Classification. Information may be classified for a period not to exceed 10 years unless it qualifies for an exemption from declassification.
- (1) Establishing Date or Event. At the time of original classification, an Original Classifier shall attempt to establish a specific date or event for declassification based on the national security sensitivity of the information, which shall not exceed 10 years unless he/she determines that the information meets one of the exemption criteria listed in Paragraph (3) below.
  - (2) Declassification in 10 Years. If the Original Classifier cannot establish a specific date or event for declassification, the information shall be marked for declassification 10 years from the date of the original decision, unless the information meets one of the exemption criteria listed in Paragraph (3) below.
  - (3) Exemption from Declassification. Information can be exempt from declassification only if an Original Classifier determines that the release of such information could reasonably be expected to—
    - (a) reveal an intelligence source, method, or activity, or a cryptographic system or activity;
    - (b) reveal information that would assist in the development or use of weapons of mass destruction;
    - (c) reveal information that would impair the development or use of technology within a United States weapons system;



- (d) reveal United States military plans or national security emergency preparedness plans;
  - (e) reveal foreign government information;
  - (f) damage relations between the United States and a foreign government, reveal a confidential source, or seriously undermine diplomatic activities that are reasonably expected to be ongoing for a period greater than 10 years;
  - (g) impair the ability of responsible U.S. Government officials to protect the President, the Vice President, and other individuals for whom protection services, in the interest of national security, are authorized; or
  - (h) violate a statute, treaty, or international agreement.
- e. Extension of Classification. An Original Classifier may extend the duration of classification for successive periods not to exceed 10 years at a time if such information continues to meet the standards for classification. (NOTE: This authority does not apply to information contained in documents that are more than 25 years old and determined to be permanent records under Title 44 of the United States Code.)
- f. Required Markings. The Original Classifier shall ensure the following markings are included on the document or material being originally classified (see DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL, for complete information on marking requirements):
  - (1) Overall classification level of the document.
  - (2) Classification level of each interior page of the document if not using the overall classification level on each page.
  - (3) Portion marking for each section, part, paragraph, graphic, figure, or similar portion.
  - (4) Classification Authority (i.e., "Classified By").
    - (a) Name or personal identifier of the Original Classifier.
    - (b) Position title of the Original Classifier.

- (5) NSI classification category identified in Paragraph 1b above (i.e., “Reason:”).
- (6) Duration of classification (i.e., “Declassify On”)
  - (a) Date - A specific date 10 years or less from the date of the original decision.
  - (b) Event - A specific event occurring in less than 10 years.
  - (c) Exempt from declassification - The information is exempt from declassification at 10 years based on criteria identified in Paragraph 1d(3) above.
  - (d) Extension of classification - Classification of the information may be extended for successive periods not to exceed 10 years at a time. The “Declassify On” line shall be revised to include the date of the extension action, the new declassification date, and the identity of the person authorizing the extension.
  - (e) Reclassification - Information may be reclassified for successive periods not to exceed 10 years at a time. The “Declassify On” line shall be revised to include the date of the reclassification, the new declassification date, and the identity of the person authorizing the reclassification.
- g. Reporting Original Determinations. An Original Classifier shall report each original classification determination to the Director of Declassification within 10 working days of the determination. The report shall describe the information originally classified, identify the reason for classification, indicate the level and duration of classification, and identify the document, if any, containing the originally classified information. The originator of the report shall review it for classification; if the report is not classified or otherwise controlled, it shall be marked “Official Use Only” under Exemptions 2 and 5 of the Freedom of Information Act.

## 2. DECLASSIFICATION.

- a. Authority. The Director of Declassification may declassify NSI in any subject area under DOE cognizance.
- b. Unauthorized Disclosure. Information classified as NSI is **not** declassified automatically because of any unauthorized disclosure of identical or similar information.

- c. Declassification Criteria. NSI shall be declassified when it no longer meets the standards listed in Part C of this chapter, Paragraphs 1a and b.
  - d. Declassification Proposals. The Director of Declassification shall consider proposals from DOE and contractor employees for declassifying NSI. The process described in Part A, Paragraphs 2c(1)-(3) of this chapter, also applies to proposals for declassifying NSI.
- 3. DOWNGRADING OR UPGRADING. The Director of Declassification may downgrade or upgrade the classification level of NSI.
  - 4. RECLASSIFICATION. NSI that has been formally declassified by proper authority may be reclassified only by the Director of Declassification and only if it has not been released to the public.
  - 5. NOTIFICATION REQUIREMENTS. The Director of Declassification shall notify classifiers and declassifiers when information is classified, declassified, downgraded, upgraded, or reclassified by issuing instructions in classification guidance.

## CHAPTER V

### CLASSIFICATION GUIDANCE

#### 1. GENERAL.

- a. Purpose. Classification guidance contains detailed instructions for determining whether specific information is classified or unclassified. Examples of guidance include—but are not limited to—program guides, topical guides, local guides, bulletins, and change notices.
- b. Content. At a minimum, classification guidance identifies elements of information that are classified or unclassified in a specific area. For classified information, the guidance prescribes the classification level and category. For information classified as NSI, the guidance also states a concise reason for classifying the information and prescribes declassification instructions or the category for exemption from automatic declassification for each element of information.
- c. Inconsistent Guidance. Guidance may be inconsistent for three reasons; each reason requires a different course of action.
  - (1) Ambiguous Guidance. When information is described equally well by more than one topic but uncertainty exists about which topic applies, the most restrictive guidance shall apply until clarification is obtained.
  - (2) Outdated Guidance. Due to difficulties in revising all guidance simultaneously to reflect declassification actions, some guidance may specify different classifications for the same information. The guidance with the most current date shall apply.
  - (3) Conflicting Guidance. When the same information is classified differently in separate guidance and neither appears to be more current or authoritative than the other, the most restrictive guidance shall apply until clarification is obtained.
- d. No Guidance. A Derivative Classifier or Derivative Declassifier who cannot determine the proper classification of an element of information using classification guidance approved for his/her use shall contact the local Classification Officer for assistance. Local Classification Officers who cannot provide assistance shall refer the issue to the Director of Declassification, who shall make a classification determination within 90 calendar days. Pending this final determination, the document or material containing the information in question shall be marked and protected according to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL, issued by the Office of Safeguards and Security.

## 2. TYPES OF GUIDANCE.

### a. Headquarters Guidance.

- (1) Purpose. Headquarters guidance contains detailed classification and declassification instructions in one or more subject areas.
- (2) Originator/Approval Authority. Headquarters guidance covering DOE information only is developed, approved, and issued by the Director of Declassification. Headquarters guidance covering information for which DOE and other Government agencies or foreign countries are responsible (known as joint guidance) is approved and issued by the Director of Declassification in coordination with officials from the other Government agencies or foreign countries involved. Headquarters guidance shall name its approving official(s) and indicate the approval date.
- (3) Basis. Headquarters guidance is based on classification and declassification determinations made by the Directors of Declassification and Security Affairs.
- (4) Users. Derivative Classifiers and Derivative Declassifiers use Headquarters guidance as the basis for derivative determinations; however, they may use only that guidance pertaining to the specific subject areas described in their designations of authority. A local classification office may also use Headquarters guidance to prepare detailed local guidance intended primarily for use within the field element or contractor organization.

### b. Local Guidance.

- (1) Purpose. Local guidance has the same purpose as Headquarters guidance, but is more detailed and is tailored to the specific needs of the originating field element or contractor organization. If existing Headquarters guidance is adequate for the needs of the organization, local guidance is not required. If proposed local guidance affects DOE elements other than the issuing organization, a Government agency other than DOE (such as the Department of Defense), or a foreign government, the Director of Declassification shall issue Headquarters guidance to cover the information.

- (2) Originator/Approval Authority. The local classification office may issue local guidance following approval by the Director of Declassification. The Director of Declassification may delegate approval authority in writing to field element Classification Officers on a case-by-case basis. Local guidance shall name its approving official and indicate the approval date.
- (3) Basis. Local guidance is based on Headquarters guidance.
- (4) Users. Derivative Classifiers and Derivative Declassifiers shall use local guidance as the basis for derivative determinations; however, they may use only that guidance pertaining to the specific subject areas described in their designations of authority. Unless otherwise directed by the Director of Declassification, local guidance may be disseminated to other organizations, both inside and outside DOE, providing each organization has a need to know and facility clearance at the appropriate classification level.
- (5) Copies of the Local Guidance. Within 10 calendar days of approval, any organization that issues local guidance shall send a disk containing the entire text of the guidance in either ASCII or WordPerfect (version 5.1 or higher) format and five copies of the issued guidance to the Director, Technical Guidance Division, Office of Declassification.

### 3. RELATED POLICIES AND PROCEDURES.

#### a. Updating Guidance.

- (1) Erroneous Guidance. An issuing organization that learns its guidance contradicts current policy shall distribute revised guidance within 120 calendar days.
- (2) Periodic Review of Classification Guidance. Each organization that issues guidance shall maintain a list of its guidance and shall review and update such guidance as changes in classification policy are received (or in any event, at least once every 5 years) to ensure consistency with DOE classification policy. If the guidance is consistent with policy, the reviewer shall annotate the record copy of the guidance with the results and date of the review. If the guidance contradicts policy, the issuing organization shall revise the guidance and distribute it within 120 calendar days. Completion of this review does not require a specific report to DOE Headquarters, but oversight reviews shall include an examination of these records of guidance review.

- (3) Distributing New or Revised Headquarters Guidance. Each Classification Officer shall distribute new or revised Headquarters guidance to appropriate classifiers and declassifiers within 30 calendar days of receiving it. However, if the new or revised Headquarters guidance affects local guidance, the Classification Officer shall revise and distribute the local guidance within 120 calendar days.

b. Classification Guidance for DOE Contractors.

- (1) Identification of Required Classification Guidance. Each procurement request originator determines if a proposed contract may generate classified information. If it does, the procurement request originator shall complete Block 10 on DOE Form 5634.2, "Contract Security Classification Specification," which identifies classification guidance that will apply to the proposed contract. If necessary, the procurement request originator may request assistance from the cognizant classification office to identify the appropriate classification guidance.
- (2) Approval of Classification Guidance. The appropriate classification official shall certify that the classification guidance identified in Block 10 is appropriate for the work to be performed.
  - (a) Headquarters Classification Representative. The Headquarters Classification Representative shall sign Block 15 of DOE Form 5634.2 for Headquarters-initiated procurements under his/her cognizance. This authority may be delegated in writing to specific Derivative Classifiers in the Representative's organization.
  - (b) Classification Officer. The Classification Officer shall sign Block 15 of DOE Form 5634.2 for field element-initiated procurements. This authority may be delegated in writing to specific Derivative Classifiers in the Classification Officer's organization. With the concurrence of the Director of Declassification, the Classification Officer may also delegate this authority to a technically competent Derivative Classifier outside his/her staff.

- c. Classification Guidance for Non-DOE-Funded Work. Non-DOE-funded work that may generate classified information is conducted in accordance with DOE O 481.1, WORK FOR OTHERS (NON-DOE FUNDED WORK), and classification guidance is issued by the funding organization. For unclassified work, the funding organization shall provide a written statement that classified activities are not part of the project.

- (1) Certification of Guidance. The Classification Officer under whose purview the work will be conducted shall review the work request and the proposed classification guidance. He/she shall use DOE Form 5634.2, Department of Defense Form DD-254, "Contract Security Classification Specification," or any other form provided by the funding organization to certify that the guidance is adequate and does not contradict DOE policy. The Classification Officer may delegate the authority to review and certify classification guidance to a member of his/her staff. With the concurrence of the Director of Declassification, the Classification Officer may also delegate this authority to a technically competent Derivative Classifier outside his/her staff.
  - (2) Additional Guidance Required. If additional guidance is required, DOE, the sponsoring agency, or both may develop the guidance, and the sponsoring agency shall approve it.
- d. Classification Guidance for Jointly Funded Work. Classification guidance for work conducted at DOE facilities and funded by both DOE and a non-DOE U.S. Government organization is the joint responsibility of both funding organizations. The DOE element responsible for the work shall contact the Office of Declassification to ensure that appropriate joint classification guidance is developed.
  - e. Classification Guidance for DOE-Funded Work at Other Government Facilities. DOE is responsible for issuing classification guidance for DOE-funded work at other Government facilities. The DOE element responsible for the work shall contact the Office of Declassification to ensure that appropriate guidance is either available or developed.



## CHAPTER VI

### CLASSIFYING AND DECLASSIFYING DOCUMENTS AND MATERIAL

#### PART A - CLASSIFICATION

Secretarial Officers, heads of Headquarters elements, and heads of field elements shall ensure that documents and material prepared under their purview are reviewed and processed in accordance with the provisions of this part.

1. **AUTHORITY.** A Derivative Classifier may derivatively classify a document or material containing RD, FRD, and/or NSI only within his/her programmatic jurisdiction at any classification level up to and including the level (Top Secret, Secret, Confidential) of the classifier's authority.
  - a. **Restricted Data/Formerly Restricted Data.** A Derivative Classifier shall base his/her determinations on classification guidance pertaining to the specific subject areas described in the classifier's designation of authority. If no guidance exists, the Derivative Classifier should refer to Chapter V, Paragraph 1d.
  - b. **National Security Information.** A Derivative Classifier shall base his/her determinations on classification guidance pertaining to the specific subject areas described in the classifier's designation of authority. If no guidance exists, the Derivative Classifier should refer to Chapter V, Paragraph 1d. However, when information is extracted from a classified document, that document can be cited as a basis for classification if the information is entirely under the purview of another Government agency, a foreign government, or an international organization, and no joint classification guidance exists.
2. **REVIEW REQUIREMENTS.** Anyone who originates a document or material in a subject area that may be classified shall submit the document or material to the appropriate official for a classification review and determination prior to dissemination.
  - a. **Current Employee.**
    - (1) **Possesses an Active Access Authorization or Had One in the Past.**
      - (a) **Routine Document or Material.** An employee with an active access authorization who originates a document or material in a subject area that may be classified shall submit the document or material to a Derivative Classifier for classification review prior to dissemination. An employee who had an active access authorization in the past shall submit such a document or material to the local Classification Officer for classification review prior to dissemination. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.

- (b) Public Release or Widespread Distribution. A document or material that is prepared in a potentially classified subject area may be intended for public release or have such widespread internal distribution that public release is likely. In such cases, the originator shall submit the document or material to the local Classification Officer for classification review prior to dissemination. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.
    - (c) Oral Presentations. An employee who is making an oral presentation in a subject area that may be classified shall submit the prepared text to the local Classification Officer for classification review prior to making the presentation. This includes any presentation made to the public as well as any presentation made to a sufficiently large, internal audience in an unclassified setting, making public release of the information likely. If the employee does not have a prepared text or if extemporaneous remarks are likely, the local Classification Officer shall brief the employee on classification guidance pertinent to the subject matter, including related topics the employee should avoid because they may be classified. The local Classification Officer may delegate this review and briefing responsibility to specified Derivative Classifiers.
  - (2) Never Had an Access Authorization. An employee who has never had an access authorization may originate a document or material in a subject area that may be classified. In such cases, the local Classification Officer shall review the document or material for classification prior to dissemination. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.
- b. Not an Employee.
- (1) Possesses an Active Access Authorization. The local Classification Officer shall review for classification a document or material that is submitted by an individual who is not employed by DOE or its contractors but possesses an active access authorization. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.
  - (2) Had an Access Authorization in the Past or Never Had an Access Authorization. The Director of Declassification shall review for classification a document or material that is submitted by an individual who is not employed by DOE or its contractors but had an access authorization in the past or has never had an access authorization.

3. REQUIRED MARKINGS. The Derivative Classifier shall ensure the following markings are included on the document or material being derivatively classified (see DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL, for complete information on marking requirements):
  - a. Restricted Data/Formerly Restricted Data.
    - (1) Overall classification level and category of the document.
    - (2) Classification level and category of each interior page of the document if not using the overall classification level and category on each page.
    - (3) Classification authority (i.e., "Classified By").
      - (a) Name or personal identifier of the Derivative Classifier.
      - (b) Position title of the Derivative Classifier.
    - (4) Designation of the guidance or source document(s) used to make the classification determination and the date of such document(s) (i.e., "Derived From").
  - b. National Security Information.
    - (1) Overall classification level of the document.
    - (2) Classification level of each interior page of the document if not using the overall classification level on each page.
    - (3) Portion marking for each section, part, paragraph, graphic, figure, or similar portion (for documents containing NSI only).
    - (4) Classification authority (i.e., "Classified By").
      - (a) Name or personal identifier of the Derivative Classifier.
      - (b) Position title of the Derivative Classifier.
    - (5) Designation of the guidance or source document(s) used to make the classification determination and date of such document(s) (i.e., "Derived From").
    - (6) Duration of classification derived from the guidance or source document(s) (i.e., "Declassify On").

- (a) Date - A specific date 10 years or less from the date of the document as specified by the guidance or source document(s).
  - (b) Event - A specific event occurring less than 10 years from the date of the document as specified by the guidance or source document(s).
  - (c) Exempt from declassification - Document is exempt from declassification at 10 years and identified by an exemption category (e.g., X1 through X8) as specified by the guidance or source document(s).
  - (d) Extension of classification - Classification of the document may be extended for successive periods not to exceed 10 years at a time. The "Declassify On" line shall be revised to include the date of the extension action, the new declassification date, and the person authorizing the extension.
  - (e) Reclassification - As appropriate, a document may be reclassified. The "Declassify On" line shall be revised to include the date of the reclassification, the new declassification date, and the person authorizing the reclassification.
- c. Mixed Document. A mixed document contains both Restricted Data/Formerly Restricted Data information and National Security Information.
- (1) Overall classification level and category of the document (RD/FRD information takes precedence over NSI).
  - (2) Classification level and category (if RD or FRD) of each interior page of the document if not using the overall classification level and category on each page.
  - (3) Classification authority (i.e., "Classified By").
    - (a) Name or personal identifier of the Derivative Classifier.
    - (b) Position title of the Derivative Classifier.
  - (4) Designation of the guidance or source document(s) used to make the classification determination and the date of such document(s) (i.e., "Derived From").

4. PORTION MARKING REQUIREMENTS. NOTE: Derivative Classifiers and Declassifiers shall base their determinations on classification guidance pertaining to the specific subject areas described in their designations of authority. If no guidance exists, they should refer to Chapter V, Paragraph 1d.
  - a. Restricted Data/Formerly Restricted Data Documents. Documents containing only RD/FRD should not be portion-marked.
  - b. National Security Information Documents. Documents containing only NSI shall be portion-marked.
  - c. Mixed Documents. Documents containing both RD/FRD and NSI should not be portion-marked.
  - d. Documents Prepared Under Work-for-Others Contracts. Documents prepared under Work-for-Others contracts shall be portion-marked according to the rules stated in Paragraphs 4a through 4c above.
5. NOTIFICATION OF CLASSIFICATION. The Derivative Classifier who classifies a document shall notify the originator and provide sufficient information for the originator to identify the specific document being classified.
6. PROCEDURES RELATED TO THE REVIEW OF DOCUMENTS OR MATERIAL FOR CLASSIFICATION.
  - a. Foreign Government Information. For additional information on marking documents containing foreign government information, refer to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL.
    - (1) Document or Material Generated by a Foreign Government. Review by a Derivative Classifier is not required to apply—
      - (a) a U.S. classification level that provides at least an equivalent level of protection to a document or material classified by the foreign government or
      - (b) the “Confidential—Modified Handling Authorized” marking to a document or material that the foreign government protects at a level lower than U.S. Confidential.
    - (2) Document or Material Generated by the United States. Review by a Derivative Classifier is required for a newly generated document or material concerning foreign government information that may also contain U.S. classified information.

- b. Use of a Classified Addendum. To the maximum extent practical, the originator of a document containing classified information shall include the unclassified portions in the primary document and shall separate the classified portions into attachments, appendixes, or supporting documents. If such separation is not practical and there is significant public interest in the document, the originator is encouraged to prepare an unclassified version.
- c. Review of Patent Applications and Reports.
  - (1) Initial Review for Imposing a Secrecy Order. Section 151 of the Atomic Energy Act requires that no patent be granted for any invention or discovery that is useful solely in the utilization of special nuclear material or nuclear energy in a nuclear weapon. Also, any person making such an invention or discovery who does not file a patent application shall file a report with DOE that describes the invention or discovery. The Office of Declassification shall review each patent application or report to determine whether it contains classified information and to impose a secrecy order on any application or report that does.
  - (2) Appeal of Secrecy Order Determination. If the person filing the patent application or report disputes the imposition of a secrecy order, the Director of Security Affairs shall review the application or report and determine whether the secrecy order was properly applied.
  - (3) Annual Review of Secrecy Order. On the anniversary date of imposing a secrecy order on a patent application or report, the Office of Declassification shall confirm whether the secrecy order is still properly applied.
- d. External Coordination Reviews. A document or material being reviewed for classification may contain information under the cognizance of another Government agency or a foreign country. If the Derivative Classifier thinks the information may be classified and no guidance is available, he/she shall send the document or material to his/her Classification Officer for further review or referral to the Director of Declassification.
- e. Classification Following Request for a Previously Unclassified Document. The public may request documents under a statute, Executive order, or regulation. Some of these documents may contain classified information, even though they are not so marked. Such documents shall be referred to the Director of Declassification who shall review each one prior to its dissemination to determine if it may be classified. Documents containing only NSI that are more than 25 years old and that have been determined to be permanent records under Title 44 of the United States Code may not be classified under this provision.

## **PART B - DECLASSIFICATION**

Secretarial Officers, heads of Headquarters elements, and heads of field elements shall ensure that documents and material prepared under their purview are reviewed and processed in accordance with the provisions of this part.

1. **AUTHORITY.** A Derivative Declassifier may derivatively declassify a document or material originated in only those organizations and subject areas for which he/she has been delegated such authority and is governed by other limitations specified in the written designation. A Derivative Declassifier shall base his/her determinations on classification guidance pertaining to the specific subject areas described in the declassifier's designation of authority. If no guidance exists, Derivative Declassifiers should refer to Chapter V, Paragraph 1d.
2. **REVIEW REQUIREMENTS FOR REDACTING A DOCUMENT OR DECLASSIFYING A DOCUMENT OR MATERIAL.** Preparing a redacted version of a document (i.e., a version of the document with all classified information removed) or declassifying a document or material in full requires two reviews by individuals who are knowledgeable in the subject area. The first review may be conducted by either a Derivative Classifier or Declassifier. The second review shall be conducted by a Derivative Declassifier (other than the first reviewer), who shall confirm that all classified information has been identified and bracketed in the document to be redacted or that the declassified document or material is unclassified.
3. **REQUIRED MARKINGS.** For each document or material that is declassified, the Derivative Declassifier shall ensure that the following markings are included on the document or material and that the classification markings are crossed out:
  - a. date of declassification (i.e., "Declassified On");
  - b. name(s) and position(s) or title(s) of individual(s) declassifying the document (i.e., "Declassified By");
  - c. designation of the guidance or source document(s) used as the basis for the declassification determination and the date of such document(s) (i.e., "Derived From").
4. **DURATION OF CLASSIFICATION.**
  - a. **Restricted Data/Formerly Restricted Data.** Documents or material containing RD/FRD are never automatically declassified. Such documents or material remain classified until an authorized person takes positive action to declassify them. Under the Atomic Energy Act, no date or event for automatic declassification ever applies to RD/FRD documents or material, even if such documents or material also contain NSI.

- b. National Security Information. DOE documents marked as containing NSI that do not specify a date or event for declassification are never automatically declassified. Section 3155(a) of Public Law 104-106 states that before such a document can be released or declassified, it shall be reviewed to determine if it contains RD/FRD. If the document contains RD/FRD, it shall be so marked and may only be declassified under the provisions in Paragraph 4a above. However, if the document is determined to contain only NSI, the following paragraphs apply:
- (1) Marked with Specific Date or Event for Declassification. A document marked with a specific date or event for declassification is declassified after the date or event has passed. Anyone may remove or obliterate the classification markings on such a document.
  - (2) Exemption from Declassification within 10 Years. A document marked as exempt from declassification within 10 years is not automatically declassified. Procedures for such a document are contained in Part B, Paragraph 2, above.
  - (3) Historical Records.
    - (a) Permanent Records. If a document contains only NSI, is more than 25 years old, and has been determined to be a permanent record under Title 44 of the United States Code, a Derivative Declassifier shall determine if the document can be declassified or if it is exempt from the automatic declassification requirements based on guidance in the Historical Records Declassification Guide.
    - (b) Temporary and Unscheduled Records. A document that contains only NSI, is more than 25 years old, and has been determined to be a temporary record or is an unscheduled record is **not** subject to the automatic declassification requirements in this paragraph (i.e., Paragraph 4). Such a document retains its current classification status until it is reviewed using current classification guidance and determined to be unclassified under the procedures in Paragraph 2 above. (NOTE: Unscheduled records have not been determined to be either permanent or temporary.)



5. TYPES OF DOCUMENT REVIEWS.

a. Freedom of Information Act Requests.

- (1) Initial Requests. A classified document requested under the Freedom of Information Act is reviewed in accordance with the provisions of 10 CFR Part 1004 and this Manual. The Director of Declassification shall concur on all responses involving the denial of a classified document and shall serve as the Denying Official for any classified portion of such a document. (The Director of Declassification may delegate this responsibility to another DOE official.)
- (2) Appeals of Denials.
  - (a) Authority. The Director of Security Affairs shall make the final appeal determination to release any portion of a document previously denied because it was classified. The Director of Hearings and Appeals shall issue the final appeal determination on behalf of DOE.
  - (b) Analytical Support. The Director of Declassification shall provide analytical support and recommendations to assist the Director of Security Affairs in exercising his/her appeal authority.

b. Privacy Act Requests.

- (1) Initial Requests. A classified document requested under the Privacy Act is reviewed in accordance with the provisions of 10 CFR Part 1008 and this Manual. The Director of Declassification shall concur on all responses involving the denial of a classified document and shall make the final determination concerning the denial of any classified portion of such a document. (The Director of Declassification may delegate this responsibility to another DOE official.)
- (2) Appeals of Denials.
  - (a) Authority. The Director of Security Affairs shall make the final appeal determination to release any portion of the document previously denied because it was classified. The Director of Hearings and Appeals shall issue the final appeal determination on behalf of DOE.

- (b) Analytical Support. The Director of Declassification shall provide analytical support and recommendations to assist the Director of Security Affairs in exercising his/her appeal authority.
- c. Mandatory Review Requests.
  - (1) Initial Request. Any employee who receives a mandatory review request for a document containing RD/FRD information or NSI shall send the request to the local Classification Officer for review and transmittal to the Director of Declassification for processing.
  - (2) Appeal of Denials.
    - (a) Restricted Data/Formerly Restricted Data. The Director of Security Affairs shall make the final appeal determination on any RD/FRD portion of a document that was previously denied by DOE.
    - (b) National Security Information. The Director of Security Affairs shall make the appeal determination on any NSI portion of a document that was previously denied. If such determination has not been received within 180 working days of filing the appeal or if the requester is dissatisfied with the final determination, the requester may seek further review by the Interagency Security Classification Appeals Panel, as described in Appendix A to 32 CFR Part 2001.
- d. Systematic Reviews. The Director of Declassification oversees the systematic review program for classified documents originated by DOE.
  - (1) Restricted Data/Formerly Restricted Data. The local classification office shall ensure that documents containing RD/FRD information are periodically and systematically reviewed for declassification. Such reviews shall be based on the degree of public and researcher interest and the likelihood of declassification upon review.
  - (2) National Security Information. The local classification office shall ensure that documents containing NSI that have been exempted from automatic declassification are periodically and systematically reviewed for declassification. Such reviews shall be based on the degree of public and researcher interest and the likelihood of declassification upon review.

- e. Other Reviews. The local classification office shall ensure that documents or material containing RD/FRD information or NSI are reviewed for declassification for any reason other than those defined in Paragraphs 5a-5d above (e.g., congressional testimony, litigation, and reviews to preclude erroneous automatic declassification).
6. DOCUMENT REVIEW PLAN.
- a. Determining Need for a Plan. The Classification Officer shall notify the Director of Declassification whenever a group of documents to be reviewed for declassification exceeds 10,000 pages. Such notification shall describe why the review is necessary, estimate the number of pages or volume of material requiring review, and describe the anticipated impact on resources. After consulting with the Classification Officer, the Director of Declassification shall determine if the Classification Officer needs to develop a document review plan.
  - b. Contents of the Plan. The plan shall—
    - (1) describe why the review is required;
    - (2) contain detailed, written procedures that describe how the technical and administrative aspects of the review will be conducted;
    - (3) contain a statistically valid quality assurance assessment plan with standards for remedial action specified;
    - (4) summarize exceptions and deviations from standards;
    - (5) provide the names and classification/declassification authorities of the reviewers;
    - (6) list the classification guidance to be used; and
    - (7) contain a sample of the stamps to be used.
  - c. Submission and Approval of the Plan. The Classification Officer shall submit the plan to the Director of Declassification for approval prior to starting work.
7. NOTIFICATION OF DECLASSIFICATION. For documents less than 25 years old, the Derivative Declassifier who declassifies a document shall notify the originator or document custodian to the maximum extent possible and provide sufficient information for the originator or document custodian to identify the specific document being declassified.

8. PROCEDURES RELATED TO THE DECLASSIFICATION REVIEW OF DOCUMENTS OR MATERIAL.

- a. Public Release. Declassifying a document or material does not mean that it may be released to the public automatically. Information contained in the document or material may still be exempt from release for other reasons; therefore, once a document or material is declassified, it must still be reviewed to determine if the information falls within any of the Freedom of Information Act exemptions before it can be released to the public.
- b. External Coordination Reviews.
  - (1) DOE Documents or Material. Prior to declassifying a document or material containing information under the cognizance of another DOE element, a Derivative Declassifier shall either send the document or material to that organization for review or obtain the concurrence of that organization that the document or material can be declassified unless specific authority to declassify the document or material has been delegated.
  - (2) Other Agency Documents. The Director of Declassification shall conduct any interagency coordination required to declassify a document or material containing RD/FRD information or NSI when the document or material relates to litigation or has been requested under the Freedom of Information Act. In all other cases, Classification Officers shall conduct any interagency coordination required to declassify a document or material containing either RD/FRD information or NSI. To assist with this coordination, the Office of Declassification shall provide Classification Officers with the names and addresses of appropriate interagency points of contact.
  - (3) Foreign Government and International Organization Documents or Material. Unless public release is specifically authorized through current classification guidance, the Director of Declassification shall conduct all coordination required to declassify a document or material that contains information—
    - (a) provided to the United States by a foreign government or international organization or
    - (b) produced by the United States under a joint arrangement with a foreign government or international organization.
- c. OpenNet Data Base. Each organization that declassifies a document and determines that it may be released to the public shall ensure that the following information is submitted to the Office of Scientific and Technical Information for inclusion on the OpenNet data base:

- (1) a bibliographic reference to the document and
  - (2) the location where the document is available to the public.
- d. Obsolete Classification Markings. Documents dated prior to December 15, 1953, and marked as “Restricted” and documents dated between July 18, 1949, through October 22, 1951, and marked as “Official Use Only” were considered classified. However, these markings are either no longer used or have a different meaning.
  - (1) Review Requirements. A Derivative Classifier or Declassifier (only one review is required) shall review such documents to determine their current classification status. Until that review is completed, the documents shall be marked and protected according to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL.
  - (2) Determined to be Classified. If a Derivative Classifier determines the documents are classified, the “Restricted” or “Official Use Only” markings shall be crossed out and replaced with current classification markings. The Derivative Classifier shall prepare an upgrading notice, as appropriate.
  - (3) Determined Not to be Classified. If a Derivative Classifier or Declassifier determines the documents are not classified, the “Restricted” or “Official Use Only” markings shall be crossed out and replaced with the marking “Unclassified,” along with the name of the reviewer. A declassification notice is not required.
- e. Extracted Version of Document. A major portion of an existing classified document (i.e., a chapter or appendix) may be extracted for use as a new document. Such a document shall be clearly identified as an extract and shall be marked and protected according to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL. A Derivative Classifier shall review the new document to determine if it contains classified information.
- f. Redacted Version of Document. A redacted document shall clearly indicate it is a redacted version.
- g. Review Upon Termination of Employment. A DOE employee who retires or otherwise terminates employment may wish to take correspondence, personal records, diaries, or other documents with him/her. If these records fall wholly or partially in areas that are classified, a review by a Derivative Classifier is required.

## **PART C - DOWNGRADING OR UPGRADING**

### **1. GENERAL.**

- a. Downgrading occurs when an appropriate authority determines the document or material can be adequately protected at a classification level or category lower than currently marked, not including "Unclassified." (Downgrading to "Unclassified" is called declassifying, which is covered under Part B of this chapter.)
- b. Upgrading occurs when an appropriate authority—
  - (1) assigns the appropriate classification level and/or category to a document or material erroneously issued as unclassified or
  - (2) raises the classification level or category of a document or material to protect the contents adequately.

### **2. AUTHORITY.**

- a. Downgrading. A Derivative Declassifier may downgrade the classification of a document or material within his/her designated authority. The custodian of a document or material may downgrade its classification markings upon receipt of notice from the proper authority.
- b. Upgrading. A Derivative Classifier may upgrade the classification of a document or material within his/her designated authority. The custodian of a document or material may upgrade its classification markings upon receipt of notice from the proper authority.

### **3. NOTIFICATION OF DOWNGRADING OR UPGRADING.**

- a. Downgrading. The Derivative Declassifier authorizing the downgrading of a document shall notify the originator or document custodian and provide sufficient information for the originator or document custodian to identify the specific document being downgraded.
- b. Upgrading. The Derivative Classifier authorizing the upgrading of a document shall notify the originator or document custodian and provide sufficient information for the originator or document custodian to identify the specific document being upgraded. The Derivative Classifier shall refer to appropriate classification guidance when preparing upgrading notices because such notices may be classified.

## **PART D - RECLASSIFICATION**

### **1. AUTHORITY.**

- a. General. A Derivative Classifier may reclassify a document or material within his/her designated authority.
- b. Following Request for a Previously Declassified Document. The public may request declassified documents under a statute or Executive order. Some of these documents may inadvertently still contain classified information. Such documents shall be referred to the Director of Declassification, who shall review each one prior to its dissemination to determine if it may be reclassified. Documents containing only NSI that are more than 25 years old and that have been determined to be permanent records under Title 44 of the United States Code may not be reclassified under this provision.

### **2. NOTIFICATION OF RECLASSIFICATION.** The Derivative Classifier authorizing the reclassification of a document or material shall notify the originator or document custodian and provide sufficient information for the originator or document custodian to identify the specific document or material being reclassified. The Derivative Classifier shall refer to appropriate classification guidance when preparing a reclassification notice because such notices are usually classified.

## CHAPTER VII

### EDUCATION PROGRAM

1. INITIAL CLASSIFICATION EDUCATION. All cleared DOE employees must understand their classification/declassification responsibilities. Each Classification Officer shall ensure that such employees receive a classification orientation that includes identification of a point of contact to answer questions or address concerns about classification or declassification matters.
2. CONTINUING EDUCATION. Each Classification Officer shall ensure that a continuing classification education program is conducted annually for all cleared employees to maintain classification awareness and inform them of applicable changes in classification policies, principles, guidance, and procedures.
3. INITIAL TRAINING FOR A CLASSIFIER OR DECLASSIFIER. Before becoming Original Classifiers, Derivative Classifiers, or Derivative Declassifiers, individuals shall receive training covering the following elements and shall successfully complete an examination to ensure they understand these elements sufficiently:
  - a. Original Classifier:
    - (1) the difference between original and derivative classification,
    - (2) who can classify information originally,
    - (3) the standards that an Original Classifier must apply to classify information,
    - (4) the process for determining the duration of classification,
    - (5) the prohibitions and limitations on classifying information,
    - (6) the basic markings that must appear on an originally classified document, and
    - (7) the general standards and procedures for declassification.
  - b. Derivative Classifier:
    - (1) the process of original and derivative classification and the standards applicable to each,
    - (2) the markings that must appear on a derivatively classified document, and
    - (3) the authorities, methods, and processes for downgrading and declassifying information, documents, and material.



- c. Derivative Declassifier:
- (1) the standards, methods, and procedures for declassifying documents or material under the Atomic Energy Act and Executive Order 12958,
  - (2) the standards for using declassification guidance,
  - (3) the markings that must appear on a derivatively declassified document,
  - (4) the contents of the DOE declassification plan, and
  - (5) DOE responsibilities for establishing and maintaining a declassification data base.
4. RECERTIFICATION TRAINING. To recertify as an Original Classifier, Derivative Classifier, or Derivative Declassifier, an individual shall successfully complete an examination that, at a minimum, retests his/her understanding of applicable classification and declassification policies, principles, procedures, and guidance.

## CHAPTER VIII

### CLASSIFICATION AND DECLASSIFICATION OVERSIGHT PROGRAM

1. PERFORMANCE OBJECTIVE. The Office of Declassification manages the classification and declassification oversight program that ensures that all DOE and DOE contractor and subcontractor organizations that generate classified information and documents or material have implemented and maintain an adequate and effective classification and declassification program.
2. SCOPE.
  - a. Differing Scope and Complexity. Classification and declassification programs at various DOE and DOE contractor facilities differ in scope and complexity. No single list of areas to be covered in an oversight review is appropriate in all cases. Therefore, the scope of the oversight review must be tailored to ensure that it provides the management and oversight necessary to evaluate the adequacy and effectiveness of each individual classification and declassification program.
  - b. Uniformity of Oversight Reviews. To introduce a measure of uniformity into classification and declassification oversight reviews, each review shall cover, at a minimum, the following areas:
    - (1) management awareness and support,
    - (2) document reviews,
    - (3) guidance,
    - (4) education,
    - (5) classifiers and declassifiers,
    - (6) declassification,
    - (7) effectiveness of the program to publicly release declassified documents, and
    - (8) oversight reviews of contractors.
3. FREQUENCY OF OVERSIGHT REVIEWS. The frequency of oversight reviews is determined after considering the following factors:
  - a. Past Performance Experience and Review Results. More frequent reviews are conducted of facilities that have experienced problems previously.
  - b. Interval Since Last Review. Facilities having a major classification and declassification interest are reviewed every 2 years unless particular circumstances indicate otherwise. Facilities with effective classification and declassification programs or minor interests may be reviewed less frequently (every 3-5 years). The local Classification Officer shall determine the frequency of oversight reviews of subordinate facilities.

4. OVERSIGHT REVIEW REPORTS. The oversight review report shall ensure the organization reviewed receives a clear explanation of its performance. The review report shall ensure that deficiencies or problem areas are identified.
5. FOLLOW-UP MEASURES. Follow-up measures shall ensure that the actions taken to correct deficiencies noted during an oversight review are adequate and have been implemented in a timely manner.
6. SELF-ASSESSMENTS. Each DOE element that generates classified information and documents or material shall establish and maintain an ongoing self-assessment program, documented in writing to the Director of Declassification. Self-assessments shall be conducted annually unless prior agreement is reached with the Director of Declassification.

CANCELED

## DEFINITIONS

1. Automatic Declassification. The declassification of a document or material based solely upon the occurrence of a specific date or event as determined by classification guidance or the expiration of a maximum time frame for duration of classification established under Executive Order 12958.
2. Classification Guidance. A written record of detailed instructions as to whether specific information is classified, usually concerning a system, plan, project, or program. The guidance identifies information to be classified and specifies the level (and duration for National Security Information only) of classification assigned to such information. Classification guidance is the primary basis for reviewing documents or material to determine whether they contain classified information.
3. Classification Officer.
  - a. Headquarters Classification Officer. The Director of Declassification.
  - b. Field Element Classification Officer. An individual designated to administer the classification program for that particular field element and to monitor the classification programs of contractors under its cognizance.
  - c. Contractor Classification Officer. An individual designated to administer the classification program for that particular contractor and to monitor the classification programs of subcontractors under its cognizance.
  - d. Local Classification Officer. For Headquarters elements, the Director of Declassification is the local Classification Officer. For field elements with no designated Classification Officer, the Director of Declassification is the local Classification Officer. For contractors with no designated Classification Officer, the appropriate field element Classification Officer is the local Classification Officer.
4. Classified Information. Information that is classified as Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954, as amended, or information determined to require protection against unauthorized disclosure under Executive Order 12958 or prior Executive orders, which is identified as National Security Information.
5. Declassification. A determination by an appropriate authority that information or documents and material no longer require protection as classified information against unauthorized disclosure because of national security concerns.
6. Denying Official. An individual, designated under 10 CFR Part 1004, who is authorized to make the final decision on what information contained in a document requested under the Freedom of Information Act may be withheld.
7. Derivative Classification. A determination based on classification guidance or source documents that a document or material contains Restricted Data, Formerly Restricted Data, and/or National Security Information.

8. Derivative Classifier. An individual authorized to determine that a document or material is unclassified or classified as Restricted Data, Formerly Restricted Data, and/or National Security Information and at what level based on classification guidance or source documents. (A Derivative Classifier is equivalent to the Restricted Data Classifier referred to in 10 CFR Part 1045.)
9. Derivative Declassifier. An individual authorized to declassify or downgrade documents or material in specified areas based on classification or declassification guidance or source documents.
10. Document. Written or printed information; removable ADP media (diskettes, tapes, cards, etc); charts; maps; paintings; drawings; engravings; sketches; photographic prints; exposed or developed film; working notes and papers; reproductions of such things by any means or process; and sound and video recordings generated by magnetic, optical, or any other electronic means.
11. Downgrading. A determination by an appropriate authority that (a) information may be protected at a level lower than the initial classification level or (b) a document or material may be protected at a level and/or category lower than the initial classification level and/or category. In either case, however, the revised classification level shall not be lower than Confidential.
12. Foreign Government Information. Such information consists of one of the following:
  - a. information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;
  - b. information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or
  - c. information received and treated as "Foreign Government Information" under the terms of a predecessor order.
13. Formerly Restricted Data (FRD). Classified information jointly determined by the Director of Security Affairs and the Department of Defense to be related primarily to the military utilization of atomic weapons and removed by the Director of Security Affairs from the Restricted Data category pursuant to Section 142(d) of the Atomic Energy Act, as amended, and safeguarded as National Security Information, subject to restrictions on transmission to other countries and regional defense organizations that apply to Restricted Data.
14. Headquarters Classification Representative. An individual designated by his/her Headquarters element to serve as the point of contact with the Office of Declassification on classification and declassification policies and procedures and to assist others in his/her Headquarters element with their classification and declassification responsibilities and authorities.

15. Information. Facts, data, or knowledge itself as opposed to the medium in which it is contained.
16. Local classification office. The organization within a field element that is responsible for handling classification/declassification-related issues.
17. Mandatory Review. A declassification review of a document containing RD/FRD information that is requested under 10 CFR Part 1045.42, or a document containing NSI that is requested under Section 3.6 of Executive Order 12958.
18. Material. Any substance regardless of its physical or chemical form, including any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.
19. National Security Information (NSI). Information that has been determined pursuant to Executive Order 12958 and any predecessor orders to require protection against unauthorized disclosure and that is so designated. The levels Top Secret, Secret, and Confidential are used to designate such information.
20. Official Use Only.
  - a. A designation identifying certain unclassified but sensitive information that may be exempt from public release under the Freedom of Information Act.
  - b. A security classification marking used from July 18, 1949, through October 22, 1951.
21. Original Classification. A determination by an Original Classifier that certain new information requires protection against unauthorized disclosure because of national security interests under Executive Order 12958; such information is identified as National Security Information.
22. Original Classifier. A Federal Government employee who is authorized to determine under Executive Order 12958 that certain new information requires protection against unauthorized disclosure in the interest of national security; such information is identified as National Security Information.
23. Permanent Records. Records appraised by the National Archives and Records Administration under Title 44 of the United States Code and determined to have sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes.
24. Portion Marking. The application of certain classification markings to individual words, phrases, sentences, paragraphs, or sections of a document to indicate their specific classification level and category (if RD or FRD).
25. Reclassification. A determination by an appropriate authority that restores the classification to (a) information that was classified as NSI and then declassified or (b) a document or material that was classified as RD, FRD, or NSI and then erroneously declassified.

26. Restricted Data (RD). All data concerning the design, manufacture, or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.
27. Source Document. A classified document, other than classification guidance, from which information is extracted for inclusion in another document. Classification of the information extracted is determined by the classification markings shown in the source document.
28. Systematic Review. A periodic review of classified documents for declassification based on the degree of public and researcher interest and the likelihood of declassification upon review.
29. Upgrading. A determination by an appropriate authority that (a) assigns the correct classification level and/or category to a document or material that was erroneously issued as unclassified or (b) raises the classification level or category of a document or material to adequately protect the contents.
30. Variance. A method that differs from a directive requirement for a specific or indefinite period of time or for a specific project, but still meets that requirement by providing an equivalent level of implementation.
31. Waiver. Exemption from meeting a specific directive requirement.

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## **CONTRACTOR REQUIREMENTS DOCUMENT FOR DOE M 475.1-1, IDENTIFYING CLASSIFIED INFORMATION**

1. **PURPOSE.** This Contractor Requirements Document (CRD) provides requirements for managing the contractor's classification and declassification program, including details for classifying and declassifying information, documents, and material. This CRD supplements DOE M 475.1-1, IDENTIFYING CLASSIFIED INFORMATION.
2. **USAGE.** This CRD is divided into the following chapters:
  - a. **Chapter I - Program Administration.** Part A contains qualification and designation requirements for Classification Officers, Original Classifiers, Derivative Classifiers, and Derivative Declassifiers. Part B contains administrative policies that apply to the overall DOE classification and declassification program.
  - b. **Chapter II - Classification Categories and Levels.** Provides an overview of the categories of classified information and what levels may be applied to these categories.
  - c. **Chapter III - Classifying and Declassifying Information.** Classifying, declassifying, downgrading or upgrading, or reclassifying information is a function performed by Federal Government officials only; however, this chapter describes activities that require input from contractors.
  - d. **Chapter IV - Classification Guidance.** Describes the DOE classification guidance system, which specifies the information that is classified and unclassified.
  - e. **Chapter V - Classifying and Declassifying Documents and Material.** Describes how documents and material are classified, declassified, downgraded or upgraded, or reclassified. Requirements in this chapter are applied by originators of documents and material, Derivative Classifiers, Derivative Declassifiers, Classification Officers, Headquarters Classification Representatives, the Director of Declassification, and the Director of Security Affairs.
  - f. **Chapter VI - Education Program.** Describes training needed by Derivative Classifiers, Derivative Declassifiers, and other contractor employees who generate classified information.
  - g. **Chapter VII - Classification and Declassification Oversight Program.** Describes elements of the oversight program to ensure that organizations generating classified information, documents, and material maintain an adequate and effective classification and declassification program.

3. DEFINITIONS. Definitions of terms used throughout this CRD can be found in Attachment 1.
4. CONTACT. Questions concerning this document should be addressed to the Policy and Quality Management Division, Office of Declassification (301-903-5454).

CANCELED



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## CHAPTER I

### PROGRAM ADMINISTRATION

#### PART A - QUALIFICATIONS AND DESIGNATIONS

##### 1. CLASSIFICATION OFFICER.

###### a. Requirement for Position.

- (1) Contractor. The requirement for a contractor Classification Officer is determined by the cognizant field element Classification Officer.
- (2) Subcontractor. The contractor Classification Officer shall determine when a subcontractor under his/her cognizance is required to designate a Classification Officer.

###### b. Qualifications. A Classification Officer must have a scientific or technical degree related to the field in which he/she is working. The Director of Declassification may waive this requirement for nominees with suitable experience. Each contractor Classification Officer shall also be a Derivative Classifier and a Derivative Declassifier.

###### c. Nomination.

- (1) Contractor. The head of a contractor organization shall nominate an individual for the position of Classification Officer by submitting that individual's name and qualifications to the appropriate field element Classification Officer. The field element Classification Officer submits the nomination to the Director of Declassification with a recommendation for approval if the qualifications are adequate. If the qualifications are not adequate, the field element Classification Officer returns the request to the head of the contractor organization for reconsideration.
- (2) Subcontractor. The head of a subcontractor organization shall nominate an individual for the position of Classification Officer by submitting that individual's name and qualifications to the contractor Classification Officer. The contractor Classification Officer shall submit the nomination to the Director of Declassification, through the appropriate field element Classification Officer, with a recommendation for approval if the qualifications are adequate. If the qualifications are not adequate, the contractor Classification Officer shall return the request to the head of the subcontractor organization for reconsideration.

- d. Training Requirement. Approval by the Director of Declassification is contingent upon the nominee successfully completing the training course prepared and presented by the Office of Declassification.
- e. Removal from Position. The head of the contractor/subcontractor organization or the Director of Declassification may remove an employee from the Classification Officer's position when the employee cannot or does not perform his/her responsibilities reliably.
  - (1) Removal by the Head of the Contractor/Subcontractor Organization. The head of the contractor/subcontractor shall notify the employee and inform the Director of Declassification of the removal, the reason for removal, and the effective date.
  - (2) Removal by the Director of Declassification. The Director of Declassification notifies the employee and informs the head of the contractor/subcontractor organization of the removal, the reason for removal, and the effective date.
- 2. ORIGINAL CLASSIFIER. Original classification authority is delegated only to Federal employees occupying positions with an established need for such authority.
- 3. DERIVATIVE CLASSIFIER. Classification Officers designate specific individuals as Derivative Classifiers. These individuals may exercise derivative classification authority only while occupying those positions for which the authority was granted. This authority may not be assumed by an individual serving in an acting capacity. This authority is not retained when the individual transfers to another position. If an individual vacates a position that requires derivative classification authority, the individual who will permanently fill the vacancy is not automatically granted the authority, but is designated only in accordance with the procedures in Paragraph 3b below.
  - a. Qualifications. To be nominated as a Derivative Classifier, an employee shall—
    - (1) have demonstrated competence in the subject area in which the authority will be used and
    - (2) be familiar with DOE classification policy and procedures, especially in the subject area for which the authority will be used.
  - b. Designation Process.
    - (1) Designating Official.
      - (a) Top Secret Derivative Classifiers. The Director of Declassification designates all Top Secret Derivative Classifiers.

- (b) Secret and Confidential Derivative Classifiers. Each contractor Classification Officer shall designate Secret and Confidential Derivative Classifiers for contractor and subcontractor organizations under his/her purview and shall maintain a current list of such designations.
- (2) Request for Designation. The employee's supervisor or higher authority shall submit a request to the designating official following instructions issued by the local classification office.
- (3) Evaluation of Request. The designating official shall evaluate the need for the authority and the qualifications of the individual.
- (4) Required Training.
  - (a) New Derivative Classifier. Prior to being designated as a Derivative Classifier, each employee shall successfully complete a training program and examination specified by the designating official.
  - (b) Derivative Classifier Recertification. To recertify as a Derivative Classifier, an employee shall successfully complete an examination specified by the designating official.
  - (c) Waiver of Required Training. The designating official may waive the required training and examination for an employee who has met the requirements within the last 3 years and who is transferring from a similar programmatic position.
- (5) Designation. The designating official shall designate in writing each Derivative Classifier. Each designation shall describe the specific subject areas covered by the Derivative Classifier's authority and state the date the authority expires.
- c. Duration of Authority. Derivative classification authority is granted for a period of 3 years. After 3 years, recertification is required if the authority is still needed.
- d. Redelegation. Derivative classification authority cannot be redelegated.
- e. Cancellation of Authority.
  - (1) Top Secret. The employee's supervisor or the Director of Declassification may cancel Top Secret derivative classification authority when the employee's position no longer requires such authority, or the employee cannot or does not exercise that authority reliably.

- (a) By the Employee's Supervisor. The supervisor who cancels Top Secret derivative classification authority for an employee under his/her cognizance shall notify the employee and inform the Director of Declassification of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (b) By the Director of Declassification. Upon canceling the Top Secret derivative classification authority for an employee, the Director of Declassification notifies the employee and informs the employee's supervisor of the employee's name and position, the reason for cancellation, and the date the authority will end.
- (2) Secret and Confidential. The employee's supervisor, the designating official, the field element Classification Officer for contractors under his/her cognizance, or the Director of Declassification may cancel Secret or Confidential derivative classification authority when the employee's position no longer requires such authority or the employee cannot or does not exercise that authority reliably.
- (a) By the Employee's Supervisor. The supervisor who cancels Secret or Confidential derivative classification authority for an employee under his/her cognizance shall notify the employee and inform the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (b) By the Designating Official. The designating official who cancels the Secret or Confidential derivative classification authority for an employee shall notify the employee and inform the employee's supervisor of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (c) By the Field Element Classification Officer. The Field Element Classification Officer who cancels the Secret or Confidential derivative classification authority for a contractor employee under his/her cognizance notifies the employee and informs the employee's supervisor and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (d) By the Director of Declassification. Upon canceling the Secret or Confidential derivative classification authority for a contractor employee, the Director of Declassification notifies the employee and informs the employee's supervisor and the designating official of the employee's name and position, the reason for cancellation, and the date the authority will end.



- f. Notification of Vacant Position. When an employee vacates a position that requires Top Secret derivative classification authority, the supervisor shall promptly inform the Director of Declassification of the employee's name, position, and date of departure.
4. DERIVATIVE DECLASSIFIER. The Director of Declassification designates specific individuals as Derivative Declassifiers. These individuals may exercise derivative declassification authority only while occupying those positions for which the authority was granted. This authority may not be assumed by an individual serving in an acting capacity. This authority is not retained when the individual transfers to another position. If an individual vacates a position that requires derivative declassification authority, the individual who will permanently fill the vacancy is not automatically granted the authority, but is designated only in accordance with the procedures in Paragraph 4b below.
- a. Qualifications. To be nominated as a Derivative Declassifier, a contractor employee shall—
- (1) have a scientific or technical degree (the Director of Declassification may waive this requirement for nominees with suitable experience);
  - (2) have demonstrated competence in the subject area in which the authority will be used; and
  - (3) be familiar with DOE classification and declassification policy, procedures, and guidance, especially in the subject area for which the authority will be used.
- b. Designation Process.
- (1) Request for Designation. The employee's supervisor or higher shall submit a designation request to the Director of Declassification, through the appropriate contractor and field element Classification Officers. The Office of Declassification (301-903-0368) can provide detailed instructions on how to submit the request.
  - (2) Evaluation of Request. The Director of Declassification evaluates the need for the authority and the qualifications of the individual.
  - (3) Required Training.
    - (a) New Derivative Declassifier. Prior to being designated as a Derivative Declassifier, each employee shall successfully complete a training program and examination given by the Office of Declassification. In addition, the local classification office shall provide training specific to the documents and material being reviewed for declassification.

- (b) Derivative Declassifier Recertification. To recertify as a Derivative Declassifier, an employee shall successfully complete an examination given by the Office of Declassification.
  - (c) Waiver of Required Training. The Director of Declassification may waive the required training and examination for an employee who has met the requirements within the last 3 years and who is transferring from a similar programmatic position.
- (4) Designation. The Director of Declassification designates in writing each Derivative Declassifier. Each designation identifies the organizations and specific subject areas covered by the Derivative Declassifier's authority and states the date the authority expires.
- c. Duration of Authority. Derivative declassification authority is granted for a period of 3 years. After 3 years, recertification is required if the authority is still needed.
- d. Redelegation. Derivative declassification authority cannot be redelegated.
- e. Cancellation of Authority. The employee's supervisor or the Director of Declassification may cancel derivative declassification authority when an employee's position no longer requires such authority or if the employee cannot or does not exercise that authority reliably.
  - (1) By the Employee's Supervisor. The supervisor who cancels the derivative declassification authority for an employee under his/her cognizance shall notify the employee and inform the Director of Declassification, through the contractor and/or field element Classification Officer(s), of the employee's name and position, the reason for cancellation, and the date the authority will end.
  - (2) By Director of Declassification. Upon canceling the derivative declassification authority for a contractor employee, the Director of Declassification notifies the employee and informs the employee's supervisor, through the contractor and/or field element Classification Officer(s), of the employee's name and position, the reason for cancellation, and the date the authority will end.
- f. Notification of Vacant Position. When an employee vacates a position that requires derivative declassification authority, the contractor Classification Officer shall promptly inform the Director of Declassification, through the appropriate field element Classification Officer, of the employee's name, position, and date of departure.

## **PART B - ADMINISTRATIVE POLICIES**

1. PERFORMANCE STANDARDS. The head of a contractor organization shall ensure that the management of classified information is included as a critical element or item to be evaluated in the performance standards of Classification Officers and any other individuals whose duties include significant involvement in generating classified information, documents, or material.
2. CHALLENGES TO CLASSIFICATION.
  - a. Restricted Data/Formerly Restricted Data.
    - (1) Challenge. An employee may formally challenge an RD/FRD classification determination with the Derivative Classifier who made the determination. Under no circumstances shall an individual be subject to retribution for such a challenge. The Derivative Classifier shall respond to the challenge within 90 calendar days. If no response is received, the employee may submit an initial appeal to the Director of Declassification.
    - (2) Initial Appeal to Director of Declassification. If the response by the Derivative Classifier does not satisfy the employee making the challenge, the employee may appeal the determination by writing to the Director of Declassification, who is required to respond within 90 calendar days. If no response is received, the employee may submit a final appeal to the Director of Security Affairs.
    - (3) Final Appeal to Director of Security Affairs. If the response by the Director of Declassification does not satisfy the employee making the challenge, the employee may appeal the determination to the Director of Security Affairs.
  - b. National Security Information.
    - (1) Challenge. An employee may formally challenge an NSI classification determination by writing to the Director of Declassification, who is required to respond within 60 calendar days. Under no circumstances shall an individual be subject to retribution for such a challenge. If the Director is unable to respond within 60 calendar days, he/she acknowledges the challenge in writing and provides a date when the employee can expect a response. If the Director of Declassification has not responded to the challenge within 120 calendar days, the employee may forward the challenge to the Interagency Security Classification Appeals Panel (ISCAP), as described in Appendix A to 32 CFR Part 2001.

- (2) Appeal to Director of Security Affairs. If the response by the Director of Declassification does not satisfy the employee making the challenge, the employee may appeal the determination to the Director of Security Affairs, who is required to respond within 90 calendar days. If the Director of Security Affairs has not responded to the appeal within 90 calendar days, the employee may forward the challenge to the ISCAP, as described in Appendix A to 32 CFR Part 2001.
3. REPORTING REQUIREMENTS. Each contractor Classification Officer shall compile statistics requested by the Office of Declassification and provide them to the Director of Declassification, through the appropriate field element Classification Officer, for use in assessing DOE success at meeting performance measurements and for inclusion in reports required by the Information Security Oversight Office and 10 CFR Part 1045.
4. MISCLASSIFICATION OF INFORMATION, DOCUMENTS, OR MATERIAL.
  - a. Deliberate Action. Any knowing or willful action that results in the misclassification of information, documents, or material violates the requirements in this CRD and may result in criminal, civil, and/or administrative penalties. Such an action may also result in a security infraction or violation, as covered under DOE O 470.1, SAFEGUARDS AND SECURITY PROGRAM, and DOE O 471.2A, INFORMATION SECURITY PROGRAM. However, security infractions are not intended to be issued in cases where classifiers disagree for legitimate reasons. Examples of situations in which security infractions will be issued include classifying with no authority and classifying outside of granted authority.
  - b. Negligence in Exercising Classification/Declassification Authority. The appropriate official (as indicated in Part A of this chapter) shall promptly cancel the classification authority of any individual who demonstrates gross negligence or a pattern of negligence or carelessness in applying the requirements in this CRD that results in the misclassification of information, documents, or material.
5. DEVIATIONS FROM REQUIREMENTS. A contractor Classification Officer may propose an alternate or equivalent means of meeting a specific requirement in this CRD or he/she may request an exemption. Such a proposal shall describe the variance or waiver and explain why it is needed. The proposal shall be submitted to the Director of Declassification through the field element Classification Officer or Headquarters Classification Representative for approval (required within 30 days). Each approved deviation shall be examined during an oversight review to ensure it is still needed.

## CHAPTER II

### CLASSIFICATION CATEGORIES AND LEVELS

#### 1. CATEGORIES OF CLASSIFIED INFORMATION.

##### a. Restricted Data and Formerly Restricted Data.

- (1) Restricted Data. Information classified under the Atomic Energy Act that concerns—

- (a) the design, manufacture, or utilization of nuclear weapons;
- (b) the production of special nuclear material; or
- (c) the use of special nuclear material in the production of energy.

RD does not include information declassified or removed from the RD category under Section 142 of the Atomic Energy Act.

- (2) Formerly Restricted Data. Information classified under the Atomic Energy Act that relates primarily to the military utilization of nuclear weapons and that has been removed from the RD category by a joint determination between DOE and the Department of Defense.

- b. National Security Information. Information that has been determined under Executive Order 12958 or any predecessor Executive orders to require protection against unauthorized disclosure and that is marked to indicate its classified status when contained in a document.

#### 2. LEVELS OF CLASSIFICATION. The following levels of classification, listed in descending order of sensitivity, may be applied to RD, FRD, or NSI:

- a. Top Secret. This level is applied to information whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security in a way that the appropriate official can identify or describe.
- b. Secret. This level is applied to information whose unauthorized disclosure could reasonably be expected to seriously damage the national security in a way that the appropriate official can identify or describe.
- c. Confidential. The damage tests for RD/FRD and NSI are different, as noted below:

- (1) Restricted Data/Formerly Restricted Data. The Confidential level is applied to information whose unauthorized disclosure could reasonably be expected to cause undue risk to the common defense and security in a way that the appropriate official can identify or describe.
  - (2) National Security Information. The Confidential level is applied to information whose unauthorized disclosure could reasonably be expected to damage the national security in a way that the appropriate official can identify or describe.
3. USE OF THE TERM "UNCLASSIFIED." The term "Unclassified" is used to identify information that is not classified under a statute or Executive order. Unclassified information is not normally marked as "Unclassified" except to distinguish it from classified information and then only when such distinction is required or otherwise serves a useful purpose. The fact that information is unclassified does not mean that it may be released to the public.

## CHAPTER III

### CLASSIFYING AND DECLASSIFYING INFORMATION

Classifying and declassifying information as RD, FRD, or NSI is a function performed by Federal Government officials only. However, the following areas are relevant to contractor employees:

1. Request for Determination. An employee who develops a new, nuclear-related subject area that he/she believes may be classified shall request an evaluation of the subject area by the Director of Declassification, through the appropriate contractor and field element Classification Officers. The Director of Declassification is required to make a determination within 90 calendar days.
2. Unauthorized Disclosure. Information classified as RD, FRD, or NSI is **not** declassified automatically because of any unauthorized disclosure of identical or similar information.
3. Declassification Proposals.
  - a.. Ad Hoc Proposals. At any time, contractor employees may submit proposals for declassifying information to the Director of Declassification for evaluation. Such proposals may be submitted to achieve a variety of goals, such as challenging classification policy, reducing operating costs, and transferring technology to the private sector.
  - b. Disposition of Proposal. The Director of Declassification notifies the contractor employee making a proposal of its disposition within 1 month after the final determination.

## CHAPTER IV

### CLASSIFICATION GUIDANCE

#### 1. GENERAL.

- a. Purpose. Classification guidance contains detailed instructions for determining whether specific information is classified or unclassified. Examples of guidance include—but are not limited to—program guides, topical guides, local guides, bulletins, and change notices.
- b. Content. At a minimum, classification guidance identifies elements of information that are classified or unclassified in a specific area. For the classified information, the guidance prescribes the classification level and category. For information classified as NSI, the guidance also states a concise reason for classifying the information and prescribes declassification instructions or the category for exemption from automatic declassification for each element of information.
- c. Inconsistent Guidance. Guidance may be inconsistent for three reasons; each reason requires a different course of action.
  - (1) Ambiguous Guidance. When information is described equally well by more than one topic but uncertainty exists about which topic applies, the most restrictive guidance shall apply until clarification is obtained.
  - (2) Outdated Guidance. Due to difficulties in revising all guidance simultaneously to reflect declassification actions, some guidance may specify different classifications for the same information. The guidance with the most current date shall apply.
  - (3) Conflicting Guidance. When the same information is classified differently in separate guidance and neither appears to be more current or authoritative than the other, the most restrictive guidance shall apply until clarification is obtained.
- d. No Guidance. A Derivative Classifier or Derivative Declassifier who cannot determine the proper classification of an element of information using classification guidance approved for his/her use shall contact the local Classification Officer for assistance. Local Classification Officers who cannot provide assistance shall refer the issue through the field element Classification Officer to the Director of Declassification, who is required to make a classification determination within 90 calendar days. Pending this final determination, the document or material containing the information in question shall be marked and protected according to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL, issued by the Office of Safeguards and Security.



## 2. TYPES OF GUIDANCE.

### a. Headquarters Guidance.

- (1) Purpose. Headquarters guidance contains detailed classification and declassification instructions in one or more subject areas.
- (2) Originator/Approval Authority. Headquarters guidance covering DOE information only is developed, approved, and issued by the Director of Declassification. Headquarters guidance covering information for which DOE and other Government agencies or foreign countries are responsible (known as joint guidance) is approved and issued by the Director of Declassification in coordination with officials from the other Government agencies or foreign countries involved. Headquarters guidance shall name its approving official(s) and indicate the approval date.
- (3) Basis. Headquarters guidance is based on classification and declassification determinations made by the Directors of Declassification and Security Affairs.
- (4) Users. Derivative Classifiers and Derivative Declassifiers use Headquarters guidance as the basis for derivative determinations; however, they may use only that guidance pertaining to the specific subject areas described in their designations of authority. A local classification office may also use Headquarters guidance to prepare detailed local guidance intended primarily for use within the field element or contractor organization.

### b. Local Guidance.

- (1) Purpose. Local guidance has the same purpose as Headquarters guidance, but is more detailed and is tailored to the specific needs of the originating field element or contractor organization. If existing Headquarters guidance is adequate for the needs of the organization, local guidance is not required. If proposed local guidance affects DOE or contractor elements other than the issuing organization, a Government agency other than DOE (such as the Department of Defense), or a foreign government, the Director of Declassification shall issue Headquarters guidance to cover the information.
- (2) Originator/Approval Authority. The local classification office may issue local guidance following approval by the Director of Declassification. The Director of Declassification may delegate approval authority in writing to field element Classification Officers on a case-by-case basis. Local guidance shall name its approving official and indicate the approval date.
- (3) Basis. Local guidance is based on Headquarters guidance.

- (4) Users. Derivative Classifiers and Derivative Declassifiers shall use local guidance as the basis for derivative determinations; however, they may use only that guidance pertaining to the specific subject areas described in their designations of authority. Unless otherwise directed by the Director of Declassification, local guidance may be disseminated to other organizations, both inside and outside DOE, providing each organization has a need to know and facility clearance at the appropriate classification level.
- (5) Copies of the Local Guidance. Within 10 calendar days of approval, any organization that issues local guidance shall send a disk containing the entire text of the guidance in either ASCII or WordPerfect (version 5.1 or higher) format and five copies of the issued guidance to the Director, Technical Guidance Division, Office of Declassification.

### 3. RELATED POLICIES AND PROCEDURES.

#### a. Updating Guidance.

- (1) Erroneous Guidance. Each issuing organization that learns its guidance contradicts current policy shall distribute revised guidance within 120 calendar days.
- (2) Periodic Review of Classification Guidance. Each organization that issues guidance shall maintain a list of its guidance and shall review and update such guidance as changes in classification policy are received (or in any event, at least once every 5 years) to ensure consistency with DOE classification policy. If the guidance is consistent with policy, the reviewer shall annotate the record copy of the guidance with the results and date of the review. If the guidance contradicts policy, the issuing organization shall revise the guidance and distribute it within 120 calendar days. Completion of this review does not require a specific report to DOE Headquarters, but oversight reviews shall include an examination of these records of guidance review.
- (3) Distributing New or Revised Headquarters Guidance. Each Classification Officer shall distribute new or revised Headquarters guidance to appropriate classifiers and declassifiers within 30 calendar days of receiving it. However, if the new or revised Headquarters guidance affects local guidance, the Classification Officer shall revise and distribute the local guidance within 120 calendar days.

- b. Classification Guidance for DOE Contractors.
- (1) Identification of Required Classification Guidance. Each procurement request originator determines if a proposed contract may generate classified information. If it does, the procurement request originator shall complete Block 10 on DOE Form 5634.2, "Contract Security Classification Specification," which identifies classification guidance that will apply to the proposed contract. If necessary, the procurement request originator may request assistance from the cognizant classification office to identify the appropriate classification guidance.
  - (2) Approval of Classification Guidance. The Classification Officer shall sign Block 15 of DOE Form 5634.2 for any subcontracts awarded to certify that the classification guidance being provided is appropriate for the work to be performed. This authority may be delegated in writing to specific Derivative Classifiers in the Classification Officer's organization. With the concurrence of the Director of Declassification, the Classification Officer may also delegate this authority to a technically competent Derivative Classifier outside his/her staff.
- c. Classification Guidance for Non-DOE-Funded Work. Non-DOE-funded work that may generate classified information is conducted in accordance with DOE O 481.1, WORK FOR OTHERS (NON-DOE FUNDED WORK), and accompanying CRD, and classification guidance is issued by the funding organization. For unclassified work, the funding organization shall provide a written statement that classified activities are not part of the project.
- (1) Certification of Guidance. The Classification Officer under whose purview the work will be conducted shall review the work request and the proposed classification guidance. He/she shall use DOE Form 5634.2, Department of Defense Form DD-254, "Contract Security Classification Specification," or any other form provided by the funding organization to certify that the guidance is adequate and does not contradict DOE policy. The Classification Officer may delegate the authority to review and certify classification guidance to a member of his/her staff. With the concurrence of the Director of Declassification, the Classification Officer may also delegate this authority to a technically competent Derivative Classifier outside his/her staff.
  - (2) Additional Guidance Required. If additional guidance is required, DOE, the sponsoring agency, or both may develop the guidance, and the sponsoring agency shall approve it.

## CHAPTER V

### CLASSIFYING AND DECLASSIFYING DOCUMENTS AND MATERIAL

#### PART A - CLASSIFICATION

Heads of the contractor organizations shall ensure that documents and material prepared under their purview are reviewed and processed in accordance with the provisions of this part.

1. AUTHORITY. A Derivative Classifier may derivatively classify a document or material containing RD, FRD, and/or NSI only within his/her programmatic jurisdiction at any classification level up to and including the level (Top Secret, Secret, Confidential) of the classifier's authority.
  - a. Restricted Data/Formerly Restricted Data. A Derivative Classifier shall base his/her determinations on classification guidance pertaining to the specific subject areas described in the classifier's designation of authority. If no guidance exists, refer to Chapter IV, Paragraph 1d.
  - b. National Security Information. A Derivative Classifier shall base his/her determinations on classification guidance pertaining to the specific subject areas described in the classifier's designation of authority. If no guidance exists, refer to Chapter IV, Paragraph 1d. However, when information is extracted from a classified document, that document can be cited as a basis for classification if the information is entirely under the purview of another Government agency, a foreign government, or an international organization, and no joint classification guidance exists.
2. REVIEW REQUIREMENTS. Anyone who originates a document or material in a subject area that may be classified shall submit the document or material to the appropriate official for a classification review and determination prior to dissemination.
  - a. Current Employee.
    - (1) Possesses an Active Access Authorization or Had One in the Past.
      - (a) Routine Document or Material. An employee with an active access authorization who originates a document or material in a subject area that may be classified shall submit the document or material to a Derivative Classifier for classification review prior to dissemination. An employee who had an active access authorization in the past shall submit such a document or material to the local Classification Officer for classification review prior to dissemination. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.

- (b) Public Release or Widespread Distribution. A document or material that is prepared in a potentially classified subject area may be intended for public release or have such widespread internal distribution that public release is likely. In such cases, the originator shall submit the document or material to the local Classification Officer for classification review prior to dissemination. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.
    - (c) Oral Presentations. An employee who is making an oral presentation in a subject area that may be classified shall submit the prepared text to the local Classification Officer for classification review prior to making the presentation. This includes any presentation made to the public as well as any presentation made to a sufficiently large, internal audience in an unclassified setting, making public release of the information likely. If the employee does not have a prepared text or if extemporaneous remarks are likely, the local Classification Officer shall brief the employee on classification guidance pertinent to the subject matter, including related topics the employee should avoid because they may be classified. The local Classification Officer may delegate this review and briefing responsibility to specified Derivative Classifiers.
  - (2) Never Had an Access Authorization. An employee who has never had an access authorization may originate a document or material in a subject area that may be classified. In such cases, the local Classification Officer shall review the document or material for classification prior to dissemination. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.
- b. Not an Employee.
- (1) Possesses an Active Access Authorization. The local Classification Officer shall review for classification a document or material that is submitted by an individual who is not employed by the contractor but possesses an active access authorization. The local Classification Officer may delegate this review responsibility to specified Derivative Classifiers.
  - (2) Had an Access Authorization in the Past or Never Had an Access Authorization. The local Classification Officer shall forward to the Director of Declassification any document or material that is submitted for classification review by an individual who is not employed by the contractor but had an access authorization in the past or has never had an access authorization.

3. **REQUIRED MARKINGS.** The Derivative Classifier shall ensure the following markings are included on the document or material being derivatively classified (see DOE M 471.2-1A, **MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL**, for complete information on marking requirements):
  - a. **Restricted Data/Formerly Restricted Data.**
    - (1) Overall classification level and category of the document.
    - (2) Classification level and category of each interior page of the document if not using the overall classification level and category on each page.
    - (3) Classification authority (i.e., "Classified By:").
      - (a) Name or personal identifier of the Derivative Classifier.
      - (b) Position title of the Derivative Classifier.
    - (4) Designation of the guidance or source document(s) used to make the classification determination and the date of such document(s) (i.e., "Derived From").
  - b. **National Security Information.**
    - (1) Overall classification level of the document.
    - (2) Classification level of each interior page of the document if not using the overall classification level on each page.
    - (3) Portion marking for each section, part, paragraph, graphic, figure, or similar portion (for documents containing NSI only).
    - (4) Classification authority (i.e., "Classified By").
      - (a) Name or personal identifier of the Derivative Classifier.
      - (b) Position title of the Derivative Classifier.
    - (5) Designation of the guidance or source document(s) used to make the classification determination and date of such document(s) (i.e., "Derived From").
    - (6) Duration of classification derived from the guidance or source document(s) (i.e., "Declassify On").

- (a) Date - A specific date 10 years or less from the date of the document or as specified by the guidance or source document(s).
  - (b) Event - A specific event occurring less than 10 years from the date of the document as specified by the guidance or source document(s).
  - (c) Exempt from declassification - Document is exempt from declassification at 10 years and identified by an exemption category (e.g., X1 through X8) as specified by the guidance or source document(s).
  - (d) Extension of classification - Classification of the document may be extended for successive periods not to exceed 10 years at a time. The "Declassify On" line shall be revised to include the date of the extension action, the new declassification date, and the person authorizing the extension.
  - (e) Reclassification - As appropriate, a document may be reclassified. The "Declassify On" line shall be revised to include the date of the reclassification, the new declassification date, and the person authorizing the reclassification.
- c. Mixed Document. A mixed document contains both Restricted Data/Formerly Restricted Data information and National Security Information.
- (1) Overall classification level and category of the document (RD/FRD information takes precedence over NSI).
  - (2) Classification level and category (if RD or FRD) of each interior page of the document if not using the overall classification level and category on each page.
  - (3) Classification authority (i.e., "Classified By").
    - (a) Name or personal identifier of the Derivative Classifier.
    - (b) Position title of the Derivative Classifier.
  - (4) Designation of the guidance or source document(s) used to make the classification determination and the date of such document(s) (i.e., "Derived From").
4. PORTION MARKING REQUIREMENTS. NOTE: Derivative Classifiers and Declassifiers shall base their determinations on classification guidance pertaining to the specific subject areas described in their designations of authority. If no guidance exists, they should refer to Chapter IV, Paragraph 1d.

- a. Restricted Data/Formerly Restricted Data Documents. Documents containing only RD/FRD should not be portion-marked.
  - b. National Security Information Documents. Documents containing only NSI shall be portion-marked.
  - c. Mixed Documents. Documents or material containing both RD/FRD and NSI should not be portion-marked.
  - d. Documents Prepared Under Work-for-Others Contracts. Documents prepared under Work-for-Others contracts shall be portion-marked according to the rules stated in Paragraphs 4a through 4c above.
5. NOTIFICATION OF CLASSIFICATION. The Derivative Classifier who classifies a document shall notify the originator and provide sufficient information for the originator to identify the specific document being classified.
6. PROCEDURES RELATED TO THE REVIEW OF DOCUMENTS OR MATERIAL FOR CLASSIFICATION.
- a. Foreign Government Information. For additional information on marking documents containing foreign government information, refer to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL.
    - (1) Document or Material Generated by a Foreign Government. Review by a Derivative Classifier is not required to apply—
      - (a) a U.S. classification level that provides at least an equivalent level of protection to a document or material classified by the foreign government or
      - (b) the “Confidential—Modified Handling Authorized” marking to a document or material that the foreign government protects at a level lower than U.S. Confidential.
    - (2) Document or Material Generated by the United States. Review by a Derivative Classifier is required for a newly generated document or material concerning foreign government information that may also contain U.S. classified information.
  - b. Use of a Classified Addendum. To the maximum extent practical, the originator of a document containing classified information shall include the unclassified portions in the primary document and shall separate the classified portions into attachments, appendixes, or supporting documents. If such separation is not practical and there is



significant public interest in the document, the originator is encouraged to prepare an unclassified version.

- c. External Coordination Reviews. A document or material being reviewed for classification may contain information under the cognizance of another Government agency or a foreign country. If the Derivative Classifier thinks the information may be classified and no guidance is available, he/she shall send the document or material to the local Classification Officer for further review or referral to the Director of Declassification, through the field element Classification Officer.
- d. Classification Following Request for a Previously Unclassified Document. The public may request documents under a statute, Executive order, or regulation. Some of these documents may contain classified information, even if they are not so marked. Such documents shall be referred to the Director of Declassification through the appropriate contractor and field element Classification Officers for review.

CANCELLED

## **PART B - DECLASSIFICATION**

Heads of contractor organizations shall ensure that documents and material prepared under their purview are reviewed and processed in accordance with the provisions of this part.

1. **AUTHORITY.** A Derivative Declassifier may derivatively declassify a document or material originated in only those organizations and subject areas for which he/she has been delegated such authority and is governed by other limitations specified in the written designation. A Derivative Declassifier shall base his/her determinations on classification guidance pertaining to the specific subject areas described in the declassifier's designation of authority. If no guidance exists, Derivative Declassifiers should refer to Chapter IV, Paragraph 1d.
2. **REVIEW REQUIREMENTS FOR REDACTING A DOCUMENT OR DECLASSIFYING A DOCUMENT OR MATERIAL.** Preparing a redacted version of a document (i.e., a version of the document with all classified information removed) or declassifying a document or material in full requires two reviews by individuals who are knowledgeable in the subject area. The first review may be conducted by either a Derivative Classifier or Declassifier. The second review shall be conducted by a Derivative Declassifier (other than the first reviewer), who shall confirm that all classified information has been identified and bracketed in the document to be redacted or that the declassified document or material is unclassified.
3. **REQUIRED MARKINGS.** For each document or material that is declassified, the Derivative Declassifier shall ensure that the following markings are included on the document or material and that the classification markings are crossed out:
  - a. date of declassification (i.e., "Declassified On");
  - b. name(s) and position(s) or title(s) of individual(s) declassifying the document (i.e., "Declassified By");
  - c. designation of the guidance or source document(s) used as the basis for the declassification determination and the date of such document(s) (i.e., "Derived From").
4. **DURATION OF CLASSIFICATION.**
  - a. **Restricted Data/Formerly Restricted Data.** Documents or material containing RD/FRD are never automatically declassified. Such documents or material remain classified until an authorized person takes positive action to declassify them. Under the Atomic Energy Act, no date or event for automatic declassification ever applies to RD/FRD documents or material, even if such documents or material also contain NSI.

- b. National Security Information. DOE documents marked as containing NSI that do not specify a date or event for declassification are never automatically declassified. Section 3155(a) of Public Law 104-106 states that before such a document can be released or declassified, it shall be reviewed to determine if it contains RD/FRD. If the document contains RD/FRD, it shall be so marked and may only be declassified under the provisions in Paragraph 4a above. However, if the document is determined to contain only NSI, the following paragraphs apply:
- (1) Marked with Specific Date or Event for Declassification. A document marked with a specific date or event for declassification is declassified after the date or event has passed. Anyone may remove or obliterate the classification markings on such a document.
  - (2) Exemption from Declassification within 10 Years. A document marked as exempt from declassification within 10 years is not automatically declassified. Procedures for declassifying such a document are contained in Part B, Paragraph 2, above.
  - (3) Historical Records.
    - (a) Permanent Records. If a document contains only NSI, is more than 25 years old, and has been determined to be a permanent record under Title 44 of the United States Code, a Derivative Declassifier shall determine if the document can be declassified or if it is exempt from the automatic declassification requirements based on guidance in the Historical Records Declassification Guide.
    - (b) Temporary and Unscheduled Records. A document that contains only NSI, is more than 25 years old, and has been determined to be a temporary record or is an unscheduled record is **not** subject to the automatic declassification requirements in this paragraph (i.e., Paragraph 4). Such a document retains its current classification status until it is reviewed using current classification guidance and determined to be unclassified under procedures in Paragraph 2 above. (NOTE: Unscheduled records have not been determined to be either permanent or temporary.)

## 5. TYPES OF DOCUMENT REVIEWS.

- a. Mandatory Review Requests. Any contractor employee who receives a mandatory review request for a document containing RD/FRD information or NSI shall send the request to the Director of Declassification through the appropriate contractor and field element Classification Officers for processing.

b. Systematic Reviews.

- (1) Restricted Data/Formerly Restricted Data. The local classification office shall ensure that documents containing RD/FRD information are periodically and systematically reviewed for declassification. Such reviews shall be based on the degree of public and researcher interest and the likelihood of declassification upon review.
- (2) National Security Information. The local classification office shall ensure that documents containing NSI that have been exempted from automatic declassification are periodically and systematically reviewed for declassification. Such reviews shall be based on the degree of public and researcher interest and the likelihood of declassification upon review.

- c. Other Reviews. The local classification office shall ensure that documents or material containing RD/FRD information or NSI are reviewed for declassification for any reason other than those defined in Paragraphs 5a and 5b above (e.g., congressional testimony, litigation, and reviews to preclude erroneous automatic declassification).

6. DOCUMENT REVIEW PLAN.

- a. Determining Need for a Plan. The contractor Classification Officer shall notify the Director of Declassification through the appropriate field element Classification Officer whenever a group of documents to be reviewed for declassification exceeds 10,000 pages. Such notification shall describe why the review is necessary, estimate the number of pages or volume of material requiring review, and describe the anticipated impact on resources. After consulting with the contractor Classification Officer, the Director of Declassification shall determine if the contractor Classification Officer needs to develop a document review plan.
- b. Contents of the Plan. The plan shall–
  - (1) describe why the review is required;
  - (2) contain detailed, written procedures that describe how the technical and administrative aspects of the review will be conducted;
  - (3) contain a statistically valid quality assurance assessment plan with standards for remedial action specified;
  - (4) summarize exceptions and deviations from standards;
  - (5) provide the names and classification/declassification authorities of the reviewers;

- (6) list the classification guidance to be used; and
  - (7) contain a sample of the stamps to be used.
- c. Submission and Approval of the Plan. The contractor Classification Officer shall submit the plan to the Director of Declassification, through the appropriate field element Classification Officer, for approval prior to starting work.
7. NOTIFICATION OF DECLASSIFICATION. For documents less than 25 years old, the Derivative Declassifier who declassifies a document shall notify the originator or document custodian to the maximum extent possible and provide sufficient information for the originator or document custodian to identify the specific document being declassified.
8. PROCEDURES RELATED TO THE DECLASSIFICATION REVIEW OF DOCUMENTS OR MATERIAL.
- a. Public Release. Declassifying a document or material does not mean that it may be released to the public automatically. Information contained in the document or material may still be exempt from release for other reasons; therefore, once a document or material is declassified, it must still be reviewed to determine if the information falls within any of the Freedom of Information Act exemptions before it can be released to the public.
  - b. External Coordination Reviews.
    - (1) DOE Documents or Material. Prior to declassifying a document or material containing information under the cognizance of another DOE element, a Derivative Declassifier shall either send the document or material to that organization for review or obtain the concurrence of that organization that the document or material can be declassified unless specific authority to declassify the document or material has been delegated.
    - (2) Other Agency Documents. The Director of Declassification conducts any interagency coordination required to declassify a document or material containing RD/FRD information or NSI when the document or material relates to litigation or has been requested under the Freedom of Information Act. In all other cases, contractor Classification Officers shall conduct any interagency coordination required to declassify a document or material containing either RD/FRD information or NSI. To assist with this coordination, the Office of Declassification provides contractor Classification Officers with the names and addresses of appropriate interagency points of contact.

- (3) Foreign Government and International Organization Documents or Material. Unless public release is specifically authorized through current classification guidance, the Director of Declassification conducts all coordination required to declassify a document or material that contains information—
  - (a) provided to the United States by a foreign government or international organization or
  - (b) produced by the United States under a joint arrangement with a foreign government or international organization.
- c. OpenNet Data Base. Each contractor that declassifies a document and determines that it may be released to the public shall ensure that the following information is submitted to the Office of Scientific and Technical Information for inclusion on the OpenNet data base:
  - (1) a bibliographic reference to the document and
  - (2) the location where the document is available to the public.
- d. Obsolete Classification Markings. Documents dated prior to December 15, 1953, and marked as “Restricted” and documents dated between July 18, 1949, through October 22, 1951, and marked as “Official Use Only” were considered classified. However, markings are either no longer used or have a different meaning.
  - (1) Review Requirements. A Derivative Classifier or Declassifier (only one review is required) shall review such documents to determine their current classification status. Until that review is completed, the documents shall be marked and protected according to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL.
  - (2) Determined to be Classified. If a Derivative Classifier determines the documents are classified, the “Restricted” or “Official Use Only” markings shall be crossed out, and replaced with current classification markings. The Derivative Classifier shall prepare an upgrading notice, as appropriate.
  - (3) Determined Not to be Classified. If a Derivative Classifier or Declassifier determines the documents are not classified, the “Restricted” or “Official Use Only” markings shall be crossed out and replaced with the marking “Unclassified,” along with the name of the reviewer. A declassification notice is not required.

- e. Extracted Version of Document. A major portion of an existing classified document (i.e., a chapter or appendix) may be extracted for use as a new document. Such a document shall be clearly identified as an extract and shall be marked and protected according to DOE M 471.2-1A, MANUAL FOR CLASSIFIED MATTER PROTECTION AND CONTROL. A Derivative Classifier shall review the new document to determine if it contains classified information.
- f. Redacted Version of Document. A redacted document shall clearly indicate it is a redacted version.
- g. Review Upon Termination of Employment. A contractor employee who retires or otherwise terminates employment may wish to take correspondence, personal records, diaries, or other documents with him/her. If these records fall wholly or partially in areas that are classified, a review by a Derivative Classifier is required.

CANCELLED

## **PART C - DOWNGRADING OR UPGRADING**

### **1. GENERAL.**

- a. Downgrading occurs when an appropriate authority determines the document or material can be adequately protected at a classification level or category lower than currently marked, not including "Unclassified." (Downgrading to "Unclassified" is called declassifying, which is covered under Part B of this chapter.)
- b. Upgrading occurs when an appropriate authority—
  - (1) assigns the appropriate classification level and/or category to a document or material erroneously issued as unclassified or
  - (2) raises the classification level or category of a document or material to protect the contents adequately.

### **2. AUTHORITY.**

- a. Downgrading. A Derivative Declassifier may downgrade the classification of a document or material within his/her designated authority. The custodian of a document or material may downgrade its classification markings upon receipt of notice from the proper authority.
- b. Upgrading. A Derivative Classifier may upgrade the classification of a document or material within his/her designated authority. The custodian of a document or material may upgrade its classification markings upon receipt of notice from the proper authority.

### **3. NOTIFICATION OF DOWNGRADING OR UPGRADING.**

- a. Downgrading. The Derivative Declassifier authorizing the downgrading of a document shall notify the originator or document custodian and provide sufficient information for the originator or document custodian to identify the specific document being downgraded.
- b. Upgrading. The Derivative Classifier authorizing the upgrading of a document shall notify the originator or document custodian and provide sufficient information for the originator or document custodian to identify the specific document being upgraded. The Derivative Classifier shall refer to appropriate classification guidance when preparing upgrading notices because such notices may be classified.



## **PART D - RECLASSIFICATION**

1. **AUTHORITY.**
  - a. **General.** A Derivative Classifier may reclassify a document or material within his/her designated authority.
  - b. **Following Request for a Previously Declassified Document.** The public may request declassified documents under a statute or Executive order. Some of these documents may inadvertently still contain classified information. Such documents shall be referred to the Director of Declassification, through the appropriate contractor and field element Classification officers, for review.
2. **NOTIFICATION OF RECLASSIFICATION.** The Derivative Classifier authorizing the reclassification of a document or material shall notify the originator or document custodian and provide sufficient information for the originator or document custodian to identify the specific document or material being reclassified. The Derivative Classifier shall refer to appropriate classification guidance when preparing a reclassification notice because such notices are usually classified.

## CHAPTER VI

### EDUCATION PROGRAM

1. INITIAL CLASSIFICATION EDUCATION. All cleared DOE contractor employees must understand their classification/declassification responsibilities. Each contractor Classification Officer shall ensure that such employees receive a classification orientation that includes identification of a point of contact to answer questions or address concerns about classification or declassification matters.
2. CONTINUING EDUCATION. Each contractor Classification Officer shall ensure that a continuing classification education program is conducted annually for all cleared employees to maintain classification awareness and inform them of applicable changes in classification policies, principles, guidance, and procedures.
3. INITIAL TRAINING FOR A CLASSIFIER OR DECLASSIFIER. Before becoming Derivative Classifiers or Derivative Declassifiers, individuals shall receive training covering the following elements and shall successfully complete an examination to ensure they understand these elements sufficiently:
  - a. Derivative Classifier:
    - (1) the process of original and derivative classification and the standards applicable to each,
    - (2) the markings that must appear on a derivatively classified document, and
    - (3) the authorities, methods, and processes for downgrading and declassifying information, documents, and material.
  - b. Derivative Declassifier:
    - (1) the standards, methods, and procedures for declassifying documents or material under the Atomic Energy Act and Executive Order 12958,
    - (2) the standards for using declassification guidance,
    - (3) the markings that must appear on a derivatively declassified document,
    - (4) the contents of the DOE declassification plan, and
    - (5) DOE responsibilities for establishing and maintaining a declassification data base.
4. RECERTIFICATION TRAINING. To recertify as a Derivative Classifier or Derivative Declassifier, an individual shall successfully complete an examination that, at a minimum, retests his/her understanding of applicable classification and declassification policies, principles, procedures, and guidance.

## CHAPTER VII

### CLASSIFICATION AND DECLASSIFICATION OVERSIGHT PROGRAM

1. PERFORMANCE OBJECTIVE. The Office of Declassification manages the classification and declassification oversight program that ensures that all contractor and subcontractor organizations that generate classified information and documents or material have implemented and maintain an adequate and effective classification and declassification program.
2. SCOPE.
  - a. Differing Scope and Complexity. Classification and declassification programs at various contractor facilities differ in scope and complexity. No single list of areas to be covered in an oversight review is appropriate in all cases. Therefore, the scope of the oversight review must be tailored to ensure that it provides the management and oversight necessary to evaluate the adequacy and effectiveness of each individual classification and declassification program.
  - b. Uniformity of Oversight Reviews. To introduce a measure of uniformity into classification and declassification oversight reviews, each review shall cover, at a minimum, the following areas:
    - (1) management awareness and support,
    - (2) document reviews,
    - (3) guidance,
    - (4) education,
    - (5) classifiers and declassifiers,
    - (6) declassification,
    - (7) effectiveness of the program to publicly release declassified documents, and
    - (8) oversight reviews of subcontractors.
3. FREQUENCY OF OVERSIGHT REVIEWS. The frequency of oversight reviews is determined after considering the following factors:
  - a. Past Performance Experience and Review Results. More frequent reviews are conducted of facilities that have experienced problems previously.

- b. Interval Since Last Review. Facilities having a major classification and declassification interest are reviewed every 2 years unless particular circumstances indicate otherwise. Facilities with effective classification and declassification programs or minor interests may be reviewed less frequently (every 3-5 years). The local Classification Officer shall determine the frequency of oversight reviews of subordinate facilities.
4. OVERSIGHT REVIEW REPORTS. The oversight review report shall ensure the organization reviewed receives a clear explanation of its performance. The review report shall ensure that deficiencies or problem areas are identified.
5. FOLLOW-UP MEASURES. Follow-up measures shall ensure that the actions taken to correct deficiencies noted during an oversight review are adequate and have been implemented in a timely manner.
6. SELF-ASSESSMENTS. Each contractor organization that generates classified information and documents or material shall establish and maintain an ongoing self-assessment program, documented in writing to the appropriate field element Classification Officer. Self-assessments shall be conducted annually unless prior agreement is reached with the field element Classification Officer.

## DEFINITIONS

1. Automatic Declassification. The declassification of a document or material based solely upon the occurrence of a specific date or event as determined by classification guidance or the expiration of a maximum time frame for duration of classification established under Executive Order 12958.
2. Classification Guidance. A written record of detailed instructions as to whether specific information is classified, usually concerning a system, plan, project, or program. The guidance identifies information to be classified and specifies the level (and duration for National Security Information only) of classification assigned to such information. Classification guidance is the primary basis for reviewing documents or material to determine whether they contain classified information.
3. Classification Officer.
  - a. Headquarters Classification Officer. The Director of Declassification.
  - b. Field Element Classification Officer. An individual designated to administer the classification program for that particular field element and to monitor the classification programs of contractors under its cognizance.
  - c. Contractor Classification Officer. An individual designated to administer the classification program for that particular contractor and to monitor the classification programs of subcontractors under its cognizance.
  - d. Local Classification Officer. For Headquarters elements, the Director of Declassification is the local Classification Officer. For field elements with no designated Classification Officer, the Director of Declassification is the local Classification Officer. For contractors with no designated Classification Officer, the appropriate field element Classification Officer is the local Classification Officer.
4. Classified Information. Information that is classified as Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954, as amended, or information determined to require protection against unauthorized disclosure under Executive Order 12958 or prior Executive orders, which is identified as National Security Information.
5. Declassification. A determination by an appropriate authority that information or documents and material no longer require protection as classified information against unauthorized disclosure because of national security concerns.
6. Denying Official. An individual, designated under 10 CFR Part 1004, who is authorized to make the final decision on what information contained in a document requested under the Freedom of Information Act may be withheld.

7. Derivative Classification. A determination based on classification guidance or source documents that a document or material contains Restricted Data, Formerly Restricted Data, and/or National Security Information.
8. Derivative Classifier. An individual authorized to determine that a document or material is unclassified or classified as Restricted Data, Formerly Restricted Data, and/or National Security Information and at what level based on classification guidance or source documents. (A Derivative Classifier is equivalent to the Restricted Data Classifier referred to in 10 CFR Part 1045.)
9. Derivative Declassifier. An individual authorized to declassify or downgrade documents or material in specified areas based on classification or declassification guidance or source documents.
10. Document. Written or printed information; removable ADP media (diskettes, tapes, cards, etc); charts; maps; paintings; drawings; engravings; sketches; photographic prints; exposed or developed film; working notes and papers; reproductions of such things by any means or process; and sound and video recordings generated by magnetic, optical, or any other electronic means.
11. Downgrading. A determination by an appropriate authority that (a) information may be handled at a level lower than the initial classification level or (b) a document or material may be handled at a level and/or category lower than the initial classification level and/or category. In either case, however, the revised classification level shall not be lower than Confidential.
12. Foreign Government Information. Such information consists of one of the following:
  - a. information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;
  - b. information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or
  - c. information received and treated as "Foreign Government Information" under the terms of a predecessor order.

13. Formerly Restricted Data (FRD). Classified information jointly determined by the Director of Security Affairs and the Department of Defense to be related primarily to the military utilization of atomic weapons and removed by the Director of Security Affairs from the Restricted Data category pursuant to Section 142(d) of the Atomic Energy Act, as amended, and safeguarded as National Security Information, subject to restrictions on transmission to other countries and regional defense organizations that apply to Restricted Data.
14. Headquarters Classification Representative. An individual designated by his/her Headquarters element to serve as the point of contact with the Office of Declassification on classification and declassification policies and procedures and to assist others in his/her Headquarters element with their classification and declassification responsibilities and authorities.
15. Information. Facts, data, or knowledge itself as opposed to the medium in which it is contained.
16. Local classification office. The organization within a field element that is responsible for handling classification/declassification-related issues.
17. Mandatory Review. A declassification review of a document containing RD/FRD information that is requested under 10 CFR Part 1045.42, or a document containing NSI that is requested under Section 3.6 of Executive Order 12958.
18. Material. Any substance regardless of its physical or chemical form, including any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.
19. National Security Information (NSI). Information that has been determined pursuant to Executive Order 12958 and any predecessor orders to require protection against unauthorized disclosure and that is so designated. The levels Top Secret, Secret, and Confidential are used to designate such information.
20. Official Use Only.
  - a. A designation identifying certain unclassified but sensitive information that may be exempt from public release under the Freedom of Information Act.
  - b. A security classification marking used from July 18, 1949, through October 22, 1951.
21. Original Classification. A determination by an Original Classifier that certain new information requires protection against unauthorized disclosure because of national security interests under Executive Order 12958; such information is identified as National Security Information.

22. Original Classifier. A Federal Government employee who is authorized to determine under Executive Order 12958 that certain new information requires protection against unauthorized disclosure in the interest of national security; such information is identified as National Security Information.
23. Permanent Records. Records appraised by the National Archives and Records Administration under Title 44 of the United States Code and determined to have sufficient historical or other value to warrant continued preservation by the Federal Government beyond the time they are needed for administrative, legal, or fiscal purposes.
24. Portion Marking. The application of certain classification markings to individual words, phrases, sentences, paragraphs, or sections of a document to indicate their specific classification level and category (if RD or FRD).
25. Reclassification. A determination by an appropriate authority that restores the classification to (a) information that was classified as NSI and then declassified or (b) a document or material that was classified as RD, FRD, or NSI and then erroneously declassified.
26. Restricted Data (RD). All data concerning the design, manufacture, or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.
27. Source Document. A classified document, other than classification guidance, from which information is extracted for inclusion in another document. Classification of the information extracted is determined by the classification markings shown in the source document.
28. Systematic Review. A periodic review of classified documents for declassification based on the degree of public and researcher interest and the likelihood of declassification upon review.
29. Upgrading. A determination by an appropriate authority that (a) assigns the correct classification level and/or category to a document or material that was erroneously issued as unclassified or (b) raises the classification level or category of a document or material to adequately protect the contents.
30. Variance. A method that differs from a directive requirement for a specific or indefinite period of time or for a specific project, but still meets that requirement by providing an equivalent level of implementation.
31. Waiver. Exemption from meeting a specific directive requirement.



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