

MANUAL

DOE M 475.1-1B

Approved: 8-28-07

MANUAL FOR IDENTIFYING CLASSIFIED INFORMATION



U.S. DEPARTMENT OF ENERGY
Office of Health, Safety and Security

AVAILABLE ONLINE AT:
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INITIATED BY:
Office of Health, Safety and Security

MANUAL FOR IDENTIFYING CLASSIFIED INFORMATION

1. PURPOSE. This Manual provides detailed requirements to supplement DOE O 475.2, *Identifying Classified Information*, dated 8-28-07.
2. CANCELLATION. DOE M 475.1-1A, *Identifying Classified Information*, dated 5-8-98. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual obligation to comply with the directive. Contractor requirements documents (CRDs) that have been incorporated into or attached to a contract remain in effect until the contract is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
3. APPLICABILITY.
 - a. Departmental Elements. Except as noted in paragraph 3c, this directive applies to all Departmental elements that have access to classified information, documents, or material, including elements of the National Nuclear Security Administration and power administrations. (Go to www.directives.doe.gov/references/ for the current listing of Departmental elements. This list automatically includes all Departmental elements created after the Order is issued.)

The Administrator of the National Nuclear Security Administration (NNSA) ensures that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this directive will be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration specific policies, unless disapproved by the Secretary.

For any final determination made by the Office of Health, Safety and Security under this Manual with regard to NNSA information on which there is a disagreement between the Office of Health, Safety and Security and the NNSA, the NNSA Administrator may submit such disagreement to the Deputy Secretary for resolution.

- b. DOE Contractors. Except for the exclusions in paragraph 3c, the CRD (Attachment 1) sets forth contractor requirements. The CRD applies to the extent set forth in each contract.
 - c. Exclusions. In accordance with the responsibilities and authorities assigned by Executive Order (E.O.) 12344 and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors implements and oversees all requirements and practices pertaining to this DOE Manual for activities under the Deputy Administrator.

4. REFERENCES.

- a. Title XXXII of Public Law 106-65, National Nuclear Security Administration Act, as amended, which established a separately organized Agency within the Department of Energy.
- b. P.L. 83-703, Atomic Energy Act.
- c. Title 10 Code of Federal Regulations (CFR) Part 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations.
- d. 10 CFR Part 1004, Freedom of Information.
- e. 10 CFR Part 1008, Records Maintained on Individuals (Privacy Act).
- f. 10 CFR Part 1045, Nuclear Classification and Declassification.
- g. E.O. 12958, as amended, “*Classified National Security Information*,” dated March 25, 2003.
- h. DOE O 470.4A, *Safeguards and Security Program*, dated 5-25-07.
- i. DOE M 470.4-1, *Safeguards and Security Program Planning and Management*, dated 8-26-05.
- j. DOE M 470.4-4, *Information Security*, dated 8-26-05.
- k. DOE O 475.2, *Identifying Classified Information*, dated 8-28-07.
- l. DOE O 481.1C, *Work for Others (Non-Department of Energy-Funded Work)*, dated 1-24-05.

5. CONTACT. Questions concerning this Manual should be addressed to the Office of Classification at 301-903-7567 or outreach@hq.doe.gov.

BY ORDER OF THE SECRETARY OF ENERGY:



CLAY SELL
Deputy Secretary

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ATTACHMENT 1. CONTRACTOR REQUIREMENTS DOCUMENT

CHAPTER I

PROGRAM ADMINISTRATION

PART A—APPOINTMENT OF CLASSIFICATION/DECLASSIFICATION OFFICIALS

See pages I-13 and I-14 for a summary matrix of Headquarters and field element classification and declassification officials.

1. FIELD ELEMENT CLASSIFICATION OFFICER. Manages the field element classification program.
 - a. Qualifications. To serve as a Classification Officer, the employee must have
 - (1) a scientific or technical degree related to the work being done at that site or facility or
 - (2) relevant work experience as validated by the appointing official.
 - b. Classification/Declassification Authorities Required. A Classification Officer must be an Original Classifier, Derivative Classifier, and Derivative Declassifier.
 - c. Nomination. The head of the field element or his or her designee nominates an employee to serve as Classification Officer by submitting the following information to the appropriate appointing official: to the Director, Office of Classification, for DOE elements or to the Associate Administrator for Defense Nuclear Security for NNSA elements, the employee's—
 - (1) name, organization, mailing address (including organization code), telephone number, and e-mail address; and
 - (2) scientific or technical degree or a description of his or her relevant work experience.
 - d. Appointment. After verifying the nominated employee's qualifications, the appointing official notifies the employee and the head of the field element in writing that the employee is appointed as the Classification Officer.
 - e. Training. The Classification Officer must successfully complete the training described in paragraph 5 of chapter VI of this Manual within 1 year of being appointed. Not completing the training successfully within this time frame is grounds for removal from the position. The appointing official may waive the required training and examination if the nominated employee has completed the training and examination within the last 3 years.
 - f. Removal from Position. The head of the field element or the appointing official may remove an employee from the Classification Officer position when the

employee cannot or does not perform his or her responsibilities reliably or does not complete the required initial Classification Officer training within the 1-year time frame. When such action is taken, the individual removing the employee from the position must—

- (1) notify the employee and
- (2) inform the other party (either the head of the field element or the appointing official) of the removal, the reason for removal, and the effective date.

2. FIELD ELEMENT CLASSIFICATION COORDINATOR. Monitors the work of a Classification Officer from outside of the Classification Coordinator's field element who is performing all of the Classification Officer functions for that field element under an agreement for support.

- a. Qualifications. To serve as a Classification Coordinator, the employee must be knowledgeable about the classification requirements identified in DOE O 475.2 and this Manual and be aware of classified activities within his or her field element.
- b. Classification Authority Required. No classification authority is required.
- c. Appointment. The head of the field element appoints the employee in writing as the Classification Coordinator with a copy to the Director, Office of Classification, and for an NNSA element, also to the Associate Administrator for Defense Nuclear Security.
- d. Training. The Classification Coordinator must attend the briefing described in paragraph 6 of Chapter VI of this Manual within 1 year of being appointed. Not attending this briefing within this time frame is grounds for removal from the position.
- e. Removal from Position. The head of the field element may remove an employee from the Classification Coordinator position. When such an action is taken, the head of the field element must notify the employee and the Director, Office of Classification (if an NNSA element, through the Associate Administrator for Defense Nuclear Security) of the removal, the reason for removal, and the effective date.

3. HEADQUARTERS CLASSIFICATION REPRESENTATIVE. Focal point for the classification program in a Headquarters element with Derivative Classifiers.

- a. Qualifications. To serve as a Headquarters Classification Representative, the employee must be knowledgeable about the work being performed in classified subject areas in his or her Headquarters element.

- b. Classification Authority Required. A Headquarters Classification Representative must be a Derivative Classifier.
 - c. Nomination. The head of the Headquarters element nominates an employee by submitting the following information to the appropriate appointing official: to the Director, Office of Classification, for DOE Headquarters elements or to the Associate Administrator for Defense Nuclear Security for NNSA Headquarters elements—
 - (1) the employee's name, organization, mailing address (including organization code), telephone number, and e-mail address; and
 - (2) a description of the employee's knowledge of the work being performed in classified subject areas in his or her Headquarters element.
 - d. Appointment. After verifying the nominated employee's qualifications, the appointing official notifies the employee and the head of the Headquarters element in writing that the employee is appointed as the Headquarters Classification Representative.
 - e. Training. The Headquarters Classification Representative must successfully complete the training described in paragraph 7 of Chapter VI of this Manual within 1 year of being appointed. Not completing the training successfully within this time frame is grounds for removal from the position.
 - f. Removal from Position. The head of the Headquarters element or the appointing official may remove an employee from the Headquarters Classification Representative position when the employee cannot or does not perform his or her responsibilities reliably or does not complete the required initial Headquarters Classification Representative training within the 1-year time frame. When such an action is taken, the individual removing the employee from the position must—
 - (1) notify the employee and
 - (2) inform the other party (either the head of the Headquarters element or the appointing official) of the removal, the reason for removal, and the effective date.
4. HEADQUARTERS CLASSIFICATION LIAISON. Point of contact for classification issues in a Headquarters element with no Derivative Classifiers, but with employees who are authorized access to classified information.
- a. Qualifications. To serve as a Headquarters Classification Liaison, the employee must be aware of the classified information to which employees are authorized access.
 - b. Classification Authority Required. No classification authority is required.

- c. Appointment. The head of the Headquarters element appoints the employee in writing as the Headquarters Classification Liaison with a copy to the Director, Office of Classification, and for an NNSA element, also to the Associate Administrator for Defense Nuclear Security.
 - d. Training. No training required.
 - e. Removal from Position. The head of the Headquarters element may remove an employee from the Headquarters Classification Liaison position. When such an action is taken, the head of the Headquarters element must notify the employee and the Director, Office of Classification (through the Associate Administrator for Defense Nuclear Security if an NNSA element), of the removal, the reason for removal, and the effective date.
- 5. ORIGINAL CLASSIFIER. Initially determines that information requires protection against unauthorized disclosure in the interest of national security under E.O. 12958, as amended (known as National Security Information).
 - a. Top Secret Original Classifiers.
 - (1) Appointment. By delegation order, the Secretary of Energy appoints Federal employees occupying certain positions as Top Secret Original Classifiers. This authority may be exercised by individuals occupying these positions in an acting capacity if they have completed the training required in paragraph 5a(2). Such authority may be re-delegated only as allowed under the delegation order. (Employees designated by the Secretary automatically have Secret and Confidential original classification authority and are not subject to other requirements under paragraph 5b. In addition, only these employees are automatically granted derivative classification authority at the Top Secret, Secret, and Confidential levels.)
 - (2) Briefing. Employees occupying these positions must be briefed by the Office of Classification prior to exercising this authority. Employees serving in an acting capacity for one of these positions must complete this training prior to exercising this authority.
 - b. Secret and Confidential Original Classifiers. To be nominated to serve as an Original Classifier, the employee must occupy a position with a potential need to evaluate information not currently classified to determine whether such information should be classified in the interest of the national security.
 - (1) Qualifications. The nominated employee must be—
 - (a) a Federal employee;

- (b) competent in the subject areas in which the authority will be used; and
 - (c) familiar with DOE classification policy, procedures, and guidance.
- (2) Nomination. The immediate supervisor of the employee submits the following information to the Classification Officer or Headquarters Classification Representative, who confirms the need for an Original Classifier and submits the nomination to one of the following appointing officials: to the Director, Office of Classification, for DOE elements or to the Associate Administrator for Defense Nuclear Security for NNSA elements—
 - (a) the employee's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - (b) subject areas in which the authority will be used;
 - (c) desired jurisdiction (e.g., information originated within a particular organization); and
 - (d) a description of the employee's competence in the subject areas and familiarity with classification policy and procedures in the subject areas for which the authority will be used.
- (3) Training. The nominated employee must successfully complete training for an Original Classifier described in paragraph 4a of Chapter VI of this Manual prior to appointment. The appointing official may waive required training and examination if the nominated employee has completed the training and examination within the last 3 years. However, the expiration date for the authority must still be no longer than 3 years from the most recent successfully completed training
- (4) Appointment. After verifying that the nominated employee has successfully completed the training and examination, the appointing official notifies the employee, the employee's supervisor, and the appropriate Classification Officer or Headquarters Classification Representative that the employee is appointed as an Original Classifier and provides an authority description that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. Such information may be provided directly to the Original Classifier or maintained in any form accessible by the Original Classifier; e.g., in an electronic database.
- (5) Authority Duration and Reappointment. Original classification authority is granted for a period of 3 years. If the authority is still needed at the end

of this period, the employee must successfully complete an examination that, at a minimum, retests his or her understanding of applicable classification policies, principles, and procedures and be reappointed as an Original Classifier. If this examination is not successfully completed before the authority expires, then the appointing official may grant a one-time, 3-month extension of the authority. If the examination is not successfully completed by the end of the 3-month extension, the authority is automatically terminated.

(6) Authority Limitations. An employee may exercise his or her original classification authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The employee cannot re-delegate the authority. If the employee changes positions, the original classification authority is terminated, and any employee who later fills the same position is not automatically granted the authority, but must be nominated and appointed following the above process.

(7) Cancellation of Authority. An employee's supervisor, the Classification Officer, or the appointing official may cancel this authority when an employee no longer requires such authority or if the employee cannot or does not exercise the authority reliably. When such an action is taken, the individual canceling the authority must—

- (a) notify the employee and
- (b) inform the other parties of the reason for cancellation and the effective date.

6. DERIVATIVE CLASSIFIER. Determines whether a document or material contains classified information or whether the document or material should be upgraded.

a. Qualifications. The nominated employee must be –

- (1) competent in the subject areas in which the authority will be used and
- (2) familiar with DOE classification policy, procedures, and guidance.

b. Nomination.

(1) Submission of Nomination.

- (a) Headquarters. The immediate supervisor of the employee submits the information identified in paragraph 6b(2) below to the Headquarters Classification Representative, who confirms the need for the Derivative Classifier and then submits it to one of the following appointing officials: to the Director, Office of

Classification, for DOE elements; to the Associate Administrator for Defense National Security, for NNSA elements.

- (b) Field Elements. The immediate supervisor of the employee submits the information identified in paragraph 6b(2) below to the field element Classification Officer, who confirms the need for the Derivative Classifier. If the request is for Secret or Confidential derivative authority, the Classification Officer is the appointing official. If the request is for Top Secret derivative authority, the Classification Officer submits the request to one of the following appointing officials: to the Director, Office of Classification, for DOE elements; to the Associate Administrator for Defense National Security for NNSA elements.
- (2) Required Information. The nomination must include the following information:
 - (a) The employee's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - (b) subject areas in which the authority will be used;
 - (c) desired jurisdiction (e.g., documents originated within a particular organization); and
 - (d) any special limitations on the authority (e.g., time frame of the documents).
- c. Training. The nominated employee must successfully complete the training for a Derivative Classifier described in paragraph 4b of chapter VI of this Manual prior to appointment. The appointing official may waive the required training and examination if the nominated employee has completed the training and examination within the last 3 years. However, the expiration date for the authority must be no longer than 3 years from the most recent successfully completed training.
- d. Appointment. After verifying that the nominated employee has successfully completed the training and examination, the appointing official notifies the employee, the employee's supervisor, and, if appropriate, the Classification Officer or Headquarters Classification Representative that the employee is appointed as a Derivative Classifier and provides an authority description that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. Such information may be provided directly to the Derivative Classifier or be maintained in any form accessible by the Derivative Classifier; e.g., in an electronic database.

- e. Authority Duration and Reappointment. Derivative classification authority is granted for a period of 3 years. If the authority is still needed at the end of this period, the employee must successfully complete an examination that, at a minimum, retests his or her understanding of applicable classification policies, principles, procedures, and guidance and be reappointed. If this examination is not successfully completed before the authority expires, then the appointing official may grant a one-time, 3-month extension of the authority. If the examination is not successfully completed by the end of the 3-month extension, the authority is automatically terminated.
 - f. Authority Limitations. An employee may exercise his or her derivative classification authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The employee cannot re-delegate the authority. If an employee changes positions, the employee may retain the derivative classification authority as long as his or her new supervisor concurs and notifies the Classification Officer or Headquarters Classification Representative of his or her concurrence. (For example, the employee's new supervisor may verify concurrence by sending an e-mail message to the Classification Officer or Headquarters Classification Representative.) If the employee has Top Secret derivative authority, then the Classification Officer or Headquarters Classification Representative must also notify the appointing official of the change in position. In addition, for Headquarters employees with Secret or Confidential derivative authority, the Headquarters Classification Representative must notify the appointing official of the change in position.
 - g. Cancellation of Authority. An employee's supervisor, the Classification Officer, or the appointing official may cancel this authority when an employee no longer requires such authority or if the employee cannot or does not exercise the authority reliably. When such action is taken, the individual canceling the authority must—
 - (1) notify the employee and
 - (2) inform the other parties of the reason for cancellation and the effective date.
7. DERIVATIVE DECLASSIFIER. Determines whether a currently classified document or material may be declassified or downgraded.
- a. Qualifications. The employee must—
 - (1) have a relevant scientific or technical degree or work experience as validated by the appointing official;
 - (2) be competent in the subject areas in which the authority will be used; and

- (3) be familiar with DOE classification and declassification policy, procedures, and guidance.
- b. Nomination. The immediate supervisor of the employee submits the following information to the Classification Officer or Headquarters Classification Representative, who confirms the need for a Derivative Declassifier and submits the nomination to one of the following appointing officials: to the Director, Office of Classification, for DOE elements; to the Associate Administrator for Defense Nuclear Security for NNSA elements:
 - (1) The employee's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - (2) subject areas in which the authority will be used;
 - (3) desired jurisdiction (e.g., documents originated within a particular organization);
 - (4) any special limitations on the authority (e.g., time frame of the documents); and
 - (5) the employee's relevant scientific or technical degree or a description of his or her relevant work experience.
- c. Training. The nominated employee must successfully complete the training for a Derivative Declassifier described in paragraph 4c of chapter VI of this Manual prior to appointment. An appointing official may waive the required training and/or examination if the nominated employee has completed the training and examination within the last 3 years. However, the expiration date for the authority must be no longer than 3 years from the most recent successfully completed training.
- d. Appointment. After verifying that the nominated employee has successfully completed the training and the examination, the appointing official notifies the employee, the employee's supervisor, and the Classification Officer or Headquarters Classification Representative that the employee is appointed as a Derivative Declassifier and provides an authority description that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. Such information may be provided directly to the Derivative Declassifier or be maintained in any form accessible by the Derivative Declassifier; e.g., in an electronic database.
- e. Authority Duration and Reappointment. Derivative declassification authority is granted for a period of 3 years. If the authority is still needed at the end of this period, the employee must successfully complete an examination that, at a minimum, retests his or her understanding of applicable classification and

declassification policies, principles, procedures, and guidance and be reappointed. If this examination is not successfully completed before the authority expires, then the appointing official may grant a one-time, 3-month extension of the authority. If the examination is not successfully completed by the end of the 3-month extension, the authority is automatically terminated.

- f. Authority Limitations. An employee may exercise his or her derivative declassification authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The employee cannot re-delegate the authority. If an employee changes positions, the employee may retain derivative declassification authority as long as his or her new supervisor concurs and notifies the Classification Officer or Headquarters Classification Representative of his or her concurrence. (For example, the employee's new supervisor may verify concurrence by sending an e-mail message to the Classification Officer or Headquarters Classification Representative.) The Classification Officer or Headquarters Classification Representative must notify the appointing official of the change in position.
- g. Cancellation of Authority. An employee's supervisor, the Classification Officer, or the appointing official may cancel derivative declassification authority when an employee no longer requires such authority or if the employee cannot or does not exercise the authority reliably. When such an action is taken, the individual canceling the authority must –
 - (1) notify the employee and
 - (2) inform the other parties of the reason for cancellation and the effective date.
- 8. CLASSIFICATION/DECLASSIFICATION AUTHORITY FOR EMPLOYEE DETAILED AWAY FROM HOME ORGANIZATION. An employee who is detailed away from his or her home organization may need to classify or declassify information, documents, or material in the organization to which he or she is detailed. All of the elements identified above for each authority apply with the following exceptions/additions:
 - a. Nomination. The individual who supervises the employee while the employee is on detail away from his or her home organization submits the required information for the desired authority to the Classification Officer or Headquarters Classification Representative for the employee's home organization, who then acts upon the request or submits the request to the appropriate appointing official for the employee's home organization as identified for the authority required, as appropriate.

b. Training.

- (1) Required by Manual. The individual's home organization is responsible for ensuring that all training and testing requirements described in chapter VI of this Manual are completed before the authority is granted. Such training and testing may be provided by another qualified Classification Officer based on geographical or other considerations.
- (2) Required by Organization to Which Employee is Detailed. The organization to which the employee is detailed may require training and/or testing in addition to that required in chapter VI of this Manual. That organization is responsible for ensuring that such training and testing is completed prior to the authority being granted.

c. Appointment. In addition to other appointment requirements, the appointing official must notify the Classification Officer or Headquarters Classification Representative at both the employee's home organization and detail organization of the appointment.

Figure 1. Matrix for Headquarters Authorities

Title	Primary Function	Appointing Official	Duration	Comments
Headquarters Classification Representative	Focal point for the classification program in a Headquarters element with Derivative Classifiers	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	Indefinite	Required if Headquarters element has Derivative Classifiers. Must be: <ul style="list-style-type: none"> • Knowledgeable about classified work being done in his or her Headquarters element • Derivative Classifier Must complete required training within 1 year of appointment
Headquarters Classification Liaison	Point of contact for classification issues in Headquarters element with no Derivative Classifiers, but with cleared employees	Head of Headquarters element	Indefinite	Required if Headquarters element does not have any Derivative Classifiers but employees within the element are authorized access to classified information Must be aware of the classified information to which employees in his or her element are authorized access No training required
Original Classifier (Top Secret level)	Initially determines that information requires protection up to the Top Secret level against unauthorized disclosure in the interest of national security under E.O. 12958, as amended	Secretary of Energy (<i>However, contact one of the following for information about the authority:</i> For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	Indefinite	Applies only to National Security Information By Delegation Order Briefing required by Office of Classification prior to exercising authority
Original Classifier (Secret or Confidential level)	Initially determines that information requires protection up to the authorized level against unauthorized disclosure in the interest of national security under E.O. 12958, as amended	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Applies only to National Security Information Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Classifier	Determines whether a document or material contains classified information	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Declassifier	Determines whether a document or material no longer contains classified information	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment

Figure 2 Matrix for Field Element Authorities

Title	Primary Function	Appointing Official	Duration	Comments
Classification Officer	Manages the classification program for the field element	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	Indefinite	Must also be the following: • Original Classifier • Derivative Classifier • Derivative Declassifier Must complete required initial Classification Officer training within 1 year of appointment
Classification Coordinator	Monitors the work of the field element Classification Officer who is performing all of the Classification Officer functions for the field element through an agreement for support	Head of the field element	Indefinite	Applies only to field elements that have not appointed a Classification Officer from within the field element but have arranged in writing to have all the functions of a Classification Officer performed by someone from outside the field element Must attend the required briefing within 1 year of appointment
Original Classifier (Top Secret level)	Initially determines that information requires protection up to the Top Secret level against unauthorized disclosure in the interest of national security under E.O. 12958, as amended	Secretary of Energy (However, contact one of the following for information about the authority: For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security)	Indefinite	Applies only to National Security Information By Delegation Order Briefing required by Office of Classification prior to exercising authority
Original Classifier (Secret or Confidential level)	Initially determines that information requires protection up to the authorized level against unauthorized disclosure in the interest of national security under E.O. 12958, as amended	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Applies only to National Security Information Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Classifier (Top Secret level)	Determines whether a document or material contains classified information up to the Top Secret level	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Classifier (Secret or Confidential level)	Determines whether a document or material contains classified information up to the level of his or her authority	Classification Officer	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Declassifier	Determines whether a document or material no longer contains classified information	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment

**PART B—CHALLENGES TO CLASSIFICATION AND CONSEQUENCES
FOR MISCLASSIFYING INFORMATION, DOCUMENTS, OR MATERIAL**

1. CHALLENGES TO CLASSIFICATION. Each employee is encouraged and expected to challenge the classification of information, documents, or material that he or she believes is improperly classified. Under no circumstances is the employee subject to retribution for making such a challenge.
 - a. Restricted Data/Formerly Restricted Data.
 - (1) Informal Challenge. An employee may informally challenge an RD/FRD document or material classification determination with the Derivative Classifier or Derivative Declassifier who made the determination. The Derivative Classifier or Derivative Declassifier should respond within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit the challenge to the Classification Officer or Headquarters Classification Representative, who should respond within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit a formal challenge.
 - (2) Formal Challenge. An employee may formally challenge an RD/FRD information classification determination made by the Director, Office of Classification, as indicated in a classification guide topic or an RD/FRD document or material classification determination made by a Derivative Classifier or Derivative Declassifier. Such a challenge must be submitted in writing to the Director, Office of Classification (or for an NNSA employee, through the Associate Administrator for Defense Nuclear Security), who should respond within 30 calendar days of receipt of the challenge. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit the challenge to the Deputy Chief for Operations, Office of Health, Safety and Security.
 - (3) Final Determination. The Deputy Chief for Operations, Office of Health, Safety and Security, makes the final determination on each RD/FRD challenge and must respond within 60 calendar days of receipt of the challenge. Any disagreements between NNSA and the Office of Health, Safety and Security with regard to NNSA information are submitted by the NNSA Administrator to the Deputy Secretary for resolution.
 - b. National Security Information.
 - (1) Informal Challenge. An employee may informally challenge an NSI classification determination of information or a document or material with the Original Classifier, Derivative Classifier, or Derivative Declassifier who made the determination. The Original Classifier, Derivative Classifier, or Derivative Declassifier should respond to the challenge

within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit the challenge to the Classification Officer or Headquarters Classification Representative, who should respond within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit a formal challenge.

- (2) Formal Challenge. An employee may formally challenge an NSI original or derivative classification determination. Such a challenge must be submitted in writing to the Director, Office of Classification (or for an NNSA employee, through the Associate Administrator for Defense Nuclear Security), who will attempt to respond within 60 calendar days of receipt of the challenge. If the Director, Office of Classification, is unable to make a determination within 60 calendar days, he or she must acknowledge the challenge in writing and provide a date when the employee can expect to receive a determination. If this classification determination has been the subject of a classification challenge within the last 2 years or is subject to pending litigation, DOE is not required to process the challenge and must inform the challenger of this fact and of his or her appeal rights.
- (3) Internal Agency Appeal. If the response by the Director, Office of Classification, does not satisfy the employee making the challenge, the employee may appeal the determination to the Deputy Chief of Operations, Office of Health, Safety and Security, who must respond within 90 calendar days of receipt of the appeal. Any disagreements between NNSA and the Office of Health, Safety and Security with regard to NNSA information are submitted by the NNSA Administrator to the Deputy Secretary for resolution.
- (4) Appeal to the Interagency Security Classification Appeals Panel (ISCAP). An employee may forward a challenge to the ISCAP for review if
 - (a) a response to a formal challenge has not been received within 120 calendar days or
 - (b) a response to an internal Agency appeal has not been received within 90 calendar days or
 - (c) the challenger is not satisfied with the response to the internal Agency appeal.

The appeal to the ISCAP must follow the procedures described in Article VIB of the ISCAP bylaws

(<http://www.archives.gov/isoo/oversight-groups/iscap/iscap-bylaws.html#first-function>).

- c. Classification Status During Processing of a Challenge. The information, document, or material that is the subject of a classification challenge must be protected at the current classification level and category or the classification level and category proposed by the challenge, whichever is higher, until a final decision is made.

2. 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 a security infraction or violation, as covered under DOE M 470.4-1, *Safeguards and Security Program Planning and Management*. However, security infractions are not issued in cases where Derivative Classifiers or Derivative Declassifiers legitimately disagree about the interpretation of guidance as determined by the cognizant Classification Officer. Examples of situations in which security infractions may be issued include classifying without authority; classifying outside of granted authority; failing to obtain a classification review when required.
- b. Negligence in Exercising Classification/Declassification Authority. The appropriate official (as indicated in Part A of this chapter) must promptly cancel the classification or declassification 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.

PART C—OTHER REQUIREMENTS

1. PERIODIC REPORTING REQUIREMENT. At the beginning of each fiscal year, the Office of Classification informs each DOE and NNSA Classification Officer and Headquarters Classification Representative about what statistics concerning the classification and declassification programs they must compile for that fiscal year (e.g., number of individuals with original classification authority, original and derivative classification determinations, declassification determinations, number of inspections, number of challenges processed). At the conclusion of the fiscal year, the Office of Classification issues a data call for the statistics.
2. RECORD OF CLASSIFYING AND DECLASSIFYING OFFICIALS. The official who appoints Original Classifiers, Derivative Classifiers, and Derivative Declassifiers maintains a record of such officials that includes, at a minimum, each employee's name, organization, the type of authority, the effective date, the subject areas covered by the authority, the jurisdiction of the authority, the expiration date of the authority, and any special instructions or limitations.
3. AGREEMENT FOR SUPPORT. If a field element partners with a Classification Officer not located in the field element to provide support for classification duties, then a written agreement must be prepared that describes the specific duties to be performed by the supporting Classification Officer. The agreement must be signed by both parties. The existence of such an agreement does not remove the ultimate responsibility for performing the duties from the field element receiving the support. If a Classification Officer not located in the field element serves as the Classification Officer for the field element, then the field element must designate a Classification Coordinator to monitor the activities of the Classification Officer.

CHAPTER II

CLASSIFICATION CATEGORIES AND LEVELS

1. CATEGORIES OF CLASSIFIED INFORMATION.

- a. Restricted Data. Information classified under the Atomic Energy Act that concerns—
 - (1) the design, manufacture, or utilization of nuclear weapons;
 - (2) the production of special nuclear material; or
 - (3) the use of special nuclear material in the production of energybut does not include information declassified or transclassified.
- b. Formerly Restricted Data. Information classified under the Atomic Energy Act and removed from the RD category through a joint determination by the DOE and the Department of Defense that the information—
 - (1) is related primarily to the military utilization of nuclear weapons and
 - (2) can be adequately safeguarded in a manner similar to NSI.
- c. National Security Information. Information that has been determined under E.O. 12958, as amended, 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 are listed in descending order of sensitivity:

- a. Top Secret is RD, FRD, or NSI 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 is RD, FRD, or NSI whose unauthorized disclosure could reasonably be expected to cause serious damage to the national security in a way that the appropriate official can identify or describe.
- c. Confidential.
 - (1) Restricted Data/Formerly Restricted Data. The Confidential level applies to RD and FRD 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 applies to NSI whose unauthorized disclosure could reasonably be expected to cause damage to national security in a way that the appropriate official can identify or describe.

In addition, E.O. 12958, as amended, requires that foreign government information be protected at a level at least equivalent to that of the foreign government. However, some foreign government information is protected by the foreign government in a manner that is less restrictive than the standards for U.S. Confidential information. In such cases, the information is still classified while in the possession of the United States Government. This information is classified at the Confidential level but is identified as Confidential/Foreign Government Information-Modified Handling Authorized. (See DOE M 470.4-4, *Information Security*, for complete information on protection requirements for such information).

3. USE OF THE TERM “UNCLASSIFIED.” The term “unclassified” identifies 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 since it may be subject to other controls (e.g., Unclassified Controlled Nuclear Information (UCNI), Official Use Only (OUO) information).

CHAPTER III

CLASSIFYING AND DECLASSIFYING INFORMATION

PART A—RESTRICTED DATA

1. INITIAL CLASSIFICATION.

- a. Authority. The Director, Office of Classification, initially determines whether nuclear-related information is RD under 10 CFR part 1045, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance. The Director, Office of Classification, also may evaluate new information in a previously declassified subject area and classify it if warranted, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- b. Classification Level Assignment. The Director, Office of Classification, assigns 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 its unauthorized disclosure. (See chapter II, paragraph 2)
- c. Duration of Classification. Information classified as RD has no automatic date for declassification. Such information remains classified until the Deputy Chief for Operations, Office of Health, Safety and Security, determines that it may be declassified.
- d. Request for Determination. An employee who has information that he or she believes falls under the RD definition and that is not already addressed in classification guidance must request an evaluation by his or her Classification Officer. If the Classification Officer agrees, he or she forwards the information to the Director, Office of Classification (through the Associate Administrator for Defense Nuclear Security for NNSA elements). The Director, Office of Classification, must determine whether the information is RD within 90 calendar days. The person requesting the evaluation must ensure that the information in question is protected at the highest likely classification level until a determination is made.

2. DECLASSIFICATION.

- a. Authority. The Deputy Chief for Operations, Office of Health, Safety and Security, determines whether RD information may be declassified, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.

- b. Unauthorized Disclosure. Information classified as RD is **not** automatically declassified because of any unauthorized disclosure of identical or similar information.
- c. Declassification Proposals. Anyone may propose the declassification of RD information. All such proposals are forwarded through the proposer's Classification Officer or Headquarters Classification Representative to the Director, Office of Classification (through the Associate Administrator for Defense Nuclear Security for NNSA elements), who reviews each proposal to determine whether it meets the criteria in paragraph 2c(3) below (from 10 CFR 1045.16). Those proposals that do are forwarded to the Deputy Chief for Operations, Office of Health, Safety and Security, for his consideration.
 - (1) Employee Proposal. At any time, a DOE employee may submit a proposal for declassifying RD information through the employee's Classification Officer or Headquarters Classification Representative to the Director, Office of Classification, or for an NNSA employee to the Associate Administrator for Defense Nuclear Security, who forwards those proposals with merit to the Director, Office of Classification. Proposals may be submitted for a variety of reasons, such as the declining sensitivity of the information, to reduce operating costs, or to transfer technology to the private sector.
 - (2) Formal Call for Proposals. The Office of Classification issues a call periodically to DOE and NNSA Classification Officers and Headquarters Classification Representatives as well as to the Department of Defense for declassification proposals.
 - (3) Content of Proposal. Each proposal must contain the proposer's name, address, phone number, and a detailed description of the information proposed to be declassified that addresses whether—
 - (a) the information is so widely known or readily apparent to knowledgeable observers that its classification would cast doubt on the credibility of the classification system;
 - (b) publication of the information would assist in the development of countermeasures or otherwise jeopardize any U.S. weapon or weapon system;
 - (c) the information would hinder U.S. nonproliferation efforts by significantly assisting potential adversaries to develop or improve a nuclear weapon capability, produce nuclear weapons materials, or make other military use of nuclear energy;
 - (d) publication of the information would have a detrimental effect on U.S. foreign relations;

- (e) publication of the information would benefit the public welfare, taking into account the importance of the information to public discussion and education and potential contribution to economic growth; and
 - (f) publication of the information would benefit the operation of any Government program by reducing operating costs or improving public acceptance
- (4) Disposition of Proposal. The Office of Classification notifies each person or organization making a proposal of its disposition within 1 month after the final determination on the proposal is made.
- 3. DOWNGRADING OR UPGRADING. The Director, Office of Classification, may downgrade or upgrade the classification level of RD information, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- 4. RECLASSIFICATION. Information once classified as RD but declassified cannot be reclassified.
- 5. NOTIFICATION. Derivative Classifiers and Derivative Declassifiers are notified when information is classified, declassified, downgraded, or upgraded through the issuance of classification guidance.

PART B—FORMERLY RESTRICTED DATA

1. TRANSCCLASSIFICATION OF RESTRICTED DATA TO FORMERLY RESTRICTED DATA.
 - a. Authority. Certain RD information that relates primarily to the military utilization of nuclear weapons and that may be adequately protected in a manner similar to NSI may be removed from the RD category and transclassified to FRD. This transclassification requires a joint determination between the Deputy Chief for Operations, Office of Health, Safety and Security, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance, and appropriate officials within the Department of Defense. However, the Director, Office of Classification, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance and in coordination with the Department of Defense, may also evaluate newly generated specific information in a previously declassified subject area and classify it if warranted.
 - b. Classification Level Assignment. At the time of transclassification, the Deputy Chief for Operations, Office of Health, Safety and Security, and officials from the Department of Defense 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 II, paragraph 2)
 - c. Duration of Classification. Information classified as FRD has no automatic date for declassification. Such information remains classified until the Deputy Chief for Operations, Office of Health, Safety and Security, and the Department of Defense determine that it may be declassified.
2. DECLASSIFICATION.
 - a. Authority. The Deputy Chief for Operations, Office of Health, Safety and Security, and Department of Defense officials jointly determine whether FRD information may be declassified.
 - b. Unauthorized Disclosure. Information classified as FRD is **not** automatically declassified because of any unauthorized disclosure of identical or similar information.
 - c. Declassification Proposals. The Deputy Chief for Operations, Office of Health, Safety and Security, in coordination with the Department of Defense, considers proposals for declassifying FRD information. The process described in Part A, paragraphs 2c(1)-(4) of this chapter also applies to proposals for declassifying FRD information.

3. DOWNGRADING OR UPGRADING. The Director, Office of Classification, 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.
5. NOTIFICATION. Derivative Classifiers and Derivative Declassifiers are notified when information is classified, declassified, downgraded, or upgraded through the issuance of classification guidance.

PART C—NATIONAL SECURITY INFORMATION

1. ORIGINAL CLASSIFICATION. Under E.O. 12958, as amended, an Original Classifier may make the initial determination that certain information requires protection against unauthorized disclosure in the interest of the national security.
 - a. Authority. An Original Classifier may originally classify NSI within his or her programmatic jurisdiction at any classification level (Top Secret, Secret, Confidential) up to and including the level of the Original Classifier's authority whenever classification guidance does not exist. The Director, Office of Classification, may originally classify NSI within any subject area under DOE's cognizance (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security).
 - b. Limitations on Authority. An Original Classifier may **not**
 - (1) originally classify as NSI any information that was once classified as RD or FRD,
 - (2) originally classify information if classification guidance indicates the information is unclassified, or
 - (3) declassify information.
 - c. Original Classification Standards. Information may be originally classified as NSI only if **all** of the following conditions are met:
 - (1) An Original Classifier is classifying the information.
 - (2) The information is owned by, produced by or for, or is under the control of the United States Government.
 - (3) The information falls within one or more of the classifiable areas of information listed in paragraph 1d below and is not already addressed in classification guidance.
 - (4) The Original Classifier determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism, and the Original Classifier is able to identify or describe the damage.
 - d. Classifiable Areas. Information may be considered for classification if it concerns:
 - (1) military plans, weapons systems, or operations;
 - (2) foreign government information;

- (3) intelligence activities (including special activities), intelligence sources or methods, or cryptology;
 - (4) foreign relations or foreign activities of the United States, including confidential sources;
 - (5) scientific, technological, or economic matters relating to the national security, which includes defense against transnational terrorism;
 - (6) United States Government programs for safeguarding nuclear materials or facilities;
 - (7) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security, which includes defense against transnational terrorism; or
 - (8) weapons of mass destruction. (NOTE: Does not include information concerning nuclear programs that is classified as RD or FRD.)
- e. Classification Level Assignment. An Original Classifier must 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 II, paragraph 2).
- f. Duration of Classification. At the time of original classification, the Original Classifier must determine a specific date or event for declassification based on the national security sensitivity of the information that is less than 25 years from the date of the original decision.
- g. Extending the Duration of Classification. For information initially marked for declassification at less than 25 years (e.g., the Original Classifier determined that the duration of classification was 12 years), an Original Classifier with cognizance over the information may extend the duration of classification of such information up to 25 years from the date of the initial determination. The Original Classifier must notify the Office of Classification of such an extension.
- h. Required Markings. The Original Classifier must ensure that the following information is provided for the document or material containing the information being originally classified (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
- (1) overall classification level of the document;
 - (2) overall document classification level or the classification level of each interior page of the document;

- (3) classification level of the subject or title of the document, including “U” if unclassified;
 - (4) portion marking of each section, part, paragraph, graphic, figure, or similar portion;
 - (5) name or personal identifier and position title of the Original Classifier on the “Classified By” line; If not otherwise evident, include the Agency and office of origin of the Original Classifier;
 - (6) the appropriate NSI classification category on the “Reason” line; and
 - (7) duration of classification on the “Declassify On” line
 - (a) date or event—a specific date or event up to 25 years from the date of the original decision or
 - (b) extension of classification—if an Original Classifier is extending the duration of classification, the “Declassify On” line must be revised to show the new declassification date (up to 25 years from the original determination), the identity of the person authorizing the extension, and the date of the extension action.
- i. Reporting Original Determinations. An Original Classifier must report each original classification determination within 10 working days of the determination to the Director, Office of Classification (for NNSA information, through the Associate Administrator for Defense Nuclear Security) for review and possible incorporation into classification guidance. The report must describe the information being 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 must review the report itself for classification; if the report is not classified or otherwise controlled, it must be marked “Official Use Only,” citing exemptions 2, Circumvention of Statute, and 5, Privileged Information.

2. DECLASSIFICATION.

- a. Authority. The Director, Office of Classification, may declassify NSI in any subject area under DOE’s cognizance (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security). This authority may not be delegated, but is assumed by an individual acting in that position.
- b. Declassification Criteria. NSI must be declassified when it no longer meets the standards for classification (see paragraph 1c of this part).

- c. Unauthorized Disclosure. Information classified as NSI is **not** automatically declassified because of any unauthorized disclosure of identical or similar information.
 - d. Declassification Proposals. The Director, Office of Classification, considers proposals for declassifying NSI and makes the final determination (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security). He or she notifies the person making the proposal of its disposition within 1 month after the final determination on the proposal is made.
- 3. DOWNGRADING OR UPGRADING. The Director, Office of Classification, may downgrade or upgrade the classification level of NSI under DOE's cognizance (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security).
- 4. RECLASSIFICATION.
 - a. After Declassification by Proper Authority and Release to the Public. The Secretary or Deputy Secretary may reclassify NSI that has been declassified and released to the public under proper authority only after determining that—
 - (1) reclassification of the information is necessary in the interest of the national security and
 - (2) the information may be reasonably recovered.Such action must be reported in writing within 30 calendar days to the Director, Information Security Oversight Office.
 - b. After Declassification by Proper Authority without Release to the Public. NSI that has been formally declassified by proper authority without public release may be reclassified only by the Director, Office of Classification (or for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security).
- 5. NOTIFICATION. Derivative Classifiers and Derivative Declassifiers are notified when information is classified, declassified, downgraded, or upgraded through the issuance of classification guidance.

CHAPTER IV

CLASSIFICATION GUIDANCE

1. GENERAL.

- a. Purpose. Classification guidance contains detailed, explicit instructions for determining whether specific information concerning a subject or program area or a specific facility or activity is classified. Such guidance primarily covers DOE information but may also cover information for which other Government Agencies or foreign countries are responsible.
- b. Content. At a minimum, classification guidance must—
 - (1) identify the subject matter covered by the guidance;
 - (2) identify the issuing organization;
 - (3) identify any guidance that is canceled or superseded by the issuance of new or revised guidance;
 - (4) identify the approving official by name and position and the date of issuance;
 - (5) specify who may use the guidance;
 - (6) identify a point of contact for questions concerning the classification guidance;
 - (7) identify elements of information that are classified or unclassified in the subject area and prescribe the classification level and category for those elements that are classified;
 - (8) for information classified as NSI, identify the following additional items—
 - (a) state the reason for classification by citing the applicable classifiable area or areas (see chapter III, part C, paragraph 1d) and
 - (b) prescribe the schedule for declassification:
 - 1 if not exempt from declassification after 25 years, identify a date, duration, or event for declassification that does not exceed 25 years or
 - 2 if exempt from declassification after 25 years (as specified in the Historical Records Declassification Guide or classification guidance topics based on this guide), identify the appropriate exemption category or categories and the

date, duration, or event beyond 25 years when the information is declassified.

- (9) identify any special handling caveats that apply to information covered by a topic.
 - c. Issuing Organization. The issuing organization is responsible for developing and revising guidance it issues and for ensuring that such guidance remains current.
 - d. Approval of Guidance. The Director, Office of Classification, approves all guidance (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security). For guidance for a special access program (SAP), the Director, Office of Classification, may delegate approval authority to someone who is knowledgeable about the classified aspects of the information covered under the SAP and is authorized access to such information. If there are any questions concerning approval of guidance for a specific SAP, contact the Office of Classification within the SAP channel.
 - e. Basis. Guidance is based on classification and declassification determinations or other guidance. These determinations are made by the Director, Office of Classification, and the Deputy Chief for Operations, Office of Health, Safety and Security, for RD and FRD and by an Original Classifier for NSI.
 - f. Users. Derivative Classifiers and Derivative Declassifiers use guidance as the basis for derivative determinations. A Classification Officer may prepare detailed guidance tailored to the needs of the Classification Officer's organization.
 - g. Cancellation of Guidance. Guidance may be canceled only by the Director, Office of Classification (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security). If the issuing organization desires to cancel a guide because it is no longer needed by the issuing organization, but the Office of Classification determines that the guide has continuing value for DOE, then the responsibility for ensuring the guide remains current transfers from the issuing organization to the Office of Classification.
 - h. Copies of Guidance. Within 30 calendar days of notification of approval, the issuing organization must provide the Office of Classification with a file containing the approved guidance in any of the following data formats: Word or eXtensible markup language (XML). (Note: Guidance with strict access limitations (e.g., guidance for a SAP) is exempt from this requirement.)
2. GUIDANCE ISSUES.
- a. Inconsistent Guidance. The following inconsistencies in guidance may exist.

- (1) Information may appear to be described equally well by more than one topic and uncertainty exists about which topic applies.
- (2) Different guides may specify different classifications for the same information since it is difficult to revise all guidance simultaneously to reflect declassification actions.

If such inconsistencies are encountered, the Derivative Classifier must consult with his or her Classification Officer or Headquarters Classification Representative. If neither is able to be of assistance, the Classification Officer or Headquarters Classification Representative must contact the Office of Classification for a determination. Pending this determination, the document or material containing the information must be protected at the highest level and category specified by the inconsistent topics.

- b. No Guidance. If a Derivative Classifier cannot determine the proper classification of information using classification guidance approved for his or her use, then the Derivative Classifier must consult with his or her Classification Officer or Headquarters Classification Representative. If the Classification Officer or Headquarters Classification Representative is unable to provide assistance, then the Classification Officer or Headquarters Classification Representative must refer the issue to the Office of Classification for a determination. Pending this determination, the document or material containing the information must be protected at the highest potential classification level and category of information that is likely to be contained in the document or material.
 - c. Determination. The Office of Classification must make a classification determination within 30 calendar days of receipt of the inquiry.
3. CATEGORIES OF CANCELED GUIDANCE. Canceled guidance may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified. The Office of Classification determines the category into which the canceled guidance falls.
- a. Confirmation Guidance may not be used to make classification determinations, but may be used by Derivative Classifiers and Derivative Declassifiers to confirm that information is unclassified. Confirmation guidance is listed in the Index of Classification Guidance and included in the Classification Guidance System (CGS), as appropriate.
 - b. Historical Guidance may be used only for historical reference purposes and may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified or unclassified.

4. RELATED POLICIES AND PROCEDURES.

- a. Record of Guidance. Each Classification Officer must maintain or have access to—
 - (1) a record of guidance that he or she issues and
 - (2) a list of guidance needed for work on each contract for which a DOE F 470.1 is completed.
- b. Review and Revision of Guidance.
 - (1) Changes in Policies or Other Guidance. When changes in classification policy or other guidance are received, each Classification Officer must evaluate whether guidance that he or she issues must be revised. If so, such guidance must be revised and submitted for approval within 180 calendar days of receiving the change.
 - (2) Periodic Review of Classification Guidance. At least once every 5 years, each Classification Officer must conduct a cover-to-cover review of the guidance issued by his or her organization (regardless of whether any revisions or page changes have been made to the guidance) to ensure it is up to date. (NOTE: This review requirement does not apply to canceled guidance.) If the review confirms the guidance is current, the reviewer must annotate the record copy of the guidance with the results of the review and the date it was performed. If the guidance is not current, the Classification Officer must revise the guidance and submit it for approval within 180 calendar days of completing the review, but no later than 180 days after the fifth anniversary of the previous review.
- c. Extracts from Guidance. If work being performed by a Federal organization or contractor is covered only by specific topics or sections in a classification guide, the Classification Officer may extract those pertinent topics or sections from the guidance and provide them by memorandum to the Federal organization or contractor. However, any classification determination based on such an extract must cite the classification guide from which the extract was taken and not the memorandum providing them to the contractor. Such extracts must be included on the record of guidance required in paragraph 4a and must be kept up to date as required in this chapter.
- d. Distribution of Guidance. Each Classification Officer must distribute new or revised guidance to appropriate Derivative Classifiers and Derivative Declassifiers within 30 calendar days of receiving it. However, if the new or revised guidance announces an upgrade or reclassification, then the Classification Officer must disseminate the guidance to appropriate Derivative Classifiers and Derivative Declassifiers as soon as possible.

- e. Updating Guidance. Derivative Classifiers and Derivative Declassifiers receiving new or revised guidance have 30 calendar days from receipt of such guidance to destroy superseded guidance (or return it to the Classification Officer for destruction) or to make the page or pen-and-ink changes in guidance that has changed, as appropriate. (NOTE: Only Classification Offices may retain copies of superseded guidance for reference purposes, but the copy must be labeled on the front of the guidance or otherwise identified as superseded.)
- f. Classification Guidance for Special Access Programs. The program office in charge of a SAP ensures that classification guidance is developed for information covered under the SAP. Such guidance is approved by the Director, Office of Classification (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security), but he or she may delegate this authority to someone who is knowledgeable about the classified aspects of the information covered under the SAP and is authorized access to such information.
- g. Completion of DOE F 470.1, "Contract Security Classification Specification," Concerning Classification Guidance for DOE-Funded Work. DOE F 470.1 is completed for contracts performing work that requires access to classified information.
 - (1) Classification Guidance Determination. Any contract allowing access to classified information may generate classified documents or material intentionally or inadvertently. The procurement request originator must ensure that the box for DEAR 952.204-70 in block 14 is always checked and must determine whether classification guidance is needed.
 - (a) Classification Guidance Needed. If classification guidance is needed, the procurement request originator ensures that block 13 either lists the specific guidance needed or states:

List of guidance needed for work under this contract is maintained by the Classification Officer/Headquarters Classification Representative identified in block 18 below.
 - (b) Classification Guidance Not Needed. If classification guidance is not needed, the procurement request originator must reasonably explain in block 13 why it is not needed. For example:

All written material will be reviewed by a Federal Derivative Classifier;

or

The contract will only generate written material consisting of routine administrative documents (such as time cards) that are extremely unlikely to contain classified information.

- (2) Certification. A Classification Officer or Headquarters Classification Representative certifies that block 13 is completed correctly and that the box for DEAR 952.204-70 in block 14 is checked by signing block 18 of DOE Form 470.1. A Classification Officer or Headquarters Classification Representative may delegate this authority in writing to someone who is knowledgeable about the classified aspects of the work to be performed.
- h. Classification Guidance for Non-DOE-Funded Work in Classified Subject Areas. Non-DOE-funded work that may require access to classified information is conducted under DOE O 481.1C, *Work for Others (Non Department of Energy-Funded Work)*, dated 1-24-05), and this Manual.
 - (1) Certification of Classification Guidance. Prior to commencement of the work, the Classification Officer must review the work request and proposed classification guidance and certify in writing that the guidance does not contradict DOE classification guidance. NOTE: This certification may be done by signing block 18 of DOE F 470.1 if this form is used locally for non-DOE-funded work. The Classification Officer may delegate the authority in writing to review and certify such classification guidance to someone who is knowledgeable about the classified aspects of the work to be performed (and if the guidance concerns a SAP, such an individual must also be authorized access to the SAP). If the guidance is revised during the period of performance, the Classification Officer or his or her delegate must certify that the revisions do not contradict DOE classification guidance.
 - (2) Access to Guidance. The Classification Officer or his or her delegate must have access to a copy of the guidance and its revisions until the work is completed.
 - (3) Contradictory Guidance. If the proposed classification guidance contradicts DOE classification guidance, the funding organization must be notified of the need to resolve the contradictions. If the contradictions cannot be resolved, then the Classification Officer must forward the guidance with a description of the problems to the Office of Classification (for NNSA organizations, through the Associate Administrator for Defense Nuclear Security) for final resolution.
 - (4) Use of DOE Guidance. DOE classification guidance concerning RD/FRD may be used if the work involves RD/FRD. DOE classification guidance concerning NSI may be used if the work explicitly falls within the scope of such guidance and the funding Agency agrees in writing.
- i. Classification Guidance for Jointly Funded Work. Classification guidance for work performed at DOE facilities and funded by DOE and another U.S. Government organization is the joint responsibility of the funding organizations. The DOE organization responsible for funding the classified work must contact

the Office of Classification, through the Associate Administrator for Defense Nuclear Security if within NNSA, to ensure that appropriate joint classification guidance is either available or developed.

- j. Classification Guidance for DOE-Funded Work at Other Government Facilities.
The DOE organization responsible for funding classified work at other Government facilities must contact the Office of Classification, through the Associate Administrator for Defense Nuclear Security if within NNSA, to ensure that classification guidance covering the work is either available or developed.

CHAPTER V

CLASSIFYING AND DECLASSIFYING DOCUMENTS AND MATERIAL

PART A—CLASSIFICATION

1. DERIVATIVE CLASSIFICATION. A determination based on classification guidance or source documents that a document or material contains classified information.
 - a. Authority. A Derivative Classifier may derivatively classify a new or existing document or material as authorized by his or her description of authority.
 - b. Basis for Determination.
 - (1) Restricted Data/Formerly Restricted Data. The Derivative Classifier bases his or her determination that information is classified as RD or FRD on guidance authorized for his or her use. If guidance is inconsistent or does not exist, the Derivative Classifier should refer to Chapter IV, paragraph 2.
 - (2) National Security Information. The Derivative Classifier bases his or her determination that information is classified as NSI on guidance authorized for his or her use. If no guidance exists, the Derivative Classifier should refer to chapter IV, paragraph 2b, of this Manual. The only time a portion-marked source document may be used is if the information in the document being classified is substantively the same as information in the source document; the information is entirely under the purview of another Government Agency, foreign government, or international organization; and no joint classification guidance exists. However, the document cannot be used as a source document if it has a date or event for declassification that has passed or if the document is older than 25 years.
2. CLASSIFICATION REVIEW OF A NEW DOCUMENT OR MATERIAL.
 - a. Current Employee Authorized Access to Classified Information. Upon creation of a new document (in hard copy or electronic format) or material in a classified subject area, the employee must ensure it is protected at the highest potential classification level and category of information that is likely to be contained in the document or material until a review is obtained by the appropriate official. The document or material must be reviewed, if required, prior to its being finalized, released by the employee outside of the activity (e.g., ad hoc working group) or office, or filed. Regardless, the document or material must be reviewed no later than 180 days after its creation.
 - (1) Not Intended for Public Release. A Derivative Classifier must review the document or material unless the employee is confident that the document or material does not contain any classified information based on the employee's knowledge about the classified aspects of the subject area

and/or because the employee has previously had documents or material containing similar information reviewed and determined to be unclassified by a Derivative Classifier.

- (2) Intended for Public Release. The Classification Officer must review the document or material. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in the document or material.

- (3) Presentations in a Classified Subject Area.

- (a) Prepared Text.

- 1 Classified Setting. A Derivative Classifier must review prepared text for a presentation in a classified subject area to be given in a classified setting (i.e., room is approved for the discussion of classified information and all individuals in the room are authorized access to classified information) unless the employee who prepared the text is confident that the presentation does not contain any classified information based on the employee's knowledge about the classified aspects of the subject area and/or because the employee has previously had presentations containing similar information reviewed and determined to be unclassified by a Derivative Classifier.

- 2 Unclassified Setting. The Classification Officer must review prepared text for a presentation in a classified subject area to be given in an unclassified setting (i.e., regardless of the room, the status of authorized access to classified information by individuals in the room is not known). The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in such presentations.

- (b) No Prepared Text. If the employee does not have prepared text or if extemporaneous remarks are likely, a Derivative Classifier (if in a classified setting) or the Classification Officer (if in an unclassified setting) must brief the employee on classification guidance pertinent to the subject matter, including related topics and associations the employee should avoid because they may be classified, and must remind him or her about DOE's "no comment" policy. Such a briefing is not required if the employee is confident that the presentation or remarks do not contain any classified information based on the employee's knowledge about

the classified aspects of the subject area and/or because the employee has previously had similar information reviewed and determined to be unclassified by a Derivative Classifier or Classification Officer. The Classification Officer may delegate this briefing responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas being discussed.

- b. Current Employee Who No Longer Is Authorized Access to Classified Information. If a current employee who no longer is authorized access to classified information creates a new document or material in a classified subject area, regardless of whether the document is for internal or public release, the employee must obtain a review of the document or material by a Derivative Classifier. If the Derivative Classifier determines that the document or material contains classified information, then the Derivative Classifier must forward the document or material to the Classification Officer without informing the employee of this referral. The Classification Officer determines how to handle the situation since the employee cannot be told that the document or material is classified since he or she is no longer authorized access to classified information. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in the document or material.

3. CLASSIFICATION REVIEW OF AN EXISTING UNCLASSIFIED DOCUMENT OR MATERIAL.

- a. Review Requirement. If an employee possesses an existing unclassified document or material that he or she believes may contain classified information, the employee must ensure it is protected at the highest potential classification level and category of information that is likely to be contained in the document or material until it is reviewed. A Derivative Classifier must review such a document or material to determine whether to classify the document or material. If the document or material does contain classified information, then the Derivative Classifier must refer the document or material to the Classification Officer because such a document or material was either not reviewed or erroneously reviewed when created. If the employee no longer is authorized access to classified information, then the Derivative Classifier must not inform the employee of this referral. The Classification Officer should be aware of such documents or material so as to be able to correct errors in the review process. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in the document or material.
- b. Marking. If the document does contain classified information, then the individual conducting the review marks or authorizes the marking of the document or material as described in paragraph 6, below.

- c. Notification. If the document does contain classified information, this is considered an upgrade. Refer to Part C of this Chapter for notification requirements.
4. REVIEW OF NEW OR EXISTING DOCUMENTS SUBMITTED BY INDIVIDUALS NOT EMPLOYED BY DOE OR NNSA.
 - a. Authorized Access to Classified Information. The Classification Officer performs a classification review of a new or existing document or material concerning a classified subject area that is submitted by an individual who was never employed by DOE but has authorized access to classified information. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in such documents or material.
 - b. Not Authorized Access to Classified Information. The Office of Classification performs a classification review of a new or existing document or material concerning a classified subject area that is submitted by an individual who was never employed by DOE or NNSA and who is not authorized access to classified information.
5. REVISION OF DOCUMENT PREVIOUSLY REVIEWED FOR CLASSIFICATION. If the technical or programmatic content of a document or material that has already received a classification review is revised, the author of the revision must obtain another classification review from the appropriate official.
6. COMPLETION OF CLASSIFIER MARKINGS. A Derivative Classifier provides the following information for a document or material being derivatively classified (see DOE M 470.4-4, *Information Security*, for complete information on classification and security marking requirements):
 - a. Restricted Data/Formerly Restricted Data.
 - (1) Highest classification level and category of the information contained in the document or material.
 - (2) Overall document classification level and category or the classification level and category of each interior page of the document.
 - (3) Classification level and category of the subject or title of the document, including “U” if unclassified.
 - (4) Name or personal identifier and position title of the Derivative Classifier for the “Classified By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
 - (5) For the “Derived From” line:

- (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
- (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No.1, 7/5/2005, Dept of Good Works, Office of Administration).
- (c) If more than one guide was used to classify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.

b. National Security Information.

- (1) Highest classification level of the information contained in the document or material.
- (2) Overall document classification level or the classification level of each interior page of the document.
- (3) Classification level of the subject or title of the document, including “U” if unclassified.
- (4) Portion marking of each section, part, paragraph, graphic, figure, or similar portion. (NOTE: Documents containing only NSI must be portion marked.)
- (5) Name or personal identifier and position title of the Derivative Classifier for the “Classified By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
- (6) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No.1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to classify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.
- (7) Duration of classification derived from the guidance or source documents for the “Declassify On” line. If multiple topics or source documents are used, the longest duration is indicated.

- (a) For information that is not exempt from declassification after 25 years, indicate the specific date (mm/dd/yy) or event for declassification.
 - (b) For information that is exempt from declassification after 25 years, include the notation “25X” followed by the number of the appropriate exemption category or categories from the classification guidance and the date or event when the information will be declassified.
- (8) The following special control marking:

Derivative Declassifier review required prior to declassification

c. Mixed Document. A mixed document contains both RD/FRD and NSI.

- (1) Highest classification level and category of the information contained in the document or material.
- (2) Overall document classification level and category or the classification level and category of each interior page of the document.
- (3) Classification level and category of the subject or title of the document, including “U” if unclassified.
- (4) Name or personal identifier and position title of the Derivative Classifier for the “Classified By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
- (5) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No.1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to classify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.

- (6) If the mix of information in the document causes the document to be marked at an overall level and category higher than the protection level required for any of the individual portions, the marking matrix described in DOE M 470.4-4, *Information Security*, may be used in addition to the other required markings.

d. Other Miscellaneous Requirements for NSI Documents.

- (1) Source Document Marked “OADR.” If a source document used to derivatively classify a document contains the declassification instruction “Originating Agency’s Determination Required” or “OADR,” the “Declassify On” line must state that the source document contained this instruction and include the date of the source document (e.g., “Declassify On: Source Marked ‘OADR,’ Date of source: 10/20/90”).
- (2) Source Document Marked with Exemption Markings X1 through X8. If a source document used to derivatively classify a document contains the exemption markings X1 through X8, the “Declassify On” line must state that the source document was marked with this instruction and include the date of the source document (e.g., “Declassify On: Source Marked ‘X1,’ Date of source: 10/20/90”). (Reminder: A portion-marked source document may be used only if the information extracted from such a document is entirely under the purview of another Government Agency, foreign government, or international organization and no joint guidance exists.)
- (3) Extension of Classification. To extend the classification of a document whose declassification date or event has not passed, the “Declassify On” line must be revised to show the new classification duration, the “Classified By” line must identify the Derivative Classifier making the determination if different from the Derivative Classifier who made the first determination and the date of the action, and the “Derived From” line must identify the classification guide or source document authorizing the extension if different from the one used to initially classify the document.

7. PORTION MARKING REQUIREMENTS AND RESTRICTIONS.

- a. Restricted Data/Formerly Restricted Data Documents. Documents containing RD or FRD information should not be portion marked. (NOTE: Portion marking an RD or FRD document is strongly discouraged in order to reduce the likelihood that such documents would be used as a source document.)
- b. National Security Information Documents. Documents containing only NSI must be portion marked as required by DOE M 470.4-4.

- c. Mixed Documents. Documents containing both RD/FRD and NSI should not be portion marked.
- d. Documents Prepared under Work-for-Others Contracts. When specified in the contract, documents prepared under a Work-for-Others contract must follow the portion marking rules of the funding organization. If not specified in the contract, then the portion marking rules specified above apply.

8. RELATED POLICIES AND PROCEDURES.

- a. Foreign Government Information. For complete information on marking documents containing foreign government information, refer to DOE M 470.4-4, *Information Security*.
 - (1) Document Generated by a Foreign Government. A review by a Derivative Classifier is **not** required to apply a U.S. classification level (i.e., Top Secret, Secret, Confidential, or Confidential/Foreign Government Information-Modified Handling Authorized) that provides at least an equivalent level of protection to a document or material classified by a foreign government (see DOE M 470.4-4, Table II-2, for a listing of foreign markings and their U.S. equivalent markings). However, if the person in possession of the document is unsure about the appropriate U.S. classification level, then he or she should consult a Derivative Classifier.
 - (2) Document Generated by the United States. A Derivative Classifier must review any document generated by the U.S. Government containing foreign government information to determine whether the document may also contain U.S. classified information.
- b. Classification Based on Association or Compilation. In general, information is classified regardless of its context. However, in the cases of association and compilation, information is classified because of its context; e.g., its occurrence with other information in the document.
 - (1) Classification Based on Association. Classification by association concerns—
 - (a) two or more different, unclassified facts that when combined in a specific way result in a classified statement or
 - (b) two or more different, classified facts that when combined in a specific way result in a higher classification level.

For example, these facts may be in the same sentence, paragraph, chapter, or document. Regardless, associations are classified based on existing

classification guide topics. Therefore, a Derivative Classifier may classify a document within his or her authorized subject areas because of the association. The document is marked at the level and category (if RD or FRD) of the information revealed by the association unless information that is classified at a higher level or category is also contained elsewhere in the document. If the document is portion marked, then each portion of the associated information must be marked at the level and category (if RD or FRD) of the association.

- (2) Classification Based on Compilation. Classification by compilation occurs at the document level when—
- (a) a large number of often similar, unclassified pieces of information whose selection, arrangement, or completeness in the document adds sufficient value to merit classification or
 - (b) a large number of often similar, classified pieces of information whose selection, arrangement, or completeness in the document adds sufficient value to merit classifying the document at a higher classification level.

Classification by compilation is rarely based on a guide topic. Therefore, if no guide topic exists, then only the Director, Office of Classification, may determine that such a document is classified as RD or FRD based on compilation. For NSI, only an Original Classifier may make the determination. If a guide topic addressing the information revealed in the compilation does exist, a Derivative Classifier may make the determination within his or her authorized subject areas. A document that is classified based on compilation is **never** portion marked and must contain the following statement:

This document has been classified under the compilation concept and must not be used as the source for a derivative classification decision.

- c. Review of Patent Applications and Reports. Section 151 of the Atomic Energy Act states that no patent may 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 must file a report with DOE that describes the invention or discovery.

- (1) Patent Application.
- (a) Initial Review of Patent Application. The Office of Classification reviews each patent application submitted to the U.S. Patent

Office concerning an invention or discovery covered by section 151 of the Atomic Energy Act to determine whether to impose a secrecy order under the Invention Secrecy Act of 1951. (NOTE: Imposition of a secrecy order does not in and of itself classify the application, but places controls on its publication or disclosure. A secrecy order is applied when a patent application contains classified or unclassified controlled information.)

- (b) Appeal of Secrecy Order Determination. If the person filing the patent application disputes the imposition of a secrecy order, the Deputy Chief of Operations, Office of Health, Safety and Security, must review the application and determine whether the secrecy order was properly applied.
 - (c) Annual Review of Secrecy Order. On or before the anniversary date of imposing a secrecy order on a patent application, the Office of Classification must confirm that it is still properly applied.
- (2) Report of Invention or Discovery. The Office of Classification must review each report filed with DOE under section 151 of the Atomic Energy Act to consider whether the information should be controlled as RD by the Secretary of Energy under 10 CFR 1045.21.
- d. Review of Document to be Provided to Congress. The originator or possessor of a document concerning a classified subject area that is to be provided to Congress as an unclassified document (e.g., transcript, testimony, budget submission, etc.) must submit the document to the Office of Classification for a classification review.
- e. Classification of an Unmarked Document Following a Request. The public may request documents concerning a classified subject area under a statute, Executive order, or regulation. Such documents may contain classified information, even though they are not so marked. If a review by the Classification Officer reveals that an unmarked document contains classified information, the Classification Officer must refer the document to the Office of Classification.
- f. Classification Review Process for Electronic Database Reports and Standard Forms. A Classification Officer may review the fields to be included in an electronic database or the elements to be included on a form and determine that when the fields or elements are completed, the data base or form is classified or unclassified. The Classification Officer may make that determination once, document it, and then printed reports from the database and completed forms will use that determination as the basis for their classification. However, if any fields or elements are revised or new fields or elements are added, a new classification review is required.

- g. Extracted Version of Document. If a portion of an existing classified document (e.g., a chapter or appendix) is extracted for use as a new document, then the document must be clearly identified as an extract and must be reviewed by a Derivative Classifier. If the extract is intended to be unclassified, then an additional review by a Derivative Declassifier is required. If the portion is extracted for inclusion in a new document, the new document must be reviewed by a Derivative Classifier.
- h. Review upon Termination of Employment. A DOE or NNSA employee who retires or otherwise terminates employment may wish to take unclassified correspondence, personal records, diaries, or other documents with him or her. If such records concern a classified subject area and have not already been reviewed and determined to be unclassified, then a Derivative Classifier (other than the individual who is retiring or terminating employment) must review all such documents to determine whether they contain any classified information before the departing employee removes the documents.
- i. Documenting an “Unclassified” Review Determination. If desired, a Derivative Classifier may document that a classification review resulted in an “unclassified” determination. If so, the following or an equivalent marking is applied to the front of the document:

<p>Reviewed and determined to be UNCLASSIFIED. This review does not constitute clearance for public release.</p> <p>Derivative Classifier: _____ (Name/personal identifier and position title)</p> <p>Date: _____</p>

- 9. DESIGNATED UNCLASSIFIED SUBJECT AREA (DUSA). A DUSA is a collection of information that concerns one or more projects or programs and that has essentially no risk of being classified.
 - a. Any Headquarters or field element may establish a DUSA for a program or project under its cognizance with the approval of the Classification Officer.
 - b. Documents or material that contain information falling under a DUSA are not subject to the review requirements in Chapter V, Part A, of this Manual.

PART B—DECLASSIFICATION

1. DERIVATIVE DECLASSIFICATION. A determination based on classification guidance that a document or material no longer contains any classified information.
 - a. Authority. A Derivative Declassifier may derivatively declassify a document or material as authorized by his or her description of authority.
 - b. Basis for Determination. The Derivative Declassifier must base his or her determination on classification guidance authorized for his or her use. If the Derivative Declassifier cannot make a determination based on this guidance, he or she should follow the procedures described in Chapter IV, paragraph 2. (NOTE: If the document was classified based on a portion-marked source document containing information under the purview of another Government Agency, foreign government, or international organization, then the document under review must be referred to the appropriate Government Agency, foreign government, or international organization for declassification.)
2. REVIEW REQUIREMENTS FOR BRACKETING A DOCUMENT OR DECLASSIFYING A DOCUMENT OR MATERIAL. Preparing a bracketed version of a document (i.e., a version of the document with all classified information enclosed within brackets) 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 Derivative Declassifier. The second review must be conducted by a Derivative Declassifier (other than the first reviewer) who must confirm that all classified information has been identified and bracketed in a document or that the document or material to be declassified does not contain classified information. NOTE: In the case of a bracketed document, the classified information identified within the brackets must be removed in order to complete the document declassification process. This removal of classified information is known as redaction. In order to ensure that all classified information is removed from a bracketed document, any redaction process should contain adequate quality assurance measures, such as having a second person verify that the person redacting the classified information did so correctly.
3. DECLASSIFICATION INSTRUCTIONS. Section 3155(a) of Public Law 104-106 states that before a document can be released or declassified, it must be reviewed to determine if it contains RD (and by extension, FRD) information.
 - a. Restricted Data/Formerly Restricted Data. Documents or material marked as containing RD or FRD are **never** automatically declassified. Such documents or material remain classified until reviewed as specified in paragraph 2 above. Under the Atomic Energy Act, no date or event for declassification is ever applied to RD/FRD documents or material, even if such documents or material also contain NSI.

- b. National Security Information. DOE and NNSA documents or material marked as containing NSI are **never** automatically declassified because they may contain NSI whose classification has been extended or even RD or FRD not identified when the document was initially classified. This is the case even if a date or event for declassification is indicated on the front of the document. The Information Security Oversight Office recommends that any document containing NSI that is subject to declassification but does not contain appropriate declassification markings be reviewed to confirm that the document or material is no longer classified and then be appropriately marked.

- (1) Marked with a Specific Date or Event for Declassification. A document or material marked for declassification with a specific date or event that has passed must be reviewed by a Derivative Declassifier (single review only). If the document or material still contains classified information, then the new date or event for declassification must be annotated on the document or material.
- (2) Not Marked with a Specific Date or Event for Declassification. Under previous Executive orders, some documents or material containing NSI were not marked with a date or event for declassification. Rather, various designations were used to indicate that such documents were to be reviewed prior to declassification (as noted in the table below). Documents or material bearing such designations follow the declassification procedures contained in Part B, paragraph 2, Review Requirements for Bracketing a Document or Declassifying a Document or Material, above. If it is determined that the document or material is still classified, then the current declassification instructions must be annotated on the document or material.

Executive Order	Designation
E.O. 10501	Group 1 Group 2 Group 3
E.O. 11652	Exempt from General Declassification Schedule (XGDS)
E.O. 12065	Review for Declassification on <i>date indicated</i>
E.O. 12356	Originating Agency's Determination Required (OADR)
E.O. 12958, as amended	Declassify on: Xn (where <i>n</i> is a number between 1 and 8)

- (3) Permanent Documents that are 25 Years Old or Older. Some documents that are 25 years old or older are considered permanent records under records management policies and procedures that implement Title 44 of the United States Code. Declassification of such documents is subject to section 3.3 of E.O. 12958, as amended. Review of such documents for

declassification is conducted following the instructions in paragraphs 3b(1) and (2) above, as appropriate. While the review of such documents for RD and FRD is based on any applicable guidance, the review of such documents for NSI must be based solely on the Historical Records Declassification Guide or classification guidance topics based on this guide.

4. REQUIRED DECLASSIFIER MARKINGS OR INFORMATION. For each document or material that is declassified, the Derivative Declassifier crosses out or authorizes the crossing out of the classification markings and provides the following information (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
 - a. The names or personal identifiers and positions or titles of individuals declassifying the document for the “Declassified By” line.
 - b. For the “Derived From” line:
 - (1) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (2) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (3) If more than one guide was used to declassify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.
 - c. The date of declassification for the “Declassified On” line.
5. NOTIFICATION. The Derivative Declassifier authorizing the declassification of a document or material must notify the following individuals within 30 calendar days and provide sufficient information for them to identify the specific document or material being declassified:
 - a. the originator or custodian of the document or material, if identifiable, and
 - b. if the document is a scientific or technical report, the OSTI Classified Information Program Manager.

The individuals identified in paragraphs 5a and 5b who receive a declassification notification must notify all known holders of the document or material that the document is being declassified.

6. CHANGING CLASSIFICATION MARKINGS BASED ON RECEIPT OF A DECLASSIFICATION NOTICE. The person changing classification markings on a

document based on receipt of a declassification notice must include the following information on the front of the document (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):

- a. The word “Declassified” on the “Classification changed to” line.
- b. A brief description of the notice advising of the declassification and its date on the “Authorized by” line.
- c. The name of the person making the change and the date the change is made on the “Changed by” line.

NOTE: Adequate quality assurance measures should be in place to ensure that the declassification announced in the notice is done correctly. For example, a second person verifies that the person changing the classification markings based on a notice did so correctly.

7. REQUESTS FOR CLASSIFIED DOCUMENTS.

a. Response to Requests and Appeals for Classified Documents.

(1) Freedom of Information Act Requests.

- (a) Initial Requests. A classified document requested under the Freedom of Information Act (FOIA) is reviewed under the provisions of 10 CFR part 1004 and this Manual. The Director, Office of Classification, must concur on all responses involving a request for a classified document and serves as the Denying Official for any classified portion of such a document.
- (b) Appeals of Denials. The Deputy Chief for Operations, Office of Health, Safety and Security, makes the final appeal determination concerning any portion of a document that was previously denied because it was classified. The Director of Hearings and Appeals issues the final appeal determination on behalf of DOE.

(2) Privacy Act Requests.

- (a) 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, Office of Classification, must concur on all responses involving a request for a classified document and makes the final determination concerning the denial of any classified portion of such a document.
- (b) Appeals of Denials. The Deputy Chief for Operations, Office of Health, Safety and Security, makes the final appeal determination concerning any portion of a document that was previously denied

because it was classified. The Director of Hearings and Appeals issues the final appeal determination on behalf of DOE.

(3) Mandatory Review Requests.

(a) Initial Request. Any employee who receives a mandatory review request under 10 CFR 1045.42 or section 3.5 of E.O. 12958, as amended, for a document containing RD/FRD or NSI must send the request, through the Classification Officer or Headquarters Classification Representative, to the Office of Classification.

(b) Appeal Determination for Denials.

1 Restricted Data/Formerly Restricted Data. The Deputy Chief for Operations, Office of Health, Safety and Security, makes the final appeal determination concerning any portion of a document that was previously denied because it contained RD or FRD.

2 National Security Information. The Deputy Chief for Operations, Office of Health, Safety and Security, makes the final appeal determination within 60 calendar days of receiving the appeal request concerning any portion of a document that was previously denied because it contained NSI. If a determination is not made within 60 calendar days, the Deputy Chief for Operations, Office of Health, Safety and Security, must explain to the requester the reason for the delay, provide a date when a determination is expected to be issued, and inform the requester of his or her right to seek further review by the Interagency Security Classification Appeals Panel.

b. Analytical Support for Processing Appeals. The Office of Classification provides analytical support and recommendations to assist the Deputy Chief for Operations, Office of Health, Safety and Security, in exercising his or her appeal authority.

8. SYSTEMATIC DECLASSIFICATION REVIEWS.

a. Restricted Data/Formerly Restricted Data. Each Classification Officer ensures that documents containing RD/FRD are reviewed periodically and systematically for declassification. Such reviews are based on the degree of public and researcher interest and the likelihood of declassification upon review.

b. National Security Information. Each Classification Officer ensures that documents containing NSI that are exempt from declassification under section 3.3 of E.O. 12958, as amended, are reviewed periodically and systematically for

declassification. Such reviews are based on the degree of public and researcher interest and the likelihood of declassification upon review.

9. LARGE-SCALE DOCUMENT DECLASSIFICATION REVIEW PLAN.

- a. Plan Requirement. Whenever a Classification Officer must review for declassification a group of documents that exceeds 25,000 pages, he or she must prepare a document review plan and submit it to the Office of Classification (if within NNSA, through the Associate Administrator for Defense Nuclear Security). Such a plan is required for any type of declassification review (e.g., in support of litigation or an employee health-related study, FOIA request, systematic reviews) if it exceeds 25,000 pages.
- b. Contents of the Plan. The plan must:
 - (1) explain 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 quality assurance assessment plan with standards for remedial action specified;
 - (4) summarize any exceptions or 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 any non-standard markings to be used.
- c. Approval of Plan. The Office of Classification must approve the plan before any work is started.

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

- a. Public Release. Declassifying a document or material does not mean that it may automatically be released to the public since the information in the document or material may still be exempt from release for other reasons.
- b. Coordination Reviews. Prior to declassifying a document or material containing information under the cognizance of another DOE element, foreign country, or other Government Agency, the document or material must be coordinated with that other element, country, or Agency as follows:

- (1) DOE-Originated Documents or Material Containing Only DOE Information. Unless specific authority to declassify the document or material has been delegated to the Derivative Declassifier in his or her description of authority, he or she must either send the document or material to the appropriate organization for review or obtain the concurrence of that organization that the document or material can be declassified.
 - (2) Documents or Material Containing Foreign Government Information. The Office of Classification conducts all coordination required to declassify a document or material that contains foreign government information.
 - (3) Documents or Material Containing Other-Agency Information. The Office of Classification conducts any interagency coordination required to declassify a document or material containing information under the cognizance of another Agency when the document or material relates to litigation or is requested under statute or Executive order. In all other cases, the Classification Officer must conduct any interagency coordination required to declassify a document or material containing information under the cognizance of another Agency.
- c. Documents Declassified under the Comprehensive Classification Review Program (CCRP). A document that was declassified during the CCRP that has not been publicly released remains classified until a Derivative Declassifier conducts a subsequent review and confirms that the document does not contain classified information (only a single review by a Derivative Declassifier is required). Such documents were declassified between 1971 and 1978 and are identified in many ways (e.g., pinholes through the document spelling “Declassified”) and may include the following or similar markings:

CLASSIFICATION CANCELED OR CHANGED TO _____ BY AUTHORITY OF <u>DOC</u> _____ BY <u>John Doe</u> DATE <u>3/20/73</u> _____

If the document contains classified information, then the CCRP declassification markings must be crossed out and the current classification markings applied. If the document does not contain classified information, then the Derivative Declassifier applies current declassification markings to confirm the document has been declassified. Document custodians must be especially careful that they do not act upon the declassification notations for documents falling between 1971 and 1978 without first obtaining a review by a Derivative Declassifier.

- d. OpenNet Data Base. Each Headquarters or field element that declassifies a document and determines that it may be released to the public must provide

identifying information and, if available, an electronic version of the document itself to OSTI for potential inclusion on the OpenNet data base. (NOTE: This requirement does not apply to documents declassified under sections 3.3 or 3.4 of E.O. 12958, as amended.)

- e. Obsolete Classification Markings. Documents dated prior to December 15, 1953, and marked as “Restricted” and documents dated from July 18, 1949, through October 22, 1951, and marked as “Official Use Only” were considered classified documents. A single review by either a Derivative Classifier or Derivative Declassifier is required to determine the current classification status of such documents. Until that review is completed, the documents must be handled and protected as Confidential NSI. If the review indicates a document is classified based on current guidance, then the “Restricted” or “Official Use Only” markings are crossed out and replaced with current classification markings. If the review indicates the document is not classified, the “Restricted” or “Official Use Only” markings are crossed out and replaced with “unclassified” along with the name of the reviewer and the date of the determination.
- f. Redacted Version of Document. The title of a redacted document must clearly indicate that it is a redacted version. If the original document had a unique report number, then a new number must be assigned to the redacted version.

PART C—DOWNGRADING OR UPGRADING

1. DOWNGRADING.

- a. Process. A document or material is downgraded when a Derivative Declassifier determines the document or material is classified at a classification level or category lower than currently marked, not including unclassified. (NOTE: Changing from classified to unclassified is called declassification, which is covered under Part B of this chapter.) The document or material must be within a subject area covered by the Derivative Declassifier's authority, and the determination must be based on guidance.
 - (1) Downgrading Classification Levels. Classification levels are downgraded in the following precedence order—from Top Secret to Secret to Confidential. NOTE: For foreign government information, an additional downgrade from Confidential to Confidential/Foreign Government Information-Modified Handling Authorized is possible.
 - (2) Downgrading Classification Categories. Classification categories are downgraded in the following precedence order—from RD to FRD to NSI.
- b. Downgrading Marking. For each document or material that is downgraded, the Derivative Declassifier crosses out or authorizes the crossing out of the existing classification markings and marks or authorizes the marking of the document or material with the downgraded level (and category if RD or FRD) and provides the following information (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
 - (1) The name or personal identifier and position title of the Derivative Declassifier authorizing the downgrading for the “Downgraded By” line.
 - (2) Date of the downgrading for the “Downgraded On” line.
 - (3) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to declassify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document

- (4) If NSI, include the duration of classification derived from the guidance for the “Declassify On” line.

2. UPGRADING.

- a. Process. A document or material is upgraded when a Derivative Classifier determines the document or material is classified at a classification level or category higher than currently marked or the document or material was never marked or was erroneously marked as unclassified. The document or material must be in a subject area covered by the Derivative Classifier’s authority, and the determination must be based on guidance.
 - (1) Upgrading Classification Levels. Classification levels are upgraded in the following precedence order—from unclassified to Confidential to Secret to Top Secret. NOTE: For foreign government information, additional upgrades from unclassified to Confidential/Foreign Government Information-Modified Handling Authorized to Confidential are possible.
 - (2) Upgrading Classification Categories. Classification categories are upgraded in the following precedence order—from NSI to FRD to RD.
- b. Upgrading Marking. For each classified document or material that is upgraded, the Derivative Classifier crosses out or authorizes the crossing out of any existing classification markings and marks or authorizes the marking of the document or material with the upgraded level (and category if RD or FRD) and provides the following information (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
 - (1) The name or personal identifier and position title of the Derivative Classifier authorizing the upgrading for the “Upgraded By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
 - (2) The date of the upgrading for the “Upgraded On” line.
 - (3) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to declassify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.

- (4) If NSI, include the duration of classification derived from the guidance for the “Declassify On” line.
- 3. NOTIFICATION. The Derivative Declassifier or Derivative Classifier authorizing the downgrading or upgrading of a document or material must notify the following individuals within 30 calendar days and provide sufficient information for them to identify the specific document or material being downgraded or upgraded:
 - a. the originator or custodian of the document or material, if identifiable, and
 - b. if the document is a scientific or technical report, the OSTI Classified Information Program Manager.

The individuals identified in paragraphs 3a and 3b who receive a downgrading or upgrading notification must notify all known holders of the document or material that the document is being downgraded or upgraded. If the downgrading results in a change from the RD/FRD categories to the NSI category, then declassification and portion marking instructions for the document must be included in the notification. NOTE: The Derivative Classifier preparing the upgrading notification must review it to determine whether it contains classified information. The sender of an upgrading notification must ensure that each recipient of the notification is authorized access to the upgraded level and category of classified information in the document being upgraded.

- 4. CHANGING CLASSIFICATION MARKINGS BASED ON RECEIPT OF A DOWNGRADING OR UPGRADING NOTICE. The person changing the classification markings on a document or material based on receipt of a downgrading or upgrading notice must include the following information on the front of the document:
 - a. The appropriate classification level and category (if RD or FRD) on the “Classification changed to” line.
 - b. A brief description of the notice advising of the change in classification and its date on the “Authorized by” line (e.g., Change Notice 138, 8/31/06).
 - c. The name of the person making the change and the date the change is made on the “Changed by” line.

In addition, if the downgrading action resulted in a change from the RD/FRD categories to the NSI category, the person making the change must ensure that declassification instructions and portion markings are applied as described in the notification. NOTE: Adequate quality assurance measures should be in place to ensure that the classification change announced in the notice is done correctly. For example, a second person verifies that the person changing the classification markings based on a notice did so correctly.

CHAPTER VI

EDUCATION PROGRAM

1. CLASSIFICATION OVERVIEW TRAINING. The head of each Headquarters element and the manager of each field element must ensure that all employees are advised of their classification-related responsibilities when they are first authorized access to classified information. At a minimum, the following information must be covered:
 - a. a brief explanation of the roles of those classification officials relevant to the organization;
 - b. when an employee must have a document or material reviewed for classification and what official must conduct the review;
 - c. when an employee must have a document or material reviewed for declassification and what official must conduct the review;
 - d. a brief explanation of DOE's policy about commenting on classified information in the public domain;
 - e. the process to be followed if an employee needs to have a document or material declassified;
 - f. the fact that an employee may challenge the classification status of a document or material; and
 - g. the name and phone number of a point of contact to answer questions or address concerns about classification or declassification matters.
2. CONTINUING CLASSIFICATION EDUCATION. The head of each Headquarters element and the manager of each field element must ensure that each employee who is authorized access to classified information is informed annually of the classification and declassification responsibilities covered in paragraph 1 above, with an emphasis on any changes.
3. SUBJECT-MATTER-RELATED CLASSIFICATION AWARENESS BRIEFINGS. The head of each Headquarters element and the manager of each field element must ensure employees authorized access to classified information who are working in classified subject areas receive subject-matter-related briefings that explain what information is potentially classified in their relevant areas. For example, such briefings may be conducted by a supervisor, a Derivative Classifier in the organization, the Headquarters Classification Representative, or the Classification Officer.
4. INITIAL TRAINING FOR A CLASSIFIER OR DECLASSIFIER. An employee nominated for the position of Original Classifier, Derivative Classifier, or Derivative

Declassifier must receive training and successfully pass examinations that cover the following elements:

a. Original Classifier.

- (1) Who may classify information originally,
- (2) The difference between originally classifying information and derivatively classifying a document or material,
- (3) Conditions that must be met to classify information originally,
- (4) Categories of information that may be considered for original classification,
- (5) The prohibitions and limitations on classifying information originally,
- (6) The three levels of classification and how to determine which one should be applied to information under consideration for original classification,
- (7) How to determine the duration of classification for the information under consideration for original classification,
- (8) How to mark an originally classified document,
- (9) The requirements for reporting an original classification determination,
- (10) Those aspects of the classification challenge process that affect an Original Classifier;
- (11) Who may declassify information and documents or material, and
- (12) The content of the Original Classifier's authority description.

b. Derivative Classifier.

- (1) Who may derivatively classify a document or material;
- (2) The difference between originally classifying information and derivatively classifying a document or material;
- (3) What a classification guide is and how to use it to determine whether information is classified, including practical exercises using actual or simulated guidance and documents;
- (4) What to do if the guidance approved for use by the Derivative Classifier is inconsistent or does not address the information in the document being reviewed for classification;

- (5) What portion marking is and when it is required;
- (6) How to mark a derivatively classified document or material;
- (7) What upgrading is, who can do it, and how it is done;
- (8) Who must be notified and what information must be included in the notice;
- (9) Those aspects of the classification challenge process that affect a Derivative Classifier;
- (10) Who may declassify or downgrade a document or material; and
- (11) The content of the Derivative Classifier's authority description.

c. Derivative Declassifier.

- (1) Who may derivatively declassify a document or material;
- (2) What classification and declassification guides are and how to use them to determine whether information may be declassified, including practical exercises using actual or simulated guidance and documents;
- (3) The proper procedure to redact classified information from a classified document;
- (4) What coordination is required before declassifying a document or material;
- (5) How to mark a derivatively declassified document or material;
- (6) What downgrading is, who can do it, and how it is done;
- (7) Who must be notified and what information must be included in the notice;
- (8) Those aspects of the classification challenge process that affect a Derivative Declassifier;
- (9) The requirements for including a declassified document on OpenNet; and
- (10) The content of the Derivative Declassifier's authority description.

5. TRAINING FOR A CLASSIFICATION OFFICER. An employee nominated for the position of Classification Officer must receive training and successfully pass examinations that cover the following elements in addition to the elements for an Original Classifier, Derivative Classifier, and Derivative Declassifier:

- a. Bases for classifying RD and FRD,
 - b. Basis for classifying NSI, and
 - c. Classification authorities and responsibilities of DOE officials.
6. BRIEFING FOR A CLASSIFICATION COORDINATOR. An employee nominated for the position of Classification Coordinator must attend a briefing that covers the requirements contained in DOE O 475.2 and this Manual and the specific responsibilities of a Classification Officer.
7. TRAINING FOR A HEADQUARTERS CLASSIFICATION REPRESENTATIVE. An employee nominated for the position of Headquarters Classification Representative must receive training and successfully pass examinations that cover the following elements as well as the elements for a Derivative Classifier:
 - a. Bases for classifying RD and FRD,
 - b. Basis for classifying NSI, and
 - c. Classification authorities and responsibilities of DOE officials.
8. DOCUMENTATION OF TRAINING. Conduct of required training must be documented and must include the date of the training, a brief summary of what was covered, and who attended.
9. TRAINING MATERIALS. All training materials must be accurate and up to date when presented.

CHAPTER VII

CLASSIFICATION PROGRAM EVALUATIONS

1. SELF-ASSESSMENT. Every 2 years, each field element Classification Officer and Headquarters Classification Representative must complete a written self-assessment of his or her implementation of the requirements contained in DOE O 475.2 and this Manual. The self-assessment must include Federal and contractor organizations under his or her cognizance that do not have a Classification Officer or Headquarters Classification Representative, but do have Derivative Classifiers or Derivative Declassifiers.
2. FIELD ELEMENT ON-SITE REVIEW. Each field element Classification Officer must conduct an on-site review of each Federal or contractor organization under his or her cognizance that has a Classification Officer to evaluate his or her implementation of the requirements contained in DOE O 475.2 and this Manual. This review must be documented in a written report, including a corrective action plan for any deficiencies noted. The on-site review should be conducted every 2 years; however, the interval between on-site reviews may be decreased (e.g., annually) if significant problems are found or increased but not less than once every 5 years if only minor problems are found. The interval between on-site reviews is determined by the field element Classification Officer conducting the review.
3. SCOPE. Each self-assessment and on-site review must cover the following areas:
 - a. Management Responsibilities. Management provides the necessary resources and support to meet the requirements specified in DOE O 475.2 and DOE M 475.1-1B.
 - b. Authorities. A sufficient number and appropriate distribution of Original Classifiers, Derivative Classifiers, and Derivative Declassifiers exists so as to not unduly interfere with or delay the work of the Headquarters or field element; a record of classification officials appointed is maintained (e.g., in a paper document, electronic database); the description for each authority includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority; and initial and reappointment training and testing have been conducted and successfully completed.
 - c. Guidance. Classification guidance is up to date, and Derivative Classifiers and Derivative Declassifiers have access to appropriate guidance. Block 13 and the box for DEAR 952.204-70 in block 14 of DOE Form 470.1 are certified as being completed correctly by the signature of the appropriate official in block 18. Classification guidance for non-DOE-funded work does not contradict DOE guidance.

- d. Training. Training programs ensure that personnel are aware of their classification responsibilities, training conducted is documented, and training materials are accurate and up to date when presented.
- e. Document Reviews. Based on a statistically significant, random sample of documents created since the last self-assessment or on-site review, document classification determinations are correct, the basis for each determination is correct, and classifier and declassifier markings are completed correctly. The methodology for determining a statistically significant, random sample of documents is specified by the Classification Officer conducting the self-assessment or on-site review.
- f. Program Evaluation. The classification program is evaluated to assess performance and determine if improvements are necessary.

CONTRACTOR REQUIREMENTS DOCUMENT
DOE M 475.1-1B, MANUAL FOR IDENTIFYING CLASSIFIED INFORMATION

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this Contractor Requirements Document (CRD) and flowing down CRD requirements to subcontractors at any tier to the extent necessary to ensure contractor compliance.

A violation of the provisions of this CRD relating to the safeguarding of RD or other classified information may result in a civil penalty pursuant to subsection a. of section 234B of the Atomic Energy Act (42 U.S.C. 2282b.). The procedures for the assessment of civil penalties are set forth in 10 CFR Part 824, *Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations*.

1. SUMMARY. This CRD is composed of seven chapters that provide direction for classifying and declassifying information, documents, and material. These chapters address mandatory procedures and management processes as follows.
 - a. Chapter I— requirements for designating classification officials as well as general administrative requirements that apply to the overall program.
 - b. Chapter II—an overview of the categories of classified information and the levels that may be applied to these categories.
 - c. Chapter III—relevant areas for contractors concerning classifying and declassifying information.
 - d. Chapter IV—classification guidance and how such guidance is approved for DOE-funded work and non-DOE-funded work.
 - e. Chapter V—how documents and material are classified, declassified, downgraded, or upgraded.
 - f. Chapter VI—training required for employees with authorized access to classified information and for employees designated as classification and declassification officials.
 - g. Chapter VII—classification program self-assessments and on-site reviews.
2. DEFINITIONS.
 - a. Canceled Guidance. Classification guidance that has been superseded or rescinded and that may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified. (NOTE: There are two categories of canceled guidance: Confirmation Guidance and Historical Guidance.)

- b. Classification. The act or process by which information or documents and material are determined to require protection in the interest of the national security under the Atomic Energy Act, 10 CFR part 1045, or Executive Order (E.O.) 12958, as amended.
- c. Classification Coordinator. An individual who monitors the work of the Classification Officer from outside of the Classification Coordinator's field element who is performing all of the Classification Officer functions for that field element under an agreement for support.
- d. Classification Guidance. Written, detailed instructions (usually concerning a system, plan, project, or program) that explicitly identify whether specific information is classified and if classified, such instructions identify the level and category (and duration if NSI).
- e. Classification Officer. An individual who manages the field element classification program.
- f. Classification Officials. Classification Officers, Classification Coordinators, Headquarters Classification Representatives, Headquarters Classification Liaisons, Original Classifiers, Derivative Classifiers, and Derivative Declassifiers.
- g. Classified Information. Information that is determined to be
 - (1) RD or FRD under the Atomic Energy Act or 10 CFR part 1045 or
 - (2) NSI under E.O. 12958, as amended, or prior Executive orders.
- h. Classified Subject Area. A subject area for which classification guidance is issued.
- i. Confirmation Guidance. Canceled guidance that may not be used to make classification determinations, but may be used by Derivative Classifiers and Derivative Declassifiers to confirm that information is unclassified.
- j. Declassification. A determination by an appropriate authority that information no longer warrants classification or that documents and material no longer contain classified information.
- k. Derivative Classifier. An individual authorized to determine that an unmarked document or material is unclassified or classified as allowed under his or her description of authority. A Derivative Classifier may also upgrade a document or material. (In RD/FRD subject areas, a Derivative Classifier is equivalent to the Restricted Data Classifier referred to in 10 CFR part 1045.)
- l. Derivative Declassifier. An individual authorized to declassify or downgrade documents or material in specified areas as allowed by his or her description of authority.

- m. Document. Any recorded information, regardless of the nature of the medium or the method or circumstances of recording.
- n. Downgrade. A determination by an appropriate authority that
 - (1) information may be protected at a level lower than the current classification level or
 - (2) a document or material may be protected at a level and/or category lower than the marked classification level and/or category.

In either case, however, the revised classification level must not be lower than Confidential (or for foreign government information, lower than Confidential Foreign Government Information-Modified Handling Authorized).

- o. Field Element. A term that includes operations offices, field offices, site offices, service centers, project management offices, area offices, and regional offices of federally staffed laboratories.
- p. Foreign Government Information.
 - (1) 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;
 - (2) information produced by the United States Government 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
 - (3) information received and treated as “foreign government information” under the terms of a predecessor Executive order.
- q. Formerly Restricted Data. Classified information that the DOE or its predecessor agencies and the Department of Defense have jointly determined (1) to be related primarily to the military utilization of atomic weapons and (2) can be adequately safeguarded in a manner similar to NSI. It is also subject to the restrictions on transmission to other countries and regional defense organizations that apply to Restricted Data.
- r. Headquarters Classification Liaison. An individual who serves as the point of contact for classification issues in a Headquarters element with no Derivative Classifiers, but with employees who are authorized access to classified information.

- s. Headquarters Classification Representative. An individual who serves as the focal point for the classification program in a Headquarters element with Derivative Classifiers.
- t. Historical Guidance. Canceled guidance that may be used only for historical reference purposes and may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified or unclassified.
- u. Information. Facts, data, or knowledge itself as opposed to the document or material in which it is contained or revealed.
- v. Mandatory Review. A declassification review of a document that is requested by a member of the public under section 3.5 of E.O. 12958, as amended, or 10 CFR 1045.42.
- w. Material. A product (e.g., a part or a machine) or substance (e.g., a compound or an alloy).
- x. National Security Information. Information that has been determined, pursuant to E.O. 12958, as amended, “*Classified National Security Information*,” or any predecessor order, to require protection against unauthorized disclosure and that is so designated.
- y. Original Classifier. A Federal employee authorized to make the initial determination that certain information requires protection against unauthorized disclosure in the interest of the national security under E.O. 12958, as amended; such information is identified as NSI.
- z. Portion Marking. The application of classification and control markings to individual parts (e.g., paragraphs, chapters, titles, figures) of a classified document to indicate their specific classification level and category (if RD or FRD) or control category (e.g., Unclassified Controlled Nuclear Information, Official Use Only).
- aa. Reclassification. A determination by an appropriate authority that restores the classification to previously declassified information.
- bb. Restricted Data. All data concerning the design, manufacture, or use of nuclear weapons; production of special nuclear material; or use of special nuclear material in the production of energy except for data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act.
- cc. Source Document. A classified document from which information is extracted and included in another document whose classification is derived from the classification markings of the individual portions from which the information was extracted.

- dd. Systematic Review. A periodic review of classified documents for declassification that is focused on those documents of interest to the public and researchers and that are likely to be declassified following such review.
- ee. Transclassification. The removal of certain information from the RD category to the FRD category based on a joint determination between the Deputy Chief for Operations, Office of Health, Safety and Security, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance, and appropriate officials within the Department of Defense that such information (1) relates primarily to the military utilization of nuclear weapons and (2) may be adequately protected in a manner similar to NSI.
- ff. Upgrade. A determination by an appropriate authority that raises the classification level or category of information, document, or material to protect the contents adequately. This includes the classification level and/or category of a document or material that was never marked as well as one erroneously marked as unclassified.

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CHAPTER I

PROGRAM ADMINISTRATION

PART A—APPOINTMENT OF CLASSIFICATION/DECLASSIFICATION OFFICIALS

See page I-8 for a summary matrix of classification and declassification officials.

1. CLASSIFICATION OFFICER. Manages the contractor classification program.
 - a. Qualifications. To serve as a Classification Officer, the employee must have—
 - (1) a scientific or technical degree related to the work being done at that site or facility or
 - (2) relevant work experience as validated by the appointing official.
 - b. Classification/Declassification Authorities Required. A Classification Officer must be a Derivative Classifier and Derivative Declassifier.
 - c. Nomination Procedures.
 - (1) The contractor nominates an employee to serve as Classification Officer and submits to the appropriate field element Classification Officer the employee's—
 - (a) name, organization, mailing address (including organization code), telephone number, and e-mail address; and
 - (b) scientific or technical degree or a description of his or her relevant work experience.
 - (2) If the qualifications are adequate, the field element Classification Officer forwards the nomination to one of the following appointing officials:
 - (a) for DOE elements, to the Director, Office of Classification;
 - (b) for NNSA elements, to the Associate Administrator for Defense Nuclear Security.
 - (3) If the qualifications are not adequate, the field element Classification Officer returns the request to the contractor for reconsideration.
 - d. Appointment. After verifying the nominated employee's qualifications, the appointing official notifies the appropriate field element Classification Officer in writing that the employee is appointed as the Classification Officer. The field element Classification Officer then notifies the head of the contractor organization and the contractor employee.

- e. Training. The Classification Officer must successfully complete the training described in paragraph 5 of Chapter VI of this CRD within 1 year of being appointed. Not completing the training successfully within this time frame is grounds for removal from the position. The appointing official may waive the required training and examination if the nominated employee has completed the training and examination within the last 3 years.
 - f. Removal from Position. The head of the contractor organization, the appropriate field element Classification Officer, or the appointing official may remove an employee from the Classification Officer position when the employee cannot or does not perform his or her responsibilities reliably or does not complete the required initial Classification Officer training within the 1-year time limit. When such action is taken, the individual removing the employee from the position must—
 - (1) notify the employee and
 - (2) inform the other parties of the removal, the reason for removal, and the effective date.
2. CLASSIFICATION COORDINATOR. Monitors the work of a Classification Officer from outside of the Classification Coordinator's contractor organization who is performing all of the Classification Officer functions for the contractor under an agreement for support.
- a. Qualifications. To serve as a Classification Coordinator, the employee must be knowledgeable about the classification requirements identified in the CRD for DOE O 475.2 and this CRD and be aware of classified activities within his or her contractor organization.
 - b. Classification Authority Required. No classification authority is required.
 - c. Appointment. The head of the contractor organization appoints the employee in writing and notifies the appropriate field element Classification Officer as well as the Director, Office of Classification, and for NNSA contractors, the Associate Administrator for Defense Nuclear Security.
 - d. Training. The Classification Coordinator must attend the briefing described in paragraph 6 of Chapter VI of this CRD within 1 year of being appointed. Not attending this briefing within this time frame is grounds for removal from the position.
 - e. Removal from Position. The head of the contractor organization may remove an employee from the Classification Coordinator position. When such action is taken, the head of the contractor organization must notify the employee; the appropriate field element Classification Officer; the Director, Office of Classification; and for NNSA contractors, the Associate Administrator for

Defense Nuclear Security, of the removal, the reason for removal, and the effective date.

3. ORIGINAL CLASSIFIER. Original classification authority is delegated only to Federal employees.
4. DERIVATIVE CLASSIFIER. Determines whether a document or material contains classified information or whether the document or material should be upgraded.
 - a. Qualifications. The nominated employee must be—
 - (1) competent in the subject areas in which the authority will be used and
 - (2) familiar with DOE classification policy, procedures, and guidance.
 - b. Nomination Procedures.
 - (1) Submission of Nomination. The immediate supervisor of the employee submits the information identified in paragraph (2) below to the Classification Officer who confirms the need for a Derivative Classifier. If the request is for Secret or Confidential derivative authority, the Classification Officer is the appointing official. If the request is for Top Secret derivative authority, the Classification Officer submits the request to the field element Classification Officer who submits the request to the Director, Office of Classification, for DOE contractors or to the Associate Administrator for Defense Nuclear Security for NNSA contractors.
 - (2) Required Information. The nomination must include the following information:
 - (a) The employee's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - (b) Subject areas in which the authority will be used;
 - (c) Desired jurisdiction (e.g., documents originated within a particular organization); and
 - (d) Any special limitations on the authority (e.g., time frame of the documents).
 - c. Training. The nominated employee must successfully complete training for a Derivative Classifier described in paragraph 4a of Chapter VI of this CRD prior to appointment. The appointing official may waive the required training and examination if the nominated employee has completed the training and examination within the last 3 years. However, the expiration date for the authority must be no longer than 3 years from the most recent successfully completed training.

- d. Appointment. After verifying that the nominated employee has successfully completed the training and examination, the appointing official notifies the employee, the employee's supervisor, and if appropriate, the field element and contractor Classification Officers that the employee is appointed as a Derivative Classifier and provides an authority description that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. Such information may be provided directly to the Derivative Classifier or be maintained in any form accessible by the Derivative Classifier (e.g., in an electronic database).
 - e. Authority Duration and Reappointment. Derivative classification authority is granted for a period of 3 years. If the authority is still needed at the end of this period, the employee must successfully complete an examination that, at a minimum, retests his or her understanding of applicable classification policies, principles, procedures, and guidance and be reappointed. If this examination is not successfully completed before the authority expires, then the appointing authority may grant a one-time, 3-month extension. If the examination is not successfully completed by the end of the 3-month extension, the authority is automatically terminated.
 - f. Authority Limitations. An employee may exercise his or her derivative classification authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The employee cannot re-delegate the authority. If an employee changes positions, he or she may retain the derivative classification authority as long as his or her new supervisor concurs and notifies the Classification Officer of his or her concurrence. (For example, the employee's new supervisor may verify such concurrence by sending an e-mail message to the Classification Officer.) If the employee has Top Secret derivative authority, then the Classification Officer must also notify the appointing official of the change in position.
 - g. Cancellation of Authority. An employee's supervisor, the Classification Officer, or the appointing official may cancel this authority when an employee no longer requires such authority or if the employee cannot or does not exercise the authority reliably. When such action is taken, the individual canceling the authority must—
 - (1) notify the employee and
 - (2) inform the other parties of the reason for cancellation and the effective date.
5. DERIVATIVE DECLASSIFIER. Determines whether a currently classified document or material may be declassified or downgraded.
- a. Qualifications. The employee must—

- (1) have a relevant scientific or technical degree or work experience as validated by the appointing official;
 - (2) be competent in the subject areas in which the authority will be used; and
 - (3) be familiar with DOE classification and declassification policy, procedures, and guidance.
- b. Nomination Procedures. The immediate supervisor of the employee submits the following required information to the Classification Officer, who confirms the need for a Derivative Declassifier and submits the following information to the appropriate field element Classification Officer for submission to the Director, Office of Classification, for DOE contractors or to the Associate Administrator for Defense Nuclear Security for NNSA contractors—
 - (1) The employee's name, organization, mailing address (including organization code), telephone number, and e-mail address;
 - (2) subject areas in which the authority will be used;
 - (3) desired jurisdiction (e.g., documents originated within a particular organization);
 - (4) any special limitations on the authority (e.g., time frame of the documents); and
 - (5) the employee's relevant scientific or technical degree or a description of his or her relevant work experience.
- c. Training. The nominated employee must successfully complete the training for a Derivative Declassifier described in paragraph 4b of Chapter VI of this CRD prior to appointment. An appointing official may waive the required training and/or examination if the nominated employee has completed the training and examination within the last 3 years. However, the expiration date for the authority must be no longer than 3 years from the most recent successfully completed training.
- d. Appointment. After verifying that the nominated employee has successfully completed the training and the examination, the appointing official notifies the employee, the employee's supervisor, and the field element and contractor Classification Officers that the employee is appointed as a Derivative Declassifier and provides an authority description that includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority. Such information may be provided directly to the Derivative Declassifier or be maintained in any form accessible by the Derivative Declassifier; e.g., in an electronic database.

- e. Authority Duration and Reappointment. Derivative declassification authority is granted for a period of 3 years. If the authority is still needed at the end of this period, the employee must successfully complete an examination that, at a minimum, retests his or her understanding of applicable classification and declassification policies, principles, procedures, and guidance and be reappointed. If this examination is not successfully completed before the authority expires, then the appointing official may grant a one-time, 3-month extension of the authority. If the examination is not successfully completed by the end of the 3-month extension, the authority is automatically terminated.
 - f. Authority Limitations. An employee may exercise his or her derivative declassification authority only in the specific subject areas and jurisdiction covered in his or her authority description and in keeping with any special limitations imposed. The employee cannot re-delegate the authority. If an employee changes positions, the employee may retain the derivative declassification authority as long as his or her new supervisor concurs and notifies the Classification Officer of his or her concurrence. (For example, the employee's new supervisor may verify such concurrence by sending an e-mail message to the Classification Officer.) The Classification Officer must notify the appointing official of the change in position.
 - g. Cancellation of Authority. An employee's supervisor, the Classification Officer, or the appointing official may cancel derivative declassification authority when an employee no longer requires such authority or if the employee cannot or does not exercise the authority reliably. When such an action is taken, the individual canceling the authority must—
 - (1) notify the employee and
 - (2) inform the other parties of the reason for cancellation and the effective date.
6. CLASSIFICATION/DECLASSIFICATION AUTHORITY FOR EMPLOYEE DETAILED AWAY FROM HOME ORGANIZATION. An employee who is detailed away from his or her home organization may have a need to classify or declassify documents or material in the organization to which he or she is detailed. All of the elements identified above for each authority apply with the following exceptions/additions:
- a. Nomination Procedures. The individual who supervises the employee while the employee is on detail away from his or her home organization submits the required information for the desired authority to the Classification Officer for the

employee's home organization, who then acts upon the request or submits the request to the appropriate appointing official for the employee's home organization as identified for the authority required, as appropriate.

b. Training.

- (1) Required by the CRD. The employee's home organization is responsible for ensuring that all training and testing requirements described in chapter VI of this CRD are completed prior to the authority being granted. Such training and testing may be provided by another qualified Classification Officer based on geographical or other considerations.
- (2) Required by Organization to Which Employee is Detailed. The organization to which the employee is detailed may require training and/or testing in addition to that required in chapter VI of this CRD. That organization is responsible for ensuring that such training and testing is completed prior to the authority being granted.

c. Appointment. In addition to other appointment requirements, the appointing official must notify the Classification Officer at both the employee's home organization and detail organization of the appointment.

Figure 1. Matrix for Contractor Organization Authorities

Title	Primary Function	Appointing Official	Duration	Comments
Classification Officer	Manages the classification program for the contractor organization	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	Indefinite	Must also be the following: • Derivative Classifier • Derivative Declassifier
Classification Coordinator	Monitors the work of the Classification Officer who is performing all of the Classification Officer functions for the contractor through an agreement for support	Head of the contractor organization	Indefinite	Applies only to contractors that have not appointed a Classification Officer from within the contractor organization but have arranged in writing to have all the functions of a Classification Officer performed by someone from outside the contractor organization Must attend required briefing within 1 year of appointment
Derivative Classifier (Top Secret level)	Determines whether a document or material contains classified information up to the Top Secret level	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Classifier (Secret or Confidential level)	Determines whether a document or material contains classified information up to the level of his or her authority	Classification Officer	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment
Derivative Declassifier	Determines whether a document or material no longer contains classified information	For DOE: Director, Office of Classification For NNSA: Associate Administrator for Defense Nuclear Security	3 years	Must complete required training and testing prior to appointment and retesting prior to reappointment

PART B—CHALLENGES TO CLASSIFICATION AND CONSEQUENCES FOR MISCLASSIFYING INFORMATION, DOCUMENTS, OR MATERIAL

The contractor must ensure that its employees are aware of their rights and responsibility to challenge improperly classified documents. The contractor must communicate the following to its employees:

1. CHALLENGES TO CLASSIFICATION. Each employee is encouraged and expected to challenge the classification of information, documents, or material that he or she believes is improperly classified. Under no circumstances is the employee subject to retribution for making such a challenge.
 - a. Restricted Data/Formerly Restricted Data.
 - (1) Informal Challenge. An employee may informally challenge an RD/FRD document or material classification determination with the Derivative Classifier or Derivative Declassifier who made the determination. The Derivative Classifier or Derivative Declassifier should respond within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit the challenge to the Classification Officer, who should respond within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit a formal challenge.
 - (2) Formal Challenge. An employee may formally challenge an RD/FRD information classification determination made by the Director, Office of Classification, as indicated in a classification guide topic or an RD/FRD document or material classification determination made by a Derivative Classifier or Derivative Declassifier. Such a challenge must be submitted in writing to the Director, Office of Classification (or if from an NNSA employee, through the Associate Administrator for Defense Nuclear Security), who should respond within 30 calendar days of receipt of the challenge. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit the challenge to the Deputy Chief for Operations, Office of Health, Safety and Security.
 - (3) Final Determination. The Deputy Chief for Operations, Office of Health, Safety and Security, makes the final determination on each RD/FRD challenge and must respond within 60 calendar days of receipt of the challenge. Any disagreements between NNSA and the Office of Health, Safety and Security with regard to NNSA information are submitted by the NNSA Administrator to the Deputy Secretary for resolution.

b. National Security Information.

- (1) Informal Challenge. An employee may informally challenge an NSI classification determination of information or a document or material with the Original Classifier, Derivative Classifier, or Derivative Declassifier who made the determination. The Original Classifier, Derivative Classifier, or Derivative Declassifier should respond to the challenge within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit the challenge to the Classification Officer, who should respond within 15 calendar days. If no response is received or the response does not satisfy the employee making the challenge, the employee may submit a formal challenge.
- (2) Formal Challenge. An employee may formally challenge an NSI original or derivative classification determination. Such a challenge must be submitted in writing to the Director, Office of Classification (or for an NNSA employee, through the Associate Administrator for Defense Nuclear Security), who will attempt to respond within 60 calendar days of receipt of the challenge. If the Director, Office of Classification, is unable to make a determination within 60 calendar days, he or she must acknowledge the challenge in writing and provide a date when the employee can expect to receive a determination. If this classification determination has been the subject of a classification challenge within the last 2 years or is subject to pending litigation, DOE is not required to process the challenge and must inform the challenger of this fact and of his or her appeal rights.
- (3) Internal Agency Appeal. If the response by the Director, Office of Classification, does not satisfy the employee making the challenge, the employee may appeal the determination to the Deputy Chief for Operations, Office of Health, Safety and Security, who must respond within 90 calendar days of receipt of the appeal. Any disagreements between NNSA and the Office of Health, Safety and Security with regard to NNSA information are submitted by the NNSA Administrator to the Deputy Secretary for resolution.
- (4) Appeal to the Interagency Security Classification Appeals Panel (ISCAP). An employee may forward a challenge to the ISCAP for review if—
 - (a) a response to a formal challenge has not been received within 120 calendar days or
 - (b) a response to an internal Agency appeal has not been received within 90 calendar days or

- (c) the challenger is not satisfied with the response to the internal Agency appeal.

The appeal to the ISCAP must follow the procedures described in Article VI.B. of the ISCAP bylaws

(<http://www.archives.gov/isoo/oversight-groups/iscap-bylaws.html#first-function>).

- c. Classification Status During Processing of a Challenge. The information, document, or material that is the subject of a classification challenge must be protected at the current classification level and category or the classification level and category proposed by challenge, whichever is higher, until a final decision is made.

2. 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 a security infraction or violation, as covered under DOE M 470.4-1, *Safeguards and Security Program Planning and Management*. However, security infractions are not issued in cases where Derivative Classifiers or Derivative Declassifiers legitimately disagree about the interpretation of guidance as determined by the cognizant Classification Officer. Examples of situations in which security infractions may be issued include classifying without authority; classifying outside of granted authority; failing to obtain a classification review when required.
- b. Negligence in Exercising Classification/Declassification Authority. The appropriate official (as indicated in Part A of this chapter) must promptly cancel the classification or declassification 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.

PART C—OTHER REQUIREMENTS

1. PERIODIC REPORTING REQUIREMENT. At the beginning of each fiscal year, the Office of Classification informs each DOE and NNSA Classification Officer about what statistics concerning the classification and declassification programs they must compile for that fiscal year (e.g., derivative classification determinations, declassification determinations, number of inspections, number of challenges processed). At the conclusion of the fiscal year, the Office of Classification issues a data call for the statistics.
2. RECORD OF CLASSIFYING AND DECLASSIFYING OFFICIALS. The official who appoints Derivative Classifiers and Derivative Declassifiers maintains a record of such officials that includes, at a minimum, each employee's name, organization, the type of authority, the effective date, the subject areas covered by the authority, the jurisdiction of the authority, the expiration date of the authority, and any special instructions or limitations.
3. AGREEMENT FOR SUPPORT. If a contractor partners with a Classification Officer not located in the contractor's organization to provide support for classification duties, then a written agreement must be prepared that describes the specific duties to be performed by the supporting Classification Officer. The agreement must be signed by both parties. The existence of such an agreement does not remove the ultimate responsibility for performing the duties from the contractor receiving the support. If a Classification Officer not located in the contractor's organization serves as the Classification Officer for the contractor, then the contractor must designate a Classification Coordinator to monitor the activities of the Classification Officer.

CHAPTER II

CLASSIFICATION CATEGORIES AND LEVELS

1. CATEGORIES OF CLASSIFIED INFORMATION.

- a. Restricted Data. Information classified under the Atomic Energy Act that concerns—
 - (1) the design, manufacture, or utilization of nuclear weapons;
 - (2) the production of special nuclear material; or
 - (3) the use of special nuclear material in the production of energybut does not include information declassified or transclassified.
- b. Formerly Restricted Data. Information classified under the Atomic Energy Act and removed from the RD category through a joint determination by the DOE and the Department of Defense that the information
 - (1) is related primarily to the military utilization of nuclear weapons and
 - (2) can be adequately safeguarded in a manner similar to NSI.
- c. National Security Information. Information that has been determined under E.O. 12958, as amended, 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 are listed in descending order of sensitivity.

- a. Top Secret is RD, FRD, or NSI 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 is RD, FRD, or NSI whose unauthorized disclosure could reasonably be expected to cause serious damage to national security in a way that the appropriate official can identify or describe.
- c. Confidential.
 - (1) Restricted Data/Formerly Restricted Data. The Confidential level applies to RD and FRD 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 applies to NSI whose unauthorized disclosure could reasonably be expected to cause damage to the national security in a way that the appropriate official can identify or describe.
 - (3) In addition, E.O. 12958, as amended, requires that foreign government information be protected at a level at least equivalent to that of the foreign government. However, some foreign government information is protected by the foreign government in a manner that is less restrictive than the standards for U.S. Confidential information. In such cases, the information is still classified while in the possession of the United States Government. This information is classified at the Confidential level, but is identified as Confidential/Foreign Government Information-Modified Handling Authorized. (See DOE M 470.4-4, *Information Security*, for complete information on protection requirements for such information).
- 3. USE OF THE TERM “UNCLASSIFIED.” The term “unclassified” identifies 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 since it may be subject to other controls (e.g., Unclassified Controlled Nuclear Information (UCNI), Official Use Only (OUO) information).

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 contractor must ensure its employees are aware of the following:

1. REQUEST FOR DETERMINATION. An employee who has information that he or she believes falls under the RD definition and that is not already addressed in classification guidance must request an evaluation by his or her Classification Officer. If the Classification Officer agrees, he or she forwards the information through the field element Classification Officer, to the Director, Office of Classification (through the Associate Administrator for Defense Nuclear Security for NNSA elements). The Director, Office of Classification, must determine whether the information is RD within 90 calendar days. The person requesting the evaluation must ensure that the information in question is protected at the highest likely classification level until a determination is made.
2. UNAUTHORIZED DISCLOSURE. Information classified as RD, FRD, or NSI is **not** automatically declassified because of any unauthorized disclosure of identical or similar information.
3. DECLASSIFICATION PROPOSALS. Contractor employees may propose the declassification of RD and FRD information. All such proposals are forwarded through the proposer's contractor and field element Classification Officers to the Director, Office of Classification (through the Associate Administrator for Defense Nuclear Security for NNSA elements), who reviews each proposal to determine whether it meets the criteria in paragraph 3b below (from 10 CFR 1045.16). Those proposals that do are forwarded to the Deputy Chief for Operations, Office of Health, Safety and Security, for his consideration.
 - a. Submission of Proposal. At any time, DOE contractor employees may submit proposals for declassifying RD and FRD information through the appropriate contractor and field element Classification Officers to the Director, Office of Classification. NNSA contractor employees must submit such proposals through the appropriate contractor and field element Classification Officers to the Associate Administrator for Defense Nuclear Security, who forwards those proposals with merit to the Director, Office of Classification. Such proposals may be submitted for a variety of reasons, such as the declining sensitivity of the information, to reduce operating costs, or to transfer technology to the private sector.
 - b. Content of Proposal. Each proposal must contain the proposer's name, address, and phone number and a detailed description of the information proposed to be declassified that addresses whether—

- (1) the information is so widely known or readily apparent to knowledgeable observers that its classification would cast doubt on the credibility of the classification system;
 - (2) publication of the information would assist in the development of countermeasures or otherwise jeopardize any U.S. weapon or weapon system;
 - (3) the information would hinder U.S. nonproliferation efforts by significantly assisting potential adversaries to develop or improve a nuclear weapon capability, produce nuclear weapons materials, or make other military use of nuclear energy;
 - (4) publication of the information would have a detrimental effect on U.S. foreign relations;
 - (5) publication of the information would benefit the public welfare, taking into account the importance of the information to public discussion and education and potential contribution to economic growth; and
 - (6) publication of the information would benefit the operation of any Government program by reducing operating costs or improving public acceptance.
- c. Disposition of Proposal. The Office of Classification notifies each contractor employee making a proposal, through the appropriate DOE/NNSA field element and contractor Classification Officers, of its disposition within 1 month after the final determination on the proposal is made.

CHAPTER IV

CLASSIFICATION GUIDANCE

1. GENERAL.

- a. Purpose. Classification guidance contains detailed, explicit instructions for determining whether specific information concerning a subject or program area or a specific facility or activity is classified. Such guidance primarily covers DOE information, but may also cover information for which other Government Agencies or foreign countries are responsible.
- b. Content. At a minimum, classification guidance must—
 - (1) identify the subject matter covered by the guidance;
 - (2) identify the issuing organization;
 - (3) identify any guidance that is canceled or superseded by the issuance of new or revised guidance;
 - (4) identify the approving official by name and position and the date of issuance;
 - (5) specify who may use the guidance;
 - (6) identify a point of contact for questions concerning the classification guidance;
 - (7) identify elements of information that are classified or unclassified in the subject area and prescribe the classification level and category for those elements that are classified;
 - (8) for information classified as NSI, identify the following additional items:
 - (a) State the reason for classification by citing the applicable classifiable area or areas;
 - (b) Prescribe the schedule for declassification;
 - 1 if not exempt from declassification after 25 years, identify a date, duration, or event for declassification that does not exceed 25 years or
 - 2 if exempt from declassification after 25 years (as specified in the Historical Records Declassification Guide or classification guidance topics based on this guide), identify the appropriate exemption category or categories and the

date, duration, or event beyond 25 years when the information is declassified.

- (9) identify any special handling caveats that apply to information covered by a topic.
- c. Issuing Organization. The issuing organization is responsible for developing and revising guidance it issues and for ensuring that such guidance remains current.
- d. Approval of Guidance. The Director, Office of Classification, approves all guidance (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security). For guidance for a special access program (SAP), the Director, Office of Classification, may delegate approval authority to someone who is knowledgeable about the classified aspects of the information covered under the SAP and is authorized access to such information. If there are any questions concerning approval of guidance for a specific SAP, contact the Office of Classification within the SAP channel.
- e. Basis. Guidance is based on classification and declassification determinations or other guidance. These determinations are made by the Director, Office of Classification, and the Deputy Chief for Operations, Office of Health, Safety and Security, for RD and FRD and by an Original Classifier for NSI.
- f. Users. Derivative Classifiers and Derivative Declassifiers use guidance as the basis for derivative determinations. A Classification Officer may prepare detailed guidance tailored to the needs of the Classification Officer's organization.
- g. Cancellation of Guidance. Guidance may be canceled only by the Director, Office of Classification (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security). If the issuing organization desires to cancel a guide because it is no longer needed by the issuing organization, but the Office of Classification determines that the guide has continuing value for DOE, then the responsibility for ensuring the guide remains current transfers from the issuing organization to the Office of Classification.
- h. Copies of Guidance. Within 30 calendar days of notification of approval, the issuing organization must provide the Office of Classification with a file containing the approved guidance in any of the following data formats: Word or eXtensible markup language (XML). (Note: Guidance with strict access limitations (e.g., guidance for a SAP) is exempt from this requirement.)

2. GUIDANCE ISSUES.

- a. Inconsistent Guidance. The following inconsistencies in guidance may exist.
 - (1) Information may appear to be described equally well by more than one topic and uncertainty exists about which topic applies.

- (2) Different guides may specify different classifications for the same information since it is difficult to revise all guidance simultaneously to reflect declassification actions.

If such inconsistencies are encountered, the Derivative Classifier must consult with his or her Classification Officer. If the Classification Officer is unable to be of assistance, he or she must consult with the field element Classification Officer. If the field element Classification Officer is also unable to provide assistance, he or she must contact the Office of Classification for a determination. Pending this determination, the document or material containing the information must be protected at the highest level and category specified by the inconsistent topics.

- b. No Guidance. If a Derivative Classifier cannot determine the proper classification of information using classification guidance approved for his or her use, then the Derivative Classifier must consult with his or her Classification Officer. If the Classification Officer is unable to provide assistance, he or she must consult with the field element Classification Officer. If the field element Classification Officer is also unable to provide assistance, he or she must contact the Office of Classification for a determination. Pending this determination, the document or material containing the information must be protected at the highest potential classification level and category of information that is likely to be contained in the document or material.
 - c. Determination. The Office of Classification must make a classification determination within 30 calendar days of receipt of the inquiry.
3. CATEGORIES OF CANCELED GUIDANCE. Canceled guidance may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified. The Office of Classification determines the category into which canceled guidance falls.
 - a. Confirmation Guidance may not be used to make classification determinations, but may be used by Derivative Classifiers and Derivative Declassifiers to confirm that information is unclassified. Confirmation guidance is listed in the Index of Classification Guidance and included in the Classification Guidance System (CGS), as appropriate.
 - b. Historical Guidance may be used only for historical reference purposes and may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified or unclassified.
 4. RELATED POLICIES AND PROCEDURES.
 - a. Record of Guidance. Each Classification Officer must maintain or have access to—
 - (1) a record of guidance that he or she issues and

- (2) a list of guidance needed for work on each contract for which a DOE F 470.1 is completed.
- b. Review and Revision of Guidance.
 - (1) Changes in Policies or Other Guidance. When changes in classification policy or other guidance are received, each Classification Officer must evaluate whether guidance he or she issues must be revised. If so, such guidance must be revised and submitted for approval within 180 calendar days of receiving the change.
 - (2) Periodic Review of Classification Guidance. At least once every 5 years, each Classification Officer must conduct a cover-to-cover review of the guidance issued by his or her organization (regardless of whether any revisions or page changes have been made to the guidance) to ensure it is up to date. (NOTE: This review requirement does not apply to canceled guidance.) If the review confirms the guidance is current, the reviewer must annotate the record copy of the guidance with the results of the review and the date it was performed. If the guidance is not current, the Classification Officer must revise the guidance and submit it for approval within 180 calendar days of completing the review, but no later than 180 days after the fifth anniversary of the previous review.
- c. Extracts from Guidance. If work being performed by a contractor is covered only by specific topics or sections in a classification guide, the Classification Officer may extract those pertinent topics or sections from the guidance and provide them by memorandum to the contractor. However, any classification determination based on such an extract must cite the classification guide from which the extract was taken and not the memorandum to the contractor. Such extracts must be included on the record of guidance required in paragraph 4a and must be kept up to date as required in this chapter.
- d. Distribution of Guidance. Each Classification Officer must distribute new or revised guidance to appropriate Derivative Classifiers and Derivative Declassifiers within 30 calendar days of receiving it. However, if new or revised guidance announces an upgrade or reclassification, then the Classification Officer must disseminate the guidance to appropriate Derivative Classifiers and Derivative Declassifiers as soon as possible.
- e. Updating Guidance. Derivative Classifiers and Derivative Declassifiers receiving new or revised guidance have 30 calendar days from receipt of such guidance to destroy superseded guidance (or return it to the Classification Officer for destruction) or to make the page or pen-and-ink changes in guidance that has changed, as appropriate. (NOTE: Only Classification Offices may retain copies of superseded guidance for reference purposes, but the copy must be labeled on the front of the guidance or otherwise identified as superseded.)

- f. Classification Guidance for Special Access Programs. The program office in charge of a SAP ensures that classification guidance is developed for information covered under the SAP. Such guidance is approved by the Director, Office of Classification (for NNSA information, with the concurrence of the Associate Administrator for Defense Nuclear Security), but he or she may delegate this authority to someone who is knowledgeable about the classified aspects of the information covered under the SAP and is authorized access to such information.
- g. Completion of DOE F 470.1, “Contract Security Classification Specification,” Concerning Classification Guidance for DOE-Funded Work. DOE F 470.1 is completed for contracts performing work that requires access to classified information.

- (1) Classification Guidance Determination. Any contract allowing access to classified information may generate classified documents or material intentionally or inadvertently. The procurement request originator must ensure that the box for DEAR 952.204-70 in block 14 is always checked and must determine whether classification guidance is needed.

- (a) Classification Guidance Needed. If classification guidance is needed, the procurement request originator ensures that block 13 either lists the specific guidance needed or states—

List of guidance needed for work under this contract is maintained by the Classification Officer identified in block 18 below.

- (b) Classification Guidance Not Needed. If classification guidance is not needed, the procurement request originator must reasonably explain in block 13 why it is not needed. For example:

All written material will be reviewed by the Classification Officer.

or

The contract will only generate written material consisting of routine administrative documents (such as time cards) that are extremely unlikely to contain classified information.

- (2) Certification. The Classification Officer certifies that block 13 is completed correctly and that the box for DEAR 952.204-70 in block 14 is checked by signing block 18 of DOE F 470.1. The Classification Officer may delegate this authority in writing to someone who is knowledgeable about the classified aspects of the work to be performed.

- h. Classification Guidance for Non-DOE-Funded Work in Classified Subject Areas. Non-DOE-funded work that may require access to classified information is conducted under DOE O 481.1C, *Work for Others (Non-Department of Energy Funded Work*, dated 1-24-05), and this CRD.
- (1) Certification of Classification Guidance. Prior to commencement of the work, the Classification Officer must review the work request and proposed classification guidance and certify in writing that the guidance does not contradict DOE classification guidance. NOTE: This certification may be done by signing block 18 of DOE F 470.1 if this form is used locally for non-DOE-funded work. The Classification Officer may delegate the authority in writing to review and certify such classification guidance to someone who is knowledgeable about the classified aspects of the work to be performed (and if the guidance concerns a SAP, such an individual must also be authorized access to the SAP). If the guidance is revised during the period of performance, the Classification Officer or his or her delegate must certify that the revisions do not contradict DOE classification guidance.
 - (2) Access to Guidance. The Classification Officer or his or her delegate must have access to a copy of the guidance and its revisions until the work is completed.
 - (3) Contradictory Guidance. If the proposed classification guidance contradicts DOE classification guidance, the funding organization must be notified of the need to resolve the contradictions. If the contradictions cannot be resolved, then the Classification Officer must forward the guidance with a description of the problems through the field element Classification Officer to the Office of Classification (for NNSA organizations, through the Associate Administrator for Defense Nuclear Security), for final resolution.
 - (4) Use of DOE Guidance. DOE classification guidance concerning RD/FRD may be used if the work involves RD/FRD. DOE classification guidance concerning NSI may be used if the work explicitly falls within the scope of such guidance and the funding Agency agrees in writing.

CHAPTER V

CLASSIFYING AND DECLASSIFYING DOCUMENTS AND MATERIAL

PART A—CLASSIFICATION

1. DERIVATIVE CLASSIFICATION. A determination based on classification guidance or source documents that a document or material contains classified information.
 - a. Authority. A Derivative Classifier may derivatively classify a new or existing document or material as authorized by his or her description of authority.
 - b. Basis for Determination.
 - (1) Restricted Data/Formerly Restricted Data. The Derivative Classifier bases his or her determination that information is classified as RD or FRD on guidance authorized for his or her use. If guidance is inconsistent or does not exist, the Derivative Classifier should refer to chapter IV, paragraph 2.
 - (2) National Security Information. The Derivative Classifier bases his or her determination that information is classified as NSI on guidance authorized for his or her use. If no guidance exists, the Derivative Classifier should refer to chapter IV, paragraph 2, of this CRD. The only time a portion-marked source document may be used is if the information in the document being classified is substantively the same as information in the source document; the information is entirely under the purview of another Government Agency, foreign government, or international organization; and no joint classification guidance exists. However, the document cannot be used as a source document if it has a date or event for declassification that has passed or if the document is older than 25 years.
2. CLASSIFICATION REVIEW OF A NEW DOCUMENT OR MATERIAL.
 - a. Current Employee Authorized Access to Classified Information. Upon creation of a new document (in hard copy or electronic format) or material in a classified subject area, the contractor must ensure that its employees protect the document or material at the highest potential classification level and category of information that is likely to be contained in the document or material until a review is obtained by the appropriate official. The document or material must be reviewed, if required, prior to its being finalized, released by the employee outside of the activity (e.g., ad hoc working group) or office, or filed. Regardless, the document or material must be reviewed no later than 180 days after its creation.
 - (1) Not Intended for Public Release. A Derivative Classifier must review the document or material unless the employee is confident that the document or material does not contain any classified information based on the employee's knowledge about the classified aspects of the subject area

and/or because the employee has previously had documents or material containing similar information reviewed and determined to be unclassified by a Derivative Classifier.

- (2) Intended for Public Release. The Classification Officer must review the document or material. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in the document or material.

- (3) Presentations in a Classified Subject Area.

- (a) Prepared Text.

1 Classified Setting. A Derivative Classifier must review the prepared text for a presentation in a classified subject area to be given in a classified setting (i.e., room is approved for the discussion of classified information and all individuals in the room are authorized access to classified information) unless the employee who prepared the text is confident that the presentation does not contain any classified information based on the employee's knowledge about the classified aspects of the subject area and/or because the employee has previously had presentations containing similar information reviewed and determined to be unclassified by a Derivative Classifier.

2 Unclassified Setting. The Classification Officer must review prepared text for a presentation in a classified subject area to be given in an unclassified setting (i.e., regardless of the room, the status of authorized access to classified information by individuals in the room is not known). The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in such presentations.

- (b) No Prepared Text. If the employee does not have prepared text or if extemporaneous remarks are likely, a Derivative Classifier (if in a classified setting) or the Classification Officer (if in an unclassified setting) must brief the employee on classification guidance pertinent to the subject matter, including related topics and associations the employee should avoid because they may be classified, and must remind him or her about DOE's "no comment" policy. Such a briefing is not required if the employee is confident that the presentation or remarks do not contain any classified information based on the employee's knowledge about

the classified aspects of the subject area and/or because the employee has previously had similar information reviewed and determined to be unclassified by a Derivative Classifier or Classification Officer. The Classification Officer may delegate this briefing responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas being discussed.

- b. Current Employee Who No Longer Is Authorized Access to Classified Information. If a current employee who no longer is authorized access to classified information creates a new document or material in a classified subject area, regardless of whether the document is for internal or public release, the contractor must ensure the employee obtains a review of the document or material by a Derivative Classifier. If the Derivative Classifier determines that the document contains classified information, then the Derivative Classifier must forward the document or material to the Classification Officer without informing the employee of this referral. The Classification Officer determines how to handle the situation since the employee cannot be told that the document or material is classified since he or she is no longer authorized access to classified information. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in the document or material.

3. CLASSIFICATION REVIEW OF AN EXISTING UNCLASSIFIED DOCUMENT OR MATERIAL.

- a. Review Requirement. If an employee possesses an existing unclassified document or material that he or she believes may contain classified information, the contractor must ensure that the employee protects the document or material at the highest potential classification level and category of information that is likely to be contained in the document or material until it is reviewed. A Derivative Classifier must review such a document or material to determine whether to classify the document or material. If the document or material does contain classified information, then the Derivative Classifier must refer the document or material to the Classification Officer because such a document was either not reviewed or erroneously reviewed when created. If the employee no longer is authorized access to classified information, then the Derivative Classifier must not inform the employee of this referral. The Classification Officer should be aware of such documents or material so as to be able to correct errors in the review process. The Classification Officer may delegate this review responsibility in writing to specified Derivative Classifiers who are authorized to classify in the subject areas addressed in the document or material.
- b. Marking. If the document does contain classified information, then the individual conducting the review marks or authorizes the marking of the document or material as described in paragraph 6, below.

- c. Notification. If the document does contain classified information, this is considered an upgrade. Refer to part C of this chapter for notification requirements.
4. REVIEW OF NEW OR EXISTING DOCUMENTS SUBMITTED BY INDIVIDUALS NOT EMPLOYED BY THE CONTRACTOR OR ITS SUBCONTRACTORS. The Classification Officer forwards any document submitted for classification review by an individual not employed by the contractor or its subcontractors to the field element Classification Officer.
5. REVISION OF DOCUMENT PREVIOUSLY REVIEWED FOR CLASSIFICATION. If the technical or programmatic content of a document or material that has already received a classification review is revised, the author of the revision must obtain another classification review from the appropriate official.
6. COMPLETION OF CLASSIFIER MARKINGS. A Derivative Classifier provides the following information for a document or material being derivatively classified as follows (see DOE M 470.4-4, *Information Security*, for complete information on classification and security marking requirements):
 - a. Restricted Data/Formerly Restricted Data.
 - (1) Highest classification level and category of the information contained in the document or material.
 - (2) Overall document classification level and category or the classification level and category of each interior page of the document.
 - (3) Classification level and category of the subject or title of the document, including “U” if unclassified.
 - (4) Name or personal identifier and position title of the Derivative Classifier for the “Classified By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
 - (5) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No.1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to classify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.

b. National Security Information.

- (1) Highest classification level of the information contained in the document or material.
- (2) Overall document classification level or the classification level of each interior page of the document.
- (3) Classification level of the subject or title of the document, including “U” if unclassified.
- (4) Portion marking of each section, part, paragraph, graphic, figure, or similar portion. (NOTE: Documents containing only NSI must be portion marked.)
- (5) Name or personal identifier and position title of the Derivative Classifier for the “Classified By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
- (6) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No.1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to classify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.
- (7) Duration of classification derived from the guidance or source documents for the “Declassify On” line. If multiple topics or source documents are used, the longest duration is indicated.
 - (a) For information that is not exempt from declassification after 25 years, indicate the specific date (mm/dd/yy) or event for declassification.
 - (b) For information that is exempt from declassification after 25 years, include the notation “25X” followed by the number of the appropriate exemption category or categories from the classification guidance and the date or event when the information will be declassified.
- (8) The following special control marking:

Derivative Declassifier review required prior to declassification

- c. Mixed Document. A mixed document contains both RD/FRD and NSI.
- (1) Highest classification level and category of the information contained in the document or material.
 - (2) Overall document classification level and category or the classification level and category of each interior page of the document.
 - (3) Classification level and category of the subject or title of the document, including “U” if unclassified.
 - (4) Name or personal identifier and position title of the Derivative Classifier for the “Classified By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
 - (5) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No.1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to classify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.
 - (6) If the mix of information in the document causes the document to be marked at an overall level and category higher than the protection level required for any of the individual portions, the marking matrix described in DOE M 470.4-4, *Information Security*, may be used in addition to the other required markings.
- d. Other Miscellaneous Requirements for NSI Documents.
- (1) Source Document Marked “OADR.” If a source document used to derivatively classify a document contains the declassification instruction “Originating Agency’s Determination Required” or “OADR,” the “Declassify On” line must state that the source document contained this instruction and include the date of the source document (e.g., “Declassify On: Source Marked ‘OADR,’ Date of source: 10/20/90”).

- (2) Source Document Marked with Exemption Markings X1 through X8. If a source document used to derivatively classify a document contains the exemption markings X1 through X8, the “Declassify On” line must state that the source document was marked with this instruction and include the date of the source document (e.g., “Declassify On: Source Marked ‘X1,’ Date of source: 10/20/90”). REMINDER: A portion-marked source document may be used only if the information extracted from such a document is entirely under the purview of another Government Agency, foreign government, or international organization and no joint guidance exists.
- (3) Extension of Classification. To extend the classification of a document whose declassification date or event has not passed, the “Declassify On” line must be revised to show the new classification duration, the “Classified By” line must identify the Derivative Classifier making the determination if different from the Derivative Classifier who made the first determination and the date of the action, and the “Derived From” line must identify the classification guide or source document authorizing the extension if different from the one used to initially classify the document.

7. PORTION MARKING REQUIREMENTS AND RESTRICTIONS.

- a. Restricted Data/Formerly Restricted Data Documents. Documents containing RD or FRD information should not be portion marked. (NOTE: Portion marking an RD or FRD document is strongly discouraged in order to reduce the likelihood that such documents would be used as a source document.)
- b. National Security Information Documents. Documents containing only NSI must be portion marked as required by the CRD for DOE M 470.4-4.
- c. Mixed Documents. Documents containing both RD/FRD and NSI should not be portion marked.
- d. Documents Prepared under Work-for-Others Contracts. When specified in the contract, documents prepared under a Work-for-Others contract must follow the portion marking rules of the funding organization. If not specified in the contract, then the portion marking rules specified above apply.

8. RELATED POLICIES AND PROCEDURES.

- a. Foreign Government Information. For complete information on marking documents containing foreign government information, refer to DOE M 470.4-4, *Information Security*.
- (1) Document Generated by a Foreign Government. A review by a Derivative Classifier is **not** required to apply a U.S. classification level (i.e., Top Secret, Secret, Confidential, or Confidential/Foreign Government

Information-Modified Handling Authorized) that provides at least an equivalent level of protection to a document or material classified by a foreign government (see DOE M 470.4-4, Table II-2, for a listing of foreign markings and their U.S. equivalent markings). However, if the person in possession of the document is unsure about the appropriate U.S. classification level, then he or she should consult a Derivative Classifier.

- (2) Document Generated by the United States. A Derivative Classifier must review any document generated by the U.S. Government containing foreign government information to determine whether the document may also contain U.S. classified information.

b. Classification Based on Association or Compilation. In general, information is classified regardless of its context. However, in the cases of association and compilation, information is classified because of its context; e.g., its occurrence with other information in the document.

- (1) Classification Based on Association. Classification by association concerns—

- (a) two or more different, unclassified facts that when combined in a specific way result in a classified statement or
- (b) two or more different, classified facts that when combined in a specific way result in a higher classification level.

For example, these facts may be in the same sentence, paragraph, chapter, or document. Regardless, associations are classified based on existing classification guide topics. Therefore, a Derivative Classifier may classify a document within his or her authorized subject areas because of the association. The document is marked at the level and category (if RD or FRD) of the information revealed by the association unless information that is classified at a higher level or category is also contained elsewhere in the document. If the document is portion marked, then each portion of the associated information must be marked at the level and category (if RD or FRD) of the association.

- (2) Classification Based on Compilation. Classification by compilation occurs at the document level when—

- (a) a large number of often similar unclassified pieces of information whose selection, arrangement, or completeness in the document adds sufficient value to merit classification or
- (b) a large number of often similar classified pieces of information whose selection, arrangement, or completeness in the document

adds sufficient value to merit classifying the document at a higher classification level.

Classification by compilation is rarely based on a guide topic. Therefore, if no guide topic exists, then only the Director, Office of Classification, may determine that such a document is classified as RD or FRD based on compilation. For NSI, only an Original Classifier may make the determination. If a guide topic addressing the information revealed in the compilation does exist, a Derivative Classifier may make the determination within his or her authorized subject areas. A document that is classified based on compilation is **never** portion marked and must contain the following statement:

This document has been classified under the compilation concept and must not be used as the source for a derivative classification decision.

- c. Review of Document to be Provided to Congress. The originator or possessor of a document concerning a classified subject area that is to be provided to Congress as an unclassified document (e.g., transcript, testimony, budget submission, etc.) must submit the document through the contractor and field element Classification Officers to the Office of Classification for review.
- d. Classification of an Unmarked Document Following a Request. The public may request documents concerning a classified subject area under a statute, Executive order, or regulation. Such documents may contain classified information, even though they are not so marked. If a review by the Classification Officer reveals that an unmarked document contains classified information, the Classification Officer must refer the document to the Office of Classification through the field element Classification Officer for review.
- e. Classification Review Process for Electronic Database Reports and Standard Forms. A Classification Officer may review the fields to be included in an electronic database or the elements to be included on a form and determine that when the fields or elements are completed, the data base or form is classified or unclassified. The Classification Officer may make that determination once, document it, and then printed reports from the database and completed forms will use that determination as the basis for their classification. However, if any fields or elements are revised or new fields or elements are added, a new classification review is required.
- f. Extracted Version of Document. If a portion of an existing classified document (e.g., a chapter or appendix) is extracted for use as a new document, then the document must be clearly identified as an extract and must be reviewed by a Derivative Classifier. If the extract is intended to be unclassified, then an additional review by a Derivative Declassifier is required. If the portion is

extracted for inclusion in a new document, the new document must be reviewed by a Derivative Classifier.

- g. Review upon Termination of Employment. An employee who retires or otherwise terminates employment may wish to take unclassified correspondence, personal records, diaries, or other documents with him or her. If such records concern a classified subject area and have not already been reviewed and determined to be unclassified, then a Derivative Classifier (other than the individual who is retiring or terminating employment) must review all such documents to determine whether they contain any classified information before the departing employee removes the documents.
- h. Documenting an “Unclassified” Review Determination. If desired, a Derivative Classifier may document that a classification review resulted in an “unclassified” determination. If so, the following or an equivalent marking is applied to the front of the document:

<p>Reviewed and determined to be UNCLASSIFIED. This review does not constitute clearance for public release.</p> <p>Derivative Classifier: _____ (Name/personal identifier and position title)</p> <p>Date: _____</p>

- 9. DESIGNATED UNCLASSIFIED SUBJECT AREA (DUSA). A DUSA is a collection of information that concerns one or more projects or programs and that has essentially no risk of being classified.
 - a. A contractor may establish a DUSA for a program or project under its cognizance with the approval of the Classification Officer.
 - b. Documents or material that contain information falling under a DUSA are not subject to the review requirements in Chapter V, Part A, of this CRD.

PART B—DECLASSIFICATION

1. DERIVATIVE DECLASSIFICATION. A determination based on classification guidance that a document or material no longer contains any classified information.
 - a. Authority. A Derivative Declassifier may derivatively declassify a document or material as authorized by his or her description of authority.
 - b. Basis for Determination. The Derivative Declassifier must base his or her determination on classification guidance authorized for his or her use. If the Derivative Declassifier cannot make a determination based on this guidance, he or she should follow the procedures described in chapter IV, paragraph 2. (NOTE: If the document was classified based on a portion-marked source document containing information under the purview of another Government Agency, foreign government, or international organization, then the document under review must be referred to the appropriate Government Agency, foreign government, or international organization for declassification.)
2. REVIEW REQUIREMENTS FOR BRACKETING A DOCUMENT OR DECLASSIFYING A DOCUMENT OR MATERIAL. Preparing a bracketed version of a document (i.e., a version of the document with all classified information enclosed within brackets) 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 Derivative Declassifier. The second review must be conducted by a Derivative Declassifier (other than the first reviewer) who must confirm that all classified information has been identified and bracketed in a document or that the document or material to be declassified does not contain classified information. NOTE: In the case of a bracketed document, the classified information identified within the brackets must be removed in order to complete the document declassification process. This removal of classified information is known as redaction. In order to ensure that all classified information is removed from a bracketed document, any redaction process should contain adequate quality assurance measures, such as having a second person verify that the person redacting the classified information did so correctly.
3. DECLASSIFICATION INSTRUCTIONS. Section 3155(a) of Public Law 104-106 states that before a document can be released or declassified, it must be reviewed to determine if it contains RD (and by extension, FRD) information.
 - a. Restricted Data/Formerly Restricted Data. Documents or material marked as containing RD or FRD are **never** automatically declassified. Such documents or material remain classified until reviewed as specified in paragraph 2 above. Under the Atomic Energy Act, no date or event for declassification is ever applied to RD/FRD documents or material, even if such documents or material also contain NSI.

- b. National Security Information. DOE documents or material marked as containing NSI are **never** automatically declassified because they may contain NSI whose classification has been extended or even RD or FRD not identified when the document was initially classified. This is the case even if a date or event for declassification is indicated on the front of the document. The Information Security Oversight Office recommends that any document containing NSI that is subject to declassification but does not contain appropriate declassification markings be reviewed to confirm that the document or material is no longer classified and then be appropriately marked.

- (1) Marked with a Specific Date or Event for Declassification. A document or material marked for declassification with a specific date or event that has passed must be reviewed by a Derivative Declassifier (single review only). If the document or material still contains classified information, then the new date or event for declassification must be annotated on the document or material.
- (2) Not Marked with a Specific Date or Event for Declassification. Under previous Executive orders, some documents or material containing NSI were not marked with a date or event for declassification. Rather, various designations were used to indicate that such documents were to be reviewed prior to declassification (as noted in the table below). Documents or material bearing such designations follow the declassification instructions contained in part B, paragraph 2, Review Requirements for Bracketing a Document or Declassifying a Document or Material, above. If it is determined that the document or material is still classified, then the current declassification instructions must be annotated on the document or material.

Executive Order	Designation
E.O.10501	Group 1 Group 2 Group 3
E.O. 11652	Exempt from General Declassification Schedule (XGDS)
E.O. 12065	Review for Declassification on <i>date indicated</i>
E.O. 12356	Originating Agency's Determination Required (OADR)
E.O. 12958, as amended	Declassify on: Xn (where <i>n</i> is a number between 1 and 8)

- (3) Permanent Documents that are 25 Years Old or Older. Some documents that are 25 years old or older are considered permanent records under records management policies and procedures that implement Title 44 of the United States Code. Declassification of such documents is subject to section 3.3 of E.O. 12958, as amended. Review of such documents for

declassification is conducted following the instructions in paragraphs 3b(1) and (2) above, as appropriate. While the review of such documents for RD and FRD may be based on any applicable guidance, the review of such documents for NSI must be based solely on the Historical Records Declassification Guide or classification guidance topics based on this guide.

4. REQUIRED DECLASSIFIER MARKINGS OR INFORMATION. For each document or material that is declassified, the Derivative Declassifier crosses out or authorizes the crossing out of the classification markings and provides the following information (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
 - a. The names or personal identifiers and positions or titles of individuals declassifying the document for the “Declassified By” line.
 - b. For the “Derived From” line:
 - (1) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (2) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (3) If more than one guide was used to declassify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.
 - c. The date of declassification for the “Declassified On” line.
5. NOTIFICATION. The Derivative Declassifier authorizing the declassification of a document or material must notify the following individuals within 30 calendar days and provide sufficient information for them to identify the specific document or material being declassified:
 - (a) the originator or custodian of the document or material, if identifiable, and
 - (b) if the document is a scientific or technical report, the OSTI Classified Information Program Manager.

The individuals identified in paragraphs 5a and 5b who receive a declassification notification must notify all known holders of the document or material that the document is being declassified.
6. CHANGING CLASSIFICATION MARKINGS BASED ON RECEIPT OF A DECLASSIFICATION NOTICE. The person changing classification markings on a

document based on receipt of a declassification notice must include the following information on the front of the document (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):

- a. The word “Declassified” on the “Classification changed to” line.
- b. A brief description of the notice advising of the declassification and its date on the “Authorized by” line.
- c. The name of the person making the change and the date the change is made on the “Changed by” line.

NOTE: Adequate quality assurance measures should be in place to ensure that the declassification announced in the notice is done correctly. For example, a second person verifies that the person changing the classification markings based on a notice did so correctly.

7. MANDATORY REVIEW REQUESTS. Any employee who receives a mandatory review request under 10 CFR 1045.42 or section 3.5 of E.O. 12958, as amended, for a document containing RD/FRD or NSI must send the request through the appropriate contractor and field element Classification Officers to the Office of Classification (if within NNSA, through the Associate Administrator for Defense Nuclear Security) for processing.
8. SYSTEMATIC DECLASSIFICATION REVIEWS.
 - a. Restricted Data/Formerly Restricted Data. Each Classification Officer ensures that documents containing RD/FRD are reviewed periodically and systematically for declassification. Such reviews are based on the degree of public and researcher interest and the likelihood of declassification upon review.
 - b. National Security Information. Each Classification Officer ensures that documents containing NSI that are exempt from declassification under section 3.3 of E.O. 12958, as amended, are reviewed periodically and systematically for declassification. Such reviews are based on the degree of public and researcher interest and the likelihood of declassification upon review.
9. LARGE-SCALE DOCUMENT DECLASSIFICATION REVIEW PLAN.
 - a. Plan Requirement. Whenever a Classification Officer must review for declassification a group of documents that exceeds 25,000 pages, he or she must prepare a document review plan and submit it through the field element Classification Officer to the Office of Classification (if within NNSA, through the Associate Administrator for Defense Nuclear Security). Such a plan is required for any type of declassification review (e.g., in support of litigation or an employee health-related study, systematic reviews) if it exceeds 25,000 pages.
 - b. Contents of the Plan. The plan must:

- (1) explain why 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 quality assurance assessment plan with standards for remedial action specified;
 - (4) summarize any exceptions or 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 any non-standard markings to be used.
- c. Approval of Plan. The Office of Classification must approve the plan before any work is started.

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

- a. Public Release. Declassifying a document or material does not mean that it may automatically be released to the public since the information in the document or material may still be exempt from release for other reasons.
- b. Coordination Reviews. Prior to declassifying a document or material containing information under the cognizance of another DOE element, foreign country, or other Government Agency, the document or material must be coordinated with that other element, country, or Agency as follows:
 - (1) DOE-Originated Documents or Material Containing Only DOE Information. Unless specific authority to declassify the document or material has been delegated to the Derivative Declassifier in his or her description of authority, he or she must either send the document or material to the appropriate organization for review or obtain the concurrence of that organization that the document or material can be declassified.
 - (2) Documents or Material Containing Foreign Government Information. Any document or material under review for declassification that contains foreign government information must be submitted through contractor and field element Classification Officers to the Office of Classification for coordination with the foreign government.
 - (3) Documents or Material Containing Other-Agency Information. Any document or material under review for declassification relating to

litigation or requested under statute or Executive order that concerns information under the cognizance of another Agency must be submitted through the contractor and field element Classification Officers to the Office of Classification for coordination. In all other cases, the Classification Officer must conduct any interagency coordination required to declassify a document or material containing information under the cognizance of another Agency.

- c. Documents Declassified under the Comprehensive Classification Review Program (CCRP). A document that was declassified during the CCRP that has not been publicly released remains classified until a Derivative Declassifier conducts a subsequent review and confirms that the document does not contain classified information (only a single review by a Derivative Declassifier is required). Such documents were declassified between 1971 and 1978 and are identified in many ways (e.g., pinholes through the document spelling “Declassified”) and may include the following or similar markings:

CLASSIFICATION CANCELED OR CHANGED TO _____ BY AUTHORITY OF <u>DOC</u> _____ BY <u>John Doe</u> DATE <u>3/20/73</u> _____

If the document contains classified information, then the CCRP declassification markings must be crossed out and the current classification markings applied. If the document does not contain classified information, then the Derivative Declassifier applies current declassification markings to confirm the document has been declassified. Document custodians must be especially careful that they do not act upon the declassification notations for documents falling between 1971 and 1978 without first obtaining a review by a Derivative Declassifier.

- d. OpenNet Data Base. Each contractor that declassifies a document and determines that it may be released to the public must provide identifying information and, if available, an electronic version of the document itself to OSTI for potential inclusion on the OpenNet data base. (NOTE: This requirement does not apply to documents declassified under sections 3.3 or 3.4 of E.O. 12958, as amended.)
- e. Obsolete Classification Markings. Documents dated prior to December 15, 1953, and marked as “Restricted” and documents dated from July 18, 1949, through October 22, 1951, and marked as “Official Use Only” were considered classified documents. A single review by either a Derivative Classifier or Derivative Declassifier is required to determine the current classification status of such documents. Until that review is completed, the documents must be handled and protected as Confidential NSI. If the review indicates a document is classified based on current guidance, then the “Restricted” or “Official Use Only” markings

are crossed out and replaced with current classification markings. If the review indicates the document is not classified, the “Restricted” or “Official Use Only” markings are crossed out and replaced with “unclassified” along with the name of the reviewer and the date of the determination.

- f. Redacted Version of Document. The title of a redacted document must clearly indicate that it is a redacted version. If the original document had a unique report number, then a new number must be assigned to the redacted version.

PART C—DOWNGRADING OR UPGRADING

1. DOWNGRADING.

- a. Process. A document or material is downgraded when a Derivative Declassifier determines that the document or material is classified at a classification level or category lower than currently marked, but not including unclassified. (NOTE: Changing from classified to unclassified is called declassification, which is covered under Part B of this chapter.) The document or material must be within a subject area covered by the Derivative Declassifier's authority, and the determination must be based on guidance.
 - (1) Downgrading Classification Levels. Classification levels are downgraded in the following precedence order—from Top Secret to Secret to Confidential. NOTE: For foreign government information, an additional downgrade from Confidential to Confidential/Foreign Government Information-Modified Handling Authorized is possible.
 - (2) Downgrading Classification Categories. Classification categories also are downgraded in the following precedence order—from RD to FRD to NSI.
- b. Downgrading Marking. For each document or material that is downgraded, the Derivative Declassifier crosses out or authorizes the crossing out of the existing classification markings and marks or authorizes the marking of the document or material with the downgraded level (and category if RD or FRD) and provides the following information (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
 - (1) The name or personal identifier and position title of the Derivative Declassifier authorizing the downgrading for the "Downgraded By" line.
 - (2) Date of the downgrading for the "Downgraded On" line.
 - (3) For the "Derived From" line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and "DOE OC" (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to declassify the document, enter the words "Multiple Sources" on this line and include a list identifying each guide with the record copy of the document.

- (4) If NSI, include the duration of classification derived from the guidance for the “Declassify On” line.

2. UPGRADING.

- a. Process. A document or material is upgraded when a Derivative Classifier determines the document or material is classified at a classification level or category higher than currently marked or the document or material was never marked or was erroneously marked as unclassified. The document or material must be in a subject area covered by the Derivative Classifier’s authority, and the determination must be based on guidance.
 - (1) Upgrading Classification Levels. Classification levels are upgraded in the following precedence order—from unclassified to Confidential to Secret to Top Secret. NOTE: For foreign government information, additional upgrades from unclassified to Confidential/Foreign Government Information-Modified Handling Authorized to Confidential are possible.
 - (2) Upgrading Classification Categories. Classification categories are upgraded in the following precedence order—from NSI to FRD to RD.
- b. Upgrading Marking. For each classified document or material that is upgraded, the Derivative Classifier crosses out or authorizes the crossing out of any existing classification markings and marks or authorizes the marking of the document or material with the upgraded level (and category if RD or FRD) and provides the following information (see DOE M 470.4-4, *Information Security*, for complete information on marking requirements):
 - (1) The name or personal identifier and position title of the Derivative Classifier authorizing the upgrading for the “Upgraded By” line. If not otherwise evident, include the Agency and organization of the Derivative Classifier.
 - (2) The date of the upgrading for the “Upgraded On” line.
 - (3) For the “Derived From” line:
 - (a) For DOE-approved guidance, the short title, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC).
 - (b) For other-Agency guidance, the short title, issuance date of the guide, Agency, and, where available, the office issuing the classification guidance (e.g., CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
 - (c) If more than one guide was used to declassify the document, enter the words “Multiple Sources” on this line and include a list identifying each guide with the record copy of the document.

- (4) If NSI, include the duration of classification derived from the guidance for the “Declassify On” line.
- 3. NOTIFICATION. The Derivative Declassifier or Derivative Classifier authorizing the downgrading or upgrading of a document or material must notify the following individuals within 30 calendar days and provide sufficient information for them to identify the specific document or material being downgraded or upgraded:
 - a. the originator or custodian of the document or material, if identifiable, and
 - b. if the document is a scientific or technical report, the OSTI Classified Information Program Manager.

The individuals identified in paragraphs 3a and 3b who receive a downgrading or upgrading notification must notify all known holders of the document or material that the document is being downgraded or upgraded. If downgrading results in a change from the RD/FRD categories to the NSI category, then declassification and portion marking instructions for the document must be included in the notification. NOTE: The Derivative Classifier preparing the upgrading notification must review it to determine whether it contains classified information. The sender of an upgrading notification must ensure that each recipient of the notification is authorized access to the upgraded level and category of classified information in the document being upgraded.

- 4. CHANGING CLASSIFICATION MARKINGS BASED ON RECEIPT OF A DOWNGRADING OR UPGRADING NOTICE. The person changing the classification markings on a document or material based on receipt of a downgrading or upgrading notice must include the following information on the front of the document:
 - a. The appropriate classification level and category (if RD or FRD) on the “Classification changed to” line.
 - b. A brief description of the notice advising of the change in classification and its date on the “Authorized by” line (e.g., Change Notice 138, 8/31/06).
 - c. The name of the person making the change and the date the change is made on the “Changed by” line.

In addition, if the downgrading action resulted in a change from the RD/FRD categories to the NSI category, the person making the change must ensure that declassification instructions and portion markings are applied as described in the notification. NOTE: Adequate quality assurance measures should be in place to ensure that the classification change announced in the notice is done correctly. For example, a second person verifies that the person changing the classification markings based on a notice did so correctly.

CHAPTER VI

EDUCATION PROGRAM

1. CLASSIFICATION OVERVIEW TRAINING. The contractor must ensure that all employees are advised of their classification-related responsibilities when they are first authorized access to classified information. At a minimum, the following information must be covered:
 - a. a brief explanation of the roles of those classification officials relevant to the contractor's organization;
 - b. when an employee must have a document or material reviewed for classification and what official must conduct the review;
 - c. when an employee must have a document or material reviewed for declassification and what official must conduct the review;
 - d. a brief explanation of DOE's policy about commenting on classified information in the public domain;
 - e. the process to be followed if an employee needs to have a document or material declassified;
 - f. the fact that an employee may challenge the classification status of a document or material; and
 - g. the name and phone number of a point of contact to answer questions or address concerns about classification or declassification matters.
2. CONTINUING CLASSIFICATION EDUCATION. The contractor must ensure that each employee who is authorized access to classified information is informed annually of the classification and declassification responsibilities covered in paragraph 1 of this chapter, with an emphasis on any changes.
3. SUBJECT-MATTER-RELATED CLASSIFICATION AWARENESS BRIEFINGS. The contractor must ensure that employees authorized access to classified information who are working in classified subject areas receive subject-matter briefings that explain what information is potentially classified in their relevant areas. For example, such briefings may be conducted by a supervisor, a Derivative Classifier in the organization, or the Classification Officer.
4. INITIAL TRAINING FOR A CLASSIFIER OR DECLASSIFIER. An employee nominated for the position of Derivative Classifier or Derivative Declassifier must receive training and pass examinations that cover the following elements:

a. Derivative Classifier.

- (1) Who may derivatively classify a document or material.
- (2) The difference between originally classifying information and derivatively classifying a document or material.
- (3) What a classification guide is and how to use it to determine whether information is classified, including practical exercises using actual or simulated guidance and documents.
- (4) What to do if the guidance approved for use by the Derivative Classifier is inconsistent or does not address the information in the document being reviewed for classification.
- (5) What portion marking is and when it is required.
- (6) How to mark a derivatively classified document or material.
- (7) What upgrading is, who can do it, and how it is done.
- (8) Who must be notified and what information must be included in the notice.
- (9) Those aspects of the classification challenge process that affect a Derivative Classifier.
- (10) Who may declassify or downgrade a document or material.
- (11) The content of the Derivative Classifier's authority description.

b. Derivative Declassifier.

- (1) Who may derivatively declassify a document or material.
- (2) What classification and declassification guides are and how to use them to determine whether information may be declassified, including practical exercises using actual or simulated guidance and documents.
- (3) The proper procedure to redact classified information from a classified document.
- (4) What coordination is required before declassifying a document or material.
- (5) How to mark a derivatively declassified document or material.
- (6) What downgrading is, who can do it, and how it is done.

- (7) Who must be notified and what information must be included in the notice.
 - (8) Those aspects of the classification challenge process that affect a Derivative Declassifier.
 - (9) The requirements for including a declassified document on OpenNet.
 - (10) The content of the Derivative Declassifier's authority description.
- 5. TRAINING FOR A CLASSIFICATION OFFICER. An employee nominated for the position of Classification Officer must receive training and successfully pass examinations that cover the following elements in addition to the elements for a Derivative Classifier and Derivative Declassifier:
 - a. bases for classifying RD and FRD,
 - b. basis for classifying NSI, and
 - c. classification authorities and responsibilities of DOE and NNSA officials.
- 6. BRIEFING FOR A CLASSIFICATION COORDINATOR. An employee nominated for the position of Classification Coordinator must attend a briefing that covers the requirements contained in this CRD and the specific responsibilities of a Classification Officer.
- 7. DOCUMENTATION OF TRAINING. Conduct of required training must be documented and must include the date of the training, a brief summary of what was covered, and who attended.
- 8. TRAINING MATERIALS. All training materials must be accurate and up to date when presented.

CHAPTER VII

CLASSIFICATION PROGRAM EVALUATIONS

1. SELF-ASSESSMENT. Every 2 years, each Classification Officer must complete a written self-assessment of his or her implementation of the requirements contained in the CRDs to DOE O 475.2 and DOE M 475.1-1B. The self-assessment must include contractor organizations under his or her cognizance that do not have a Classification Officer but do have Derivative Classifiers or Derivative Declassifiers.
2. ON-SITE REVIEW. Each Classification Officer must conduct an on-site review of each contractor organization under his or her cognizance that has a Classification Officer to evaluate his or her implementation of the requirements contained in the CRDs to DOE O 475.2 and DOE M 475.1-1B. This review must be documented in a written report, including a corrective action plan for any deficiencies noted. The on-site review should be conducted every 2 years; however, the interval between on-site reviews may be decreased (e.g., annually) if significant problems are found or increased but not less than once every 5 years if only minor problems are found. The interval between on-site reviews is determined by the Classification Officer conducting the review.
3. SCOPE. Each self-assessment and on-site review must cover the following areas.
 - a. Management Responsibilities. Management provides the necessary resources and support to meet the requirements specified in the CRDs to DOE O 475.2 and DOE M 475.1-1B.
 - b. Authorities. A sufficient number and appropriate distribution of Derivative Classifiers and Derivative Declassifiers exists so as to not unduly interfere with or delay the work of the contractor; a record of classification officials appointed is maintained (e.g., in a paper document, electronic database); the description for each authority includes the individual's name, organization, the effective date, the specific subject areas covered by the authority, the jurisdiction of the authority, the expiration date, and any special instructions or limitations on the authority; and initial and reappointment training and testing have been conducted and successfully completed.
 - c. Guidance. Classification guidance is up to date, and Derivative Classifiers and Derivative Declassifiers have access to appropriate guidance. Block 13 and the box for DEAR 952.204-70 in block 14 of DOE F 470.1 are certified as being completed correctly by the signature of the appropriate official in block 18. Classification guidance for non-DOE-funded work does not contradict DOE guidance.
 - d. Training. Training programs ensure that personnel are aware of their classification responsibilities, training conducted is documented, and training materials are accurate and up to date when presented.

- e. Document Reviews. Based on a statistically significant random sample of documents created since the last self-assessment or on-site review, document classification determinations are correct, the basis for each determination is correct, and classifier and declassifier markings are completed correctly. The methodology for determining a statistically significant, random sample of documents is specified by the Classification Officer conducting the self-assessment or on-site review.
- f. Program Evaluation. The classification program is evaluated to assess performance and determine if improvements are necessary.