

**ORDER**

**DOE O 475.2A**

Approved: 2-1-11

# **IDENTIFYING CLASSIFIED INFORMATION**

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



## **IDENTIFYING CLASSIFIED INFORMATION**

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1. PURPOSE. To establish the program to identify information classified under the Atomic Energy Act [Restricted Data (RD), Formerly Restricted Data (FRD), and Transclassified Foreign Nuclear Information (TFNI)] or Executive Order (E.O.) 13526 [National Security Information (NSI)], so that it can be protected against unauthorized dissemination.
2. CANCELLATION. DOE O 475.2, *Identifying Classified Information*, dated 8-28-07, and DOE M 475.1-1B, *Manual for Identifying Classified Information*, dated 8-28-07. Cancellation of a directive does not, by itself, modify or otherwise affect any contractual or regulatory obligation to comply with the directive. Contractor Requirements Documents (CRDs) that have been incorporated into a contract remain in effect throughout the term of the contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.
3. APPLICABILITY.
  - a. Departmental Applicability. This Order applies to all Departmental elements that may generate classified information, documents, or material.
    - (1) The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees and contractors comply with their respective responsibilities under this directive. Nothing in this Order 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.
    - (2) The Bonneville Power Administrator (BPA) will assure that BPA employees and contractors comply with their respective responsibilities under this directive consistent with BPA's procurement and self-financing authorities.
  - b. DOE Contractors. Except for the equivalency in paragraph 3.c.(3), the CRD (Attachment 1) sets forth requirements of this Order that will apply to contracts that include the CRD. The CRD must be included in contracts that may generate classified information, documents, or material.
  - c. Equivalencies/Exemptions for DOE O 475.2A.
    - (1) Requests for Equivalencies and Exemptions to this Order from non-NNSA elements are granted by the Director, Office of Classification. Requests from NNSA elements are granted by the Associate Administrator for Defense Nuclear Security, in consultation with the Director, Office of Classification.

- (2) Requests must be submitted in writing by heads of Headquarters elements or managers of field elements and must:
  - (a) identify the Order requirement for which the equivalency or exemption is being requested;
  - (b) explain why the equivalency or exemption is needed; and
  - (c) if requesting an equivalency, describe the alternate measures for addressing the requirement.
- (3) Equivalency. In accordance with the responsibilities and authorities assigned by E.O. 12344, codified at 50 USC sections 2406 and 2511 and to ensure consistency through the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors (Director) will implement and oversee requirements and practices pertaining to this Directive for activities under the Director's cognizance, as deemed appropriate.

#### 4. REQUIREMENTS.

- a. Each Headquarters element that oversees a field element with contractors who generate classified information, documents, or material must have a Program Classification Officer.
- b. Each Headquarters element that has employees who generate classified information, documents, or material must have a Headquarters Classification Representative. This position may be filled by the Program Classification Officer.
- c. Each field element that oversees a contractor who generates classified information, documents, or material must have a Classification Officer. This requirement may be fulfilled by a Classification Officer within the field element or from outside the field element.
- d. Classified information contained in documents or material must be correctly identified, and appropriate classifier markings must be placed on the documents or material.
- e. Information, documents, and material must be classified, declassified, downgraded, or upgraded only by individuals who have been granted appropriate authorities in accordance with Attachment 2, *Appointment of Classification Officials*.
- f. Classification guidance must be identified for all work performed in a classified subject area that may generate classified documents or material, and such guidance must be developed in accordance with or satisfy the requirements in Attachment 3, *Classification Guidance*.

- g. Classification officials must be provided with up-to-date and appropriate classification guidance.
- h. Classification guidance must be used as the basis for determining whether a document or material contains RD, FRD, TFNI, or NSI, except in limited circumstances, in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- i. Documents and material must be classified, declassified, downgraded, and upgraded as specified in Attachment 4, *Classification/Declassification Review Requirements*.
- j. Each Headquarters and field element classification program must be periodically evaluated as described in Attachment 5, *Classification Program Evaluations*.
- k. Training programs must be conducted in accordance with Attachment 6, *Classification Education Program*, to ensure that employees serving as classification officials are competent in their classification-related responsibilities.
- l. Employees authorized access to classified information must receive a classification awareness briefing, initially and annually, that, at a minimum, covers the information in Attachment 6, *Classification Education Program*, paragraph 1.b.

5. RESPONSIBILITIES.

- a. Deputy Secretary. Resolves all disagreements submitted by the NNSA Administrator concerning final determinations made by the Office of Health, Safety and Security involving information under NNSA's cognizance.
- b. Deputy Chief for Operations, Office of Health, Safety and Security.
  - (1) Establishes classification program requirements under the Atomic Energy Act and E.O. 13526, Classified National Security Information.
  - (2) Coordinates the classification, transclassification, or declassification of any information under NNSA's cognizance with the Associate Administrator for Defense Nuclear Security.
  - (3) Determines when TFNI may be declassified.
  - (4) Serves as the senior Agency official for DOE under E.O. 13526.
  - (5) Ensures the Department's compliance with E.O. 13526 and Title 10 Code of Federal Regulations (CFR) Part 1045, Nuclear Classification and Declassification, through on-site classification program evaluations.

- (6) Makes the final appeal determination concerning any portion of a document requested under the mandatory declassification review provisions of E.O. 13526 for RD and FRD.
- (7) Makes the final appeal determination concerning any formal classification challenges for RD and FRD.
- (8) Makes the final internal appeal determination concerning denials of any portions of documents requested under the mandatory declassification review provisions of E.O. 13526 for NSI and any formal classification challenges for NSI and ensures that the challenger is informed of his or her right to appeal to the Interagency Security Classification Appeals Panel (ISCAP).
- (9) Appoints Secret and Confidential Original Classifiers for non-NNSA elements.
- (10) Reports delegations of Original Classification authority to the Information Security Oversight Office (ISOO) annually.
- (11) Submits all final determinations with respect to NNSA information to the Associate Administrator for Defense Nuclear Security for concurrence.

c. Director, Office of Classification.

- (1) Develops, issues, and interprets policies and procedures to implement DOE's classification program under the Atomic Energy Act, 10 CFR part 1045, E.O. 13526, and 32 CFR part 2001.
- (2) Downgrades or upgrades the classification level of RD or FRD information, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (3) Originally classifies as NSI any information under DOE's cognizance, declassifies any NSI under DOE's cognizance, and downgrades or upgrades the classification level of any NSI under DOE's cognizance, with the concurrence of the Associate Administrator for Defense Nuclear Security for any information under NNSA's cognizance.
- (4) Evaluates Headquarters and field element classification programs to ensure compliance with national policy in accordance with Attachment 5, *Classification Program Evaluations*.
- (5) Approves and cancels all classification guidance, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.

- (6) Conducts fundamental classification guidance reviews in accordance with section 1.9 of E.O. 13526 and 32 CFR 2001.91(c).
- (7) Performs the duties of the Classification Officer for DOE Headquarters elements, except for those duties explicitly assigned to the Associate Administrator for Defense Nuclear Security in this Order.
- (8) Serves as the DOE Restricted Data Management Official under 10 CFR 1045.33.
- (9) Makes the initial determination pertaining to an appeal of a decision concerning a formal challenge of an RD/FRD classification determination, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (10) Makes the initial determination concerning a formal challenge of an NSI classification determination, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
- (11) Serves as the denying official for any classified portion of a document requested under statute or Executive order.
- (12) Reviews unmarked documents that contain classified information and have been requested under statute or Executive order.
- (13) Manages and conducts training of Program Classification Officers, Classification Officers, Headquarters Classification Representatives, Original Classifiers, Derivative Declassifiers, and Headquarters Derivative Classifiers.
- (14) Appoints non-NNSA Program Classification Officers, Classification Officers, Headquarters Classification Representatives, Derivative Declassifiers, and Headquarters Derivative Classifiers and terminates any appointments or authorities granted to these classification officials, as appropriate.
- (15) Ensures that patent applications and reports of inventions or discoveries covered by section 151 of the Atomic Energy Act are reviewed to determine whether to impose a secrecy order under the Invention Secrecy Act of 1951 or whether to control as RD.
- (16) Coordinates the search for and processing of documents requested under the mandatory declassification review provisions of 10 CFR 1045 or section 3.5 of E.O. 13526.
- (17) Conducts all coordination required to declassify a document or material that contains foreign government information.

- (18) 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.
- (19) Establishes a system for processing, tracking, and recording formal classification challenges and declassification proposals made by authorized holders of classified information.
- (20) Consolidates classification program data and reports such data to the ISOO annually as required by 32 CFR 2001.90.

d. Associate Administrator for Defense Nuclear Security.

- (1) Concurs on any classification, declassification, transclassification, downgrade or upgrade action, or formal classification challenge made by the Deputy Chief for Operations, Office of Health, Safety and Security, or the Director, Office of Classification, concerning RD or FRD information under NNSA's cognizance.
- (2) Concurs on any original NSI classification, declassification, downgrade or upgrade action, or formal classification challenge made by the Director, Office of Classification, for information under NNSA's cognizance.
- (3) Concurs on all classification guidance concerning information under NNSA's cognizance.
- (4) Performs the duties of the Classification Officer for NNSA Headquarters elements.
- (5) Appoints NNSA Program Classification Officers, Classification Officers, Headquarters Classification Representatives, Derivative Declassifiers, and Headquarters Derivative Classifiers and terminates any appointments or authorities granted to these classification officials, as appropriate.
- (6) Appoints NNSA Secret and Confidential Original Classifiers in consultation with the senior Agency official for E.O. 13526.

e. Director, Office of Intelligence and Counterintelligence.

- (1) Oversees classification actions involving Sensitive Compartmented Information, including the activities of field intelligence elements.
- (2) Ensures that intelligence and counterintelligence-related classification guidance for non-DOE-funded work conforms to existing DOE classification policy.



- (3) Nominates a Federal employee to serve as Program Classification Officer to provide oversight of the classification programs at field intelligence elements and coordination between these programs and the Director, Office of Classification.

f. Heads of Headquarters Elements and Managers of Field Elements.

- (1) Ensure that contracting officers are notified of any contracts generating classified information, documents, or material so that DEAR clause 952.204-70, "Classification/Declassification," DEAR clause 970.5204-1 for M&O and other facilities management contracts, and the contents of the CRD for this Order are incorporated into those contracts.
- (2) Ensure that a satisfactory level of performance of the requirements in this Order is maintained, to include holding personnel accountable for implementing the requirements, as appropriate.
- (3) Ensure that classified information contained in documents or material is correctly identified and the appropriate classifier markings are placed on such documents or material.
- (4) Ensure that documents or material identified in Attachment 4, *Classification/Declassification Review Requirements*, as requiring a review are reviewed for classification or declassification, as appropriate.
- (5) Ensure that comprehensive searches are conducted for documents responsive to mandatory declassification review requests under 10 CFR 1045 and section 3.5 of E.O. 13526 in response to an inquiry from the Director, Office of Classification.
- (6) Ensure that classification guidance for sensitive compartmented information programs or special access programs concerning information under the Headquarters' or field element's purview is developed and that the Director, Office of Classification, or his or her designee is provided access to such classification guidance.
- (7) Nominate a Federal employee to serve as Program Classification Officer, Field Element Classification Officer, or Headquarters Classification Representative, as appropriate, in accordance with the requirements in Attachment 2, *Appointment of Classification Officials*.
- (8) Ensure that work in a classified subject area funded by a non-DOE entity is not started until classification guidance that has been certified by a Classification Officer or Headquarters Classification Representative is provided.

- (9) Ensure that all employees authorized access to classified information complete a classification awareness briefing when they first receive their clearances and at least annually thereafter.
  - (10) Ensure that employees who formally challenge the classification of information are not subject to retribution.
  - (11) Ensure that self-assessments are conducted and that self-assessment reports are submitted to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, in accordance with Attachment 5, *Classification Program Evaluations*.
  - (12) Ensure that the performance contract or other system used to rate personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of Program Classification Officers, Classification Officers, Headquarters Classification Representatives, Original Classifiers, Derivative Declassifiers, and those Derivative Classifiers who make a significant number of classification determinations annually.
- g. Program Classification Officer. Ensures the satisfactory performance of field classification programs under the cognizance of the Headquarters element through self-assessments and by maintaining operational awareness of the classification issues in his or her program in accordance with Attachment 5, *Classification Program Evaluations*.
- h. Field Element Classification Officer.
- (1) Manages the field element classification program.
  - (2) Ensures the satisfactory performance of the field element classification program through self-assessments and by maintaining operational awareness of the classification issues at his or her site in accordance with Attachment 5, *Classification Program Evaluations*.
  - (3) Concurs on the nomination of Classification Officers and Derivative Declassifiers, as appropriate, to ensure that such officials are technically competent.
  - (4) Develops and conducts classification training for Derivative Classifiers that he or she appoints.
  - (5) Ensures that all classification training and awareness briefings satisfy the requirements in Attachment 6, *Classification Education Program*.
  - (6) Appoints field element Derivative Classifiers and ensures that these officials are technically competent in the specific areas of their

classification authorities and terminates these authorities when appropriate.

- (7) Ensures that Derivative Classifiers and Derivative Declassifiers have appropriate and up-to-date classification guidance.
- (8) Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, and bracketed in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*, and forwards such bracketed documents to the Director, Office of Classification.
- (9) Compiles statistics concerning the field element classification program and forwards them to the Director, Office of Classification, when requested.
- (10) As needed, prepares draft classification guidance that is more detailed and tailored to the needs of his or her field element and is based on other current classification guidance and forwards such guidance to the Director, Office of Classification, for approval through the Associate Administrator for Defense Nuclear Security for concurrence for NNSA elements.
- (11) Conducts a cover-to-cover review of guidance developed by his or her element at least once every 5 years to ensure that it is up to date and notifies the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements.
- (12) Evaluates the impact of new or revised classification guidance issued by the Office of Classification upon existing classification guidance developed by his or her organization and within 90 calendar days submits proposed updates for any affected classification guidance to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for concurrence for NNSA elements.
- (13) Conducts any interagency coordination required to declassify a document or material containing information under the cognizance of another Agency except when the document or material relates to litigation or is requested under statute or Executive order.
- (14) For DOE-funded work performed by the field element, certifies that classification guidance is identified, as appropriate.
- (15) For non-DOE-funded work performed by the field element, certifies that classification guidance provided by the funding entity does not contradict DOE classification guidance.

- (16) Ensures that field element documents subject to section 3.3 of E.O. 13526 are reviewed prior to such documents becoming 25 years old.
- (17) Notifies the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, of any large-scale declassification reviews of documents containing more than 25,000 pages being conducted at his or her site.
- (18) Delegates in writing any functions that he or she has been assigned by this Order to qualified individuals as necessary to implement the field element classification program. Note: This does not include classification and declassification authorities, which are non-delegable.

i. Headquarters Classification Representative.

- (1) Assists individuals within his or her Headquarters element implement the requirements in this Order.
- (2) Ensures the satisfactory performance of the Headquarters element classification program through self-assessments and by maintaining operational awareness of the classification issues in his or her Headquarters element in accordance with Attachment 5, *Classification Program Evaluations*.
- (3) Ensures that Derivative Classifiers and Derivative Declassifiers within his or her Headquarters element have appropriate and up-to-date classification guidance.
- (4) For DOE-funded work performed by the Headquarters element, certifies that classification guidance is identified, as appropriate.
- (5) Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, and bracketed in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures* and forwards such bracketed documents to the Director, Office of Classification.
- (6) Compiles statistics concerning the Headquarters element classification program and forwards them to the Director, Office of Classification, when requested.

j. Original Classifier.

- (1) Makes the initial determination to classify information as NSI in accordance with sections 1.1 through 1.7 of E.O. 13526.

- (2) Reports within 10 working days any original classification determination to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, providing a description of the information being originally classified, the reason for classification, and the level and duration of classification.
  - k. Derivative Classifier. Determines whether a document or material contains classified information or whether a document or material should be upgraded, except for those documents or material requiring review by the Classification Officer.
  - l. Derivative Declassifier.
    - (1) Determines whether a currently classified document or material may be declassified or downgraded.
    - (2) Brackets classified information in a classified document to produce a redacted version.
  - m. Employees with Authorized Access to Classified Information.
    - (1) Ensure that each document or material that the employee originates, modifies, or possesses in a classified subject area and that is potentially classified or potentially classified at a higher classification level or more restrictive category is reviewed by a Derivative Classifier.
    - (2) Ensure that any classified document or material that he or she possesses that is marked with a specific date or event for declassification that has passed is not declassified until a Derivative Declassifier has reviewed it and confirmed that it is declassified.
    - (3) Submit any formal challenges to the classification of specific information and any declassification proposals to the appropriate classification official.
  - n. Procurement Request Originator. Ensures that blocks 13 and 14 on Form DOE F 470.1, *Contract Security Classification Specification*, are completed correctly for contracts that generate classified information, documents, or material.
  - o. Contracting Officers. Once notified that contracts under their purview are covered by this Order, incorporate the CRD for this Order and any other appropriate clauses into the affected contracts.
6. REFERENCES.
- a. Public Law (P.L.) 106-65, National Nuclear Security Administration Act, Title XXXII as amended. This statute establishes a separately organized agency within the Department of Energy.

- b. P.L. 83-503, Atomic Energy Act of 1954, as amended. This statute provides the legal bases for identifying RD, FRD, and TFNI.
  - c. P.L. 82-256, Invention Secrecy Act of 1951, as amended. This statute contains requirements for identifying classified information during patent reviews.
  - d. 10 CFR Part 1004, Freedom of Information. These regulations define and identify Denying Officials within DOE.
  - e. 10 CFR Part 1045, Nuclear Classification and Declassification. These regulations contain requirements and responsibilities for classifying, declassifying, and transclassifying RD and FRD and for processing mandatory declassification review requests and classification challenges.
  - f. 32 CFR Part 2001, Classified National Security Information. These regulations contain requirements and responsibilities for implementing the requirements in E.O. 13526.
  - g. E.O. 13526, Classified National Security Information, dated 12-29-09. This Executive order contains requirements and responsibilities for classifying, declassifying, and safeguarding NSI.
  - h. E.O. 13470, Further Amendments to Executive Order 12333, United States Intelligence Activities, dated 7-30-08. This Executive order contains requirements and responsibilities for intelligence-related activities.
  - i. DOE O 226.1A, *Implementation of Department of Energy Oversight Policy*, dated 7-31-07. This Order contains requirements and responsibilities for implementing DOE line management oversight.
  - j. DOE O 205.1A, *Department of Energy Cyber Security Management*, dated 12-4-06. This Order contains requirements and responsibilities for DOE's cyber security program.
  - k. DOE M 470.4-4A Chg. 1, *Information Security Manual*, dated 10-12-10. This Manual contains Classified Matter Protection and Control requirements and responsibilities.
  - l. NNSA Policy Letter 70.4, *Information Security*, dated 7-2-10. This Policy Letter contains requirements and responsibilities for protecting and controlling RD, FRD, and NSI for NNSA employees.
7. DEFINITIONS. See Attachment 9 for definitions of terms contained in this Order and/or necessary for implementing the DOE classification program.

8. CONTACT. Questions concerned this Order should be addressed to the Office of Classification at 301-903-7567 or [outreach@hq.doe.gov](mailto:outreach@hq.doe.gov).

BY ORDER OF THE SECRETARY OF ENERGY:



DANIEL B. PONEMAN  
Deputy Secretary





## **CONTRACTOR REQUIREMENTS DOCUMENT**

This Contractor Requirements Document (CRD) establishes the requirements for Department of Energy (DOE) and National Nuclear Security Administration (NNSA) contractors whose contracts may generate classified information, documents, or material.

In addition to the requirements set forth in this CRD, contractors are responsible for complying with Attachments 2-9 to DOE O 475.2A referenced in and made a part of this CRD and which provide program requirements and/or information applicable to contracts in which this CRD is inserted. Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this CRD. The contractor is responsible for flowing down the requirements of this CRD to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

A violation of the provisions of the CRD relating to the safeguarding or security of Restricted Data or other classified information may result in a civil penalty pursuant to subsection a. of section 234B of the Atomic Energy Act of 1954 (42 U.S.C. 2282b). The procedures for the assessment of civil penalties are set forth in Title 10, Code of Federal Regulations (CFR) Part 824, *Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations*.

1. **REQUIREMENTS.** All contractors with this CRD incorporated in their contracts must comply with the following requirements:
  - a. Each contractor that generates classified information, documents, or material must have a Classification Officer. This requirement may be fulfilled by a Classification Officer either within or from outside the contractor organization.
  - b. Classified information contained in documents or material must be correctly identified and appropriate classifier markings must be placed on the documents or material.
  - c. Information, documents, and material must be classified, declassified, downgraded, or upgraded only by individuals who have been granted appropriate authorities in accordance with Attachment 2, *Appointment of Classification Officials*, of DOE O 475.2A, *Identifying Classified Information*, dated XX-XX-10.
  - d. Classification guidance must be identified for all work performed in a classified subject area that may generate classified documents or material and such guidance must be developed in accordance with or satisfy the requirements in Attachment 3, *Classification Guidance*, of DOE O 475.2A.
  - e. Classification officials must be provided with up-to-date and appropriate classification guidance.

- f. Classification guidance must be used as the basis for determining whether a document or material contains RD, FRD, TFNI, or NSI, except in limited circumstances, in accordance with Attachment 4, *Classification/Declassification Review Requirements*, of DOE O 475.2A.
- g. Documents and material must be classified, declassified, downgraded, and upgraded in accordance with Attachment 4, *Classification/Declassification Review Requirements*, of DOE O 475.2A.
- h. Each contractor's classification program must be periodically evaluated in accordance with Attachment 5, *Classification Program Evaluations*, of DOE O 475.2A.
- i. Training programs must be conducted in accordance with Attachment 6, *Classification Education Program*, of DOE O 475.2A to ensure that employees serving as classification officials are competent in their classification-related responsibilities.
- j. Employees authorized access to classified information must receive a classification awareness briefing, initially and annually, that, at a minimum, covers the information in Attachment 6, *Classification Education Program*, paragraph 1.b. of DOE O 475.2A.
- k. Each contractor's classification program must satisfy all requirements contained in Attachments 2 through 9 of DOE O 475.2A.

2. RESPONSIBILITIES OF CONTRACTOR CLASSIFICATION OFFICER.

- a. Manages the contractor classification program for the contractor.
- b. Ensures the satisfactory performance of the contractor classification program through self-assessments and by maintaining operational awareness of the classification issues at his or her site in accordance with Attachment 5, *Classification Program Evaluations*, of DOE O 475.2A.
- c. Develops and conducts classification training for Derivative Classifiers that he or she appoints.
- d. Ensures that all classification training and awareness briefings satisfy requirements in Attachment 6, *Classification Education Program*.
- e. Appoints contractor Derivative Classifiers and ensures that these officials are technically competent in the specific areas of their classification authorities and terminates these authorities when appropriate.
- f. Ensures that contractor Derivative Classifiers and Derivative Declassifiers have appropriate and up-to-date classification guidance.

- g. Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, and bracketed in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*, of DOE O 475.2A and forwards such bracketed documents to the Director, Office of Classification.
- h. Compiles statistics concerning the contractor classification program and forwards them to the Director, Office of Classification, when requested.
- i. As needed, prepares draft classification guidance that is more detailed and tailored to the needs of his or her site and is based on other current classification guidance and forwards such guidance to the Director, Office of Classification, for approval, through the Associate Administrator for Defense Nuclear Security for concurrence for NNSA elements.
- j. Conducts a cover-to-cover review of guidance developed by his or her organization at least once every 5 years to ensure it is up to date and notifies the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements.
- k. Evaluates the impact of new or revised classification guidance issued by the Office of Classification upon existing classification guidance developed by his or her organization and submits proposed updates for any affected classification guidance within 90 calendar days to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for concurrence for NNSA elements.
- l. Conducts any interagency coordination required to declassify a document or material containing information under the cognizance of another Agency except when the document or material relates to litigation or is requested under statute or Executive order.
- m. For non-DOE-funded work performed by the contractor, certifies that classification guidance provided by the funding entity does not contradict DOE classification guidance.
- n. Ensures that contractor documents subject to section 3.3 of E.O. 13526 are reviewed prior to such documents becoming 25 years old.
- o. Notifies the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, of any large-scale declassification reviews of documents containing more than 25,000 pages being conducted at his or her site.
- p. Delegates in writing any functions that he or she has been assigned by this CRD to qualified individuals as necessary to implement the contractor classification

program. This does not include classification and declassification authorities, which are non-delegable.

## APPOINTMENT OF CLASSIFICATION OFFICIALS

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. **ROLE OF CLASSIFICATION OFFICIALS.** DOE relies upon a hierarchy of classification officials to ensure that RD, FRD, and NSI are correctly identified in documents and material. These classification officials are an integral component of DOE's classification program. The following table lists the classification officials, their appointing officials, and their functions.

Table 1. Classification Officials and Roles.

CLASSIFICATION OFFICIAL	APPOINTING OFFICIAL	FUNCTION
Director, Office of Classification	Delegated by the Order	Manages the DOE classification program
Associate Administrator for Defense Nuclear Security	Delegated by NNSA Administrator	Manages the DOE classification program for NNSA elements
Program Classification Officer	Director, Office of Classification, or Associate Administrator for Defense Nuclear Security	Oversees the DOE field element classification program and contractor activities to the extent necessary to evaluate the implementation and effectiveness of field element line management oversight of the contractor classification program
Field Element or Contractor Classification Officer	Director, Office of Classification, or Associate Administrator for Defense Nuclear Security	Manages the classification program for the field element or contractor
Headquarters Classification Representative	Director, Office of Classification, or Associate Administrator for Defense Nuclear Security	Assists individuals within his or her Headquarters element implement the requirements in the Order
Original Classifier	Secretary of Energy; the Deputy Chief for Operations, Office of Health, Safety and Security; or the Associate Administrator for Defense Nuclear Security	Initially determines that information requires protection against unauthorized disclosure in the interest of national security under E.O. 13526 (i.e., NSI)
Derivative Classifier	Director, Office of Classification; Associate Administrator for Defense Nuclear Security; or Field Element or Contractor Classification Officer	Determines whether a document or material contains classified information or whether a document or material should be upgraded
Derivative Declassifier	Director, Office of Classification, or Associate Administrator for Defense Nuclear Security	Determines whether a currently classified document or material may be declassified or downgraded

2. REQUIREMENTS FOR APPOINTING CLASSIFICATION OFFICIALS. Classification officials must be appointed according to the following requirements:
  - a. Program Classification Officer.
    - (1) Qualifications. The Program Classification Officer must have a relevant scientific or technical degree or work experience as validated by the appointing official.
    - (2) Classification/Declassification Authorities Required. The Program Classification Officer must be a Derivative Classifier prior to appointment and must be a Derivative Declassifier within 6 months of appointment.
    - (3) Nomination. The head of the Headquarters element submits the following information to the Director, Office of Classification, for non-NNSA 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) a description of the employee's scientific or technical degree and/or relevant work experience; and
      - (c) a description of the employee's knowledge about the work being performed in classified subject areas in Headquarters or field elements or contractor organizations within his or her program.
    - (4) Appointing Official. The Program Classification Officer is appointed by the Director, Office of Classification, for non-NNSA elements or the Associate Administrator for Defense Nuclear Security for NNSA elements.
    - (5) Training. The Program Classification Officer must successfully complete the Classification Officer's Course conducted by the Office of Classification within 6 months of being appointed. The required training and examination may be waived if the nominated employee has completed the training and examination in the past.
    - (6) Removal from Position. The Program Classification Officer must be removed from the position by the appointing official or the head of the Headquarters element if he or she cannot or does not perform his or her responsibilities reliably or does not complete all required training within the 6-month time frame.

b. Classification Officer.

- (1) Qualifications. The Classification Officer must have a relevant scientific or technical degree or work experience as validated by the appointing official.
- (2) Classification/Declassification Authorities Required. The Classification Officer must be a Derivative Classifier prior to appointment and must be a Derivative Declassifier within 6 months of appointment.
- (3) Nomination.
  - (a) Field Element Classification Officer. The manager of the field element submits the following information to the Director, Office of Classification, for non-NNSA elements or 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 a description of the employee's scientific or technical degree and/or relevant work experience; and
    - 3 a description of the employee's knowledge about the work being performed in classified subject areas in his or her organization and/or subordinate organizations.
  - (b) Contractor Classification Officer. The contractor submits the information in paragraph 2.b.(3)(a) above to the appropriate Field Element Classification Officer, who reviews the nominee's qualifications and, if adequate, forwards to the Director, Office of Classification, for non-NNSA elements or to the Associate Administrator for Defense Nuclear Security for NNSA elements.
- (4) Appointing Official. The Classification Officer is appointed by the Director, Office of Classification, for non-NNSA elements or the Associate Administrator for Defense Nuclear Security for NNSA elements.
- (5) Training. The Classification Officer must successfully complete the Classification Officer's Course conducted by the Office of Classification within 6 months of being appointed. The required training and examination may be waived if the nominated employee has completed the training and examination in the past.
- (6) Removal from Position. The Classification Officer must be removed from the position by the appointing official or the manager of the field element

if he or she cannot or does not perform his or her responsibilities reliably or does not complete all required training within the 6-month time frame.

c. Headquarters Classification Representative.

- (1) Qualifications. The Headquarters Classification Representative must be knowledgeable about the work being performed in classified subject areas in his or her Headquarters element.
- (2) Classification/Declassification Authorities Required. The Headquarters Classification Representative must be a Derivative Classifier prior to appointment.
- (3) Nomination. The head of the Headquarters element submits the following information to the Director, Office of Classification, for non-NNSA 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; and
  - (b) a description of the employee's knowledge about the work being performed in classified subject areas in his or her Headquarters element.
- (4) Appointing Official. The Headquarters Classification Representative is appointed by the Director, Office of Classification, for non-NNSA elements or the Associate Administrator for Defense Nuclear Security for NNSA elements.
- (5) Training. The Headquarters Classification Representative must successfully complete the Headquarters Classification Representative's Course conducted by the Office of Classification within 6 months of being appointed. If the Headquarters Classification Representative is also the Program Classification Officer, he or she need only complete the training required in paragraph 2.a.(5).
- (6) Removal from Position. The Headquarters Classification Representative must be removed from the position by the appointing official or the head of the Headquarters element if he or she cannot or does not perform his or her responsibilities reliably or does not complete the required training within the 6-month time frame.

d. Original Classifier.

- (1) Top Secret Original Classifier.



- (a) Qualifications. A Top Secret Original Classifier must be a Federal employee.
  - (b) Appointing Official. The Secretary of Energy appoints all Top Secret Original Classifiers.
  - (c) Training. A Top Secret Original Classifier must complete training provided by the Office of Classification prior to using the authority and annually thereafter. If the annual training is not completed, the authority is suspended until the training is complete.
  - (d) Delegation of Authority. A Top Secret Original Classifier may not delegate his or her authority to anyone and such authority may not be assumed by a person acting for a Top Secret Original Classifier.
- (2) Secret or Confidential Original Classifier.
- (a) Qualifications. A Secret or Confidential Original Classifier must be a Federal employee who is competent in the relevant subject areas for which the authority is needed and familiar with DOE classification 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 an Original Classifier and submits the nomination to the Director, Office of Classification, for non-NNSA elements or 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 the subject areas in which the authority will be used;
    - 3 the desired jurisdiction (e.g., information originated within a particular organization); and
    - 4 a description of the employee's competence in the subject areas and familiarity with classification policy and procedures.
  - (c) Appointing Official. A Secret or Original Classifier is appointed by the Deputy Chief for Operations, Office of Health, Safety and Security, for non-NNSA employees and the NNSA Associate Administrator for Defense Nuclear Security, in consultation with

the Deputy Chief for Operations, Office of Health, Safety and Security, for NNSA employees.

- (d) Training. An employee nominated to be a Secret or Confidential Original Classifier must successfully complete the Original Classifier's Course conducted by the Office of Classification prior to being appointed and annually thereafter to retain the authority. If annual training is not completed, the authority is suspended until the training is completed.
  - (e) Appointment. The employee must be appointed as a Secret or Confidential Original Classifier in writing and must be provided with 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, and any special instructions or limitations on the authority.
  - (f) Authority Limitations. A Secret or Confidential Original Classifier may originally classify information only as authorized by his or her description of authority. A Secret or Confidential Original Classifier may not declassify information.
  - (g) Delegation of Authority. A Secret or Confidential Original Classifier may not delegate his or her authority to anyone and such authority may not be assumed by a person acting for an Original Classifier.
  - (h) Termination of Authority. A Secret or Confidential Original Classifier's authority must be terminated by the appointing official if he or she no longer requires the authority, cannot or does not exercise the authority reliably, or does not complete training requirements within 90 calendar days of suspension of his or her authority.
- e. Derivative Classifier.
- (1) Qualifications. A Derivative Classifier must be competent in the subject areas in which the authority will be used and familiar with DOE classification policy, procedures, and guidance.
  - (2) Nomination.
    - (a) Headquarters.
      - 1 Submission. The immediate supervisor of the employee submits the information identified in paragraph 2.e.(2)(a)2 below to the Headquarters Classification Representative,

who ensures the required information is accurate and submits it to the Director, Office of Classification, for non-NNSA elements or 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     the subject areas and classification guidance for which authority is needed;
- c     the 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).

(b)     Field. The nomination process must be determined by the appointing official and must ensure that Derivative Classifiers nominated are competent to exercise their authority.

(3)     Appointing Official. A Derivative Classifier is appointed by the following officials:

- (a)     the Director, Office of Classification, for DOE Headquarters;
- (b)     the Associate Administrator for Defense Nuclear Security for NNSA Headquarters; or
- (c)     the Classification Officer for field elements and contractor organizations.

(4)     Training. An employee nominated to be a Derivative Classifier must successfully complete training and testing in accordance with paragraph 2.b. of Attachment 6, *Classification Education Program*, prior to appointment. Derivative Classifiers must be retrained every 2 years thereafter in accordance with paragraph 2.b. of Attachment 6 to retain the authority. If the required training is not completed within the 2-year time frame, the authority is suspended until the training is completed.

(5)     Appointment. The employee must be appointed as a Derivative Classifier in writing and must be provided with 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, and any special instructions or limitations on the authority.

- (6) Authority Limitations. A Derivative Classifier may derivatively classify a new or existing document or material only as authorized by his or her description of authority. If the employee changes positions, he or she may retain the authority. The process for handling such changes is determined by the Classification Officer.
- (7) Delegation of Authority. A Derivative Classifier may not delegate his or her authority to anyone and such authority may not be assumed by a person acting for a Derivative Classifier.
- (8) Termination of Authority. A Derivative Classifier's authority must be terminated by the appointing official if he or she no longer requires the authority, cannot or does not exercise the authority reliably, or does not complete training requirements within 90 calendar days of suspension of his or her authority.

f. Derivative Declassifier.

- (1) Qualifications. A Derivative Declassifier must have a relevant degree or work experience as validated by the appointing official, competency in the subject areas in which the authority will be used, and familiarity with DOE classification and declassification policy, procedures, and guidance.

- (2) Nomination.

- (a) Headquarters.

- 1 Submission. The immediate supervisor of the employee submits the information identified in paragraph 2.f.(2)(a)2 below to the Headquarters Classification Representative, who ensures the required information is accurate and submits it to the Director, Office of Classification, for non-NNSA elements or 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 the employee's relevant degree or work experience;

- c the subject areas and classification guidance for which authority is needed;
- d the desired jurisdiction (e.g., documents originated within a particular organization); and
- e any special limitations on the authority (e.g., time frame of the documents).

(b) Field.

- 1 For Federal Employees. The immediate supervisor of the Federal employee submits the information in paragraph 2.f.(2)(a)2 above to the Field Element Classification Officer, who reviews the nominee's qualifications and, if adequate, forwards the information to the Director, Office of Classification, for non-NNSA elements or to the Associate Administrator for Defense Nuclear Security for NNSA elements.
  - 2 For Contractor Employees. The immediate supervisor of the contractor employee submits the information in paragraph 2.f.(2)(a)2 above to the Contractor Classification Officer, who reviews the nominee's qualifications and, if adequate, forwards the information to the appropriate Field Element Classification Officer, who reviews the nominee's qualifications and, if adequate, forwards the information to the Director, Office of Classification, for non-NNSA elements or to the Associate Administrator for Defense Nuclear Security for NNSA elements.
- (3) Appointing Official. A Derivative Declassifier is appointed by the Director, Office of Classification, for non-NNSA elements or the Associate Administrator for Defense Nuclear Security for NNSA elements.
- (4) Training. An employee nominated to be a Derivative Declassifier must successfully complete the Derivative Declassifier's Course conducted by the Office of Classification that covers, at a minimum, topics specified in paragraph 2.c.(1) of Attachment 6, *Classification Education Program*, prior to being appointed. Derivative Declassifiers must complete self-paced training and testing every 2 years thereafter in accordance with paragraph 2.c. of Attachment 6 to retain the authority. If the required training is not completed within the 2-year time frame, the authority is suspended until the training is completed.

- (5) Appointment. The employee must be appointed as a Derivative Declassifier in writing and must be provided with 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, and any special instructions or limitations on the authority.
- (6) Authority Limitations. A Derivative Declassifier may declassify a document or material only as authorized by his or her description of authority. If the employee changes positions, he or she may retain the authority. The process for handling such changes is determined by the Classification Officer, who must also notify the appointing official.
- (7) Delegation of Authority. A Derivative Declassifier may not delegate his or her authority to anyone and such authority may not be assumed by a person acting for a Derivative Declassifier.
- (8) Termination of Authority. A Derivative Declassifier's authority must be terminated by the appointing official if he or she no longer requires the authority, cannot or does not exercise the authority reliably, or does not complete training requirements within 90 calendar days of suspension of his or her authority.

## **CLASSIFICATION GUIDANCE**

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. Requirement to Use Classification Guidance. Within DOE, classification guidance (i.e., guides and bulletins) is the foundation for the classification program. Classification guidance must be used as the basis for determining whether a document or material contains RD, FRD, TFNI, or NSI unless a source document is permitted by paragraph 1.b. of Attachment 4, *Classification/Declassification Review Requirements*.
2. Requirements for Developing and Distributing Classification Guidance.
  - a. Classification guidance must be developed in accordance with the requirements in 10 CFR part 1045, Subpart B, and sections 1.1 through 1.7 of E.O. 13526.
  - b. Classification guidance must contain at a minimum the elements required by 32 CFR 2001.15 and DOE classification guides must conform to the Standard Guide Format developed by the Office of Technical Guidance, Office of Classification, to the extent practicable.
  - c. Declassification guidance that identifies information exempted from the automatic declassification provisions of section 3.3 of E.O. 13526 must contain the elements specified in 32 CFR 2001.32 and must be submitted to the ISCAP for approval.
  - d. New or revised classification guidance must be distributed within 60 calendar days of receipt of the approved guidance. If the new or revised guidance is announcing that information has been upgraded or reclassified, it must be disseminated as soon as possible.
3. Requirements for Maintaining Classification Guides.
  - a. Classification guides must be revised to reflect determinations that information no longer meets the standards for classification in section 1.1 of E.O. 13526 or 10 CFR 1045.14.
  - b. Classification guides must be reviewed every 5 years to ensure that they are up to date. Any guide that is outdated must be corrected within 180 calendar days.
  - c. Upon receipt of a new or revised Headquarters classification guide, current classification guides developed by Classification Officers must be evaluated to determine if changes need to be made to those guides. Proposed revisions to any affected guides must be submitted to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for concurrence for NNSA elements, within 90 calendar days.

- d. Recipients of page changes to classification guides must make page or pen-and-ink changes in guides that have been revised, as appropriate, within 45 calendar days of receipt of the page changes.
4. Completion of DOE F 470.1, “Contract Security Classification Specification,” Concerning Classification Guidance for DOE-Funded Work. For contracts that generate classified information, documents, or material, certain sections of the “Contract Security Classification Specification” form must be completed as follows.
- a. Block 13 must list the classification guidance or a brief explanation as to why classification guidance is not needed.
  - b. Block 14 must have the box for DEAR clause 952.204-70 checked.
  - c. Block 18 must be signed by the Classification Officer or Headquarters Classification Representative to certify that any classification guidance needed has been identified.
5. Classification Guidance for Non-DOE-Funded Work in Classified Subject Areas.
- a. Certification of Classification Guidance. Prior to commencement of the work, the work request and proposed classification guidance must be reviewed and certified in writing by the Classification Officer that the guidance does not contradict DOE classification guidance.
  - b. Contradictory Guidance. If the proposed classification guidance contradicts DOE classification guidance, the contradictions must be resolved before using the guidance.
  - c. Use of DOE Guidance.
    - (1) Work That Involves RD/FRD. DOE classification guidance concerning RD/FRD may be used in place of or to supplement other-Agency classification guidance if the work involves RD/FRD.
    - (2) Work That Involves NSI Only. DOE classification guidance concerning NSI may be used if the work explicitly falls within the scope of such guidance and the funding Agency agrees to such use in writing.
6. 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.



7. Classification Guidance for DOE-Funded Work.

- a. Performed at Other Government Facilities. DOE organizations 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.
- b. Performed at DOE Facilities concerning Classified Information under the Cognizance of another Agency. DOE organizations using another Agency's classification guidance for work funded by DOE that is being performed at a DOE facility must submit such guidance for approval to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for concurrence for NNSA elements, prior to its use.



## **CLASSIFICATION/DECLASSIFICATION REVIEW REQUIREMENTS**

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. **CLASSIFICATION.** Documents or material potentially containing classified information must be reviewed for classification to ensure that such information is identified for protection.
  - a. **Required Classification Reviews.**
    - (1) Newly generated documents or material in a classified subject area and that potentially contain classified information must receive a classification review by a Derivative Classifier.
    - (2) Existing unmarked documents or material that an employee believes may contain classified information must receive a classification review by a Derivative Classifier.
    - (3) Existing marked documents or material that an employee believes may contain information classified at a higher level or more restrictive category must receive a classification review by a Derivative Classifier.
    - (4) Documents or material in a classified subject area intended for public release (e.g., for a webpage, for Congress) must be reviewed by the Classification Officer.
    - (5) Newly generated documents that contain extracts from an existing classified document (e.g., a chapter or appendix) must be reviewed by a Derivative Classifier. If the extract is intended to be a stand-alone, unclassified document, then an additional review by a Derivative Declassifier is required.
  - b. **Basis for Determination.**
    - (1) **Restricted Data/Formerly Restricted Data.** Current classification guidance must be used as the basis for determining whether a document or material contains RD/FRD and, if so, its classification level. A source document may be used in place of classification guidance only as authorized by the Classification Officer on a case-by-case basis.
    - (2) **Transclassified Foreign Nuclear Information.** Classification protocols developed in coordination with the Intelligence Community must be used as the basis for determining whether a document or material contains TFNI. The classification may be determined by using classification guidance applicable to comparable RD or by using a source document.

- (3) National Security Information. Current classification guidance must be used as the basis for determining whether a document or material contains NSI and, if so, its classification level. However, a source document may be used in place of classification guidance if:
- (a) the source document is portion marked;
  - (b) the source document is less than 25 years old or is marked with a declassification date or event that has not passed; and
  - (c) the information is entirely under the purview of another Government Agency, foreign government, or international organization and no joint guidance exists; or
  - (d) the Classification Officer has approved the use of the source document on a case-by-case basis.
- c. Derivative Classifier Markings. Upon completion of a classification review, the following markings must appear on documents or materials that are determined to be classified.
- (1) Name or personal identifier and position title of the Derivative Classifier on the “Classified By” line.
  - (2) Short title of the guide, issuance date of the guide, and origin of the guide on the “Derived From” line (e.g., if a DOE guide, CG-SS-4, 9/2000, DOE OC; if another Agency guide, XYZ Affair, 3/98, State Dept). If more than one guide is used, all guides must be annotated on this line or, alternatively, the words “Multiple Sources” must be annotated and a list identifying each guide used must be included with the document.
  - (3) For documents containing NSI only –
    - (a) Declassification instructions from the classification guide or the source document on the “Declassify On” line, and
    - (b) In order to prevent the inadvertent release of RD or FRD, the following special control marking:

Derivative Declassifier review required prior to declassification
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- d. Portion Marking Requirements. The following portion marking requirements supplement those required by DOE M 470.4-4A, *Information Security Manual*.

- (1) Documents containing RD or FRD are not required to be portion marked.
  - (2) Documents containing only NSI must be portion marked as required by E.O. 13526.
  - (3) Documents containing both RD/FRD and NSI are not required to be portion marked.
    - (a) If portion marked—
      - 1 The “Declassify On” line must be used and must be annotated with “Not Applicable to RD/FRD portions” and “See source list for NSI portions.” “N/A” may be used in lieu of “Not Applicable.”
      - 2 The declassification instructions for the NSI portions contained in the document must be included on the source list on the last page of the document or attached to the document.
    - (b) If not portion marked, the “Declassify On” line and the source list containing the NSI declassification instructions must not be used.
  - (4) Documents prepared for the Intelligence Community must follow additional portion marking requirements of the Intelligence Community.
  - (5) Documents prepared under a Work-for-Others contract must follow the portion marking requirements of the funding organization if specified in the contract or those in paragraph 1.d. if not specified in the contract.
- e. Classification Based on Association and Compilation. Classification determinations must take into account the potential for classification by association or compilation.
- (1) Association.
    - (a) Description. Classification by association concerns—
      - 1 two or more different, unclassified facts that when combined in a specific way result in a classified statement, or
      - 2 two or more different, classified facts or unclassified and classified facts that when combined in a specific way result in a higher classification level or more restrictive category.
    - (b) Basis for Determination. Associations are classified based on existing classification guide topics.

- (c) Additional Marking Requirements. If the document containing the association 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) Compilation.

- (a) Description. Classification by compilation occurs at the document level when—
  - 1 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
  - 2 a large number of often similar, classified pieces of information or of unclassified and 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 or more restrictive category.
- (b) Basis for Determination. Compilations are classified based on:
  - 1 classification guide topics, only if such topics exist, or
  - 2 a determination by the Director, Office of Classification (for RD/FRD), or by an Original Classifier (for NSI).
- (c) Additional Marking Requirements. A document that is classified based on compilation is never portion marked and must contain the following statement:

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

f. Classification of Documents Containing Foreign Government Information. The following requirements for documents containing foreign government information supplement those required by DOE Manual 470.4-4A, *Information Security Manual*.

- (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. However, if the person in possession of the document

is unsure about the appropriate U.S. classification level, then he or she must consult a Derivative Classifier.

- (2) Document Generated by the United States. A document generated by the U.S. Government that contains foreign government information must be reviewed by a Derivative Classifier.
- (3) Additional Marking Requirements. If Derivative Classifier markings are applied, the “Declassify On” line must be annotated with the declassification instructions from the classification guide or source document used to make the determination. If no declassification instructions are available, the Derivative Classifier must consult his or her Classification Officer.

2. DECLASSIFICATION. Classified documents or material must be reviewed for declassification by the appropriate official.

a. Required Declassification Reviews.

- (1) Classified documents that are being prepared for declassification in full must be reviewed by two individuals knowledgeable in the subject area. The first review may be conducted by a Derivative Classifier or a Derivative Declassifier; the second review must be conducted by a Derivative Declassifier (other than the first reviewer).
- (2) Classified documents that are being prepared as redacted versions must be reviewed as described in paragraph 2.a.(1) and must clearly indicate that they are redacted versions.
- (3) Classified documents that are requested under statute or Executive order must be reviewed in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*.
- (4) Documents referred to DOE by other Government agencies that are marked as containing or identified as potentially containing RD, FRD, or TFNI must be reviewed as described in paragraph 2.a.(1).
- (5) NSI documents or material that are—
  - (a) marked for declassification with a specific date or event that has passed must be reviewed by a Derivative Declassifier (single review only) to ensure that the document or material does not contain classified information;
  - (b) marked with one of the following declassification instructions: Group 1, Group 2, or Group 3 (from E.O. 10501); “Exempt from General Declassification Schedule” (from E.O. 11652); “Review

for Declassification on date indicated" (from E.O. 12065);  
"Originating Agency's Determination Required" (from E.O.  
12356); and "Declassify on: Xn" (where n is a number between 1  
and 8) (from E.O. 12958) must be reviewed in accordance with  
paragraph 2.a.(1);

- (c) not marked for declassification with a specific date or event that has passed or with one of the markings identified in paragraph 2.a.(5)(b) must be reviewed in accordance with paragraph 2.a.(1); or
  - (d) permanent historical records that are 25 years old or older must be reviewed in accordance with paragraphs 2.a(5)(a), (b), and (c) above, as appropriate.
- (6) Documents that were declassified but not publicly released during the Comprehensive Classification Review Program must be reviewed by a Derivative Declassifier (single review only) to ensure that they do not contain classified information. Such documents were declassified between 1971 and 1978 and may include the following or similar markings:

CLASSIFICATION CANCELED <del>OR CHANGED TO</del> _____ BY AUTHORITY OF <u>DOC</u> BY <u>John Doe</u> DATE <u>3/20/73</u>
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- (7) 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" must be reviewed by a Derivative Declassifier or a Derivative Classifier (single review only). Until the review is completed, such documents must be handled and protected as Confidential NSI.
- (8) Documents submitted as a formal classification challenge or declassification proposal must be reviewed by the following classification officials:
- (a) Director, Office of Classification;
  - (b) NNSA Program Classification Officer, if the information is under NNSA's cognizance; or
  - (c) a Program Classification Officer, Field Element Classification Officer, or Headquarters Classification Representative who is



delegated this responsibility by one of the officials in paragraphs 2.a.(8)(a) or (b).

- b. Basis for Determination. Classification guidance must be used as the basis for determining whether a document or material can be declassified.
- c. Derivative Declassifier Markings. The following Derivative Declassifier markings must be placed on documents or material that are declassified:
  - (1) Names or personal identifiers and positions or titles of individuals declassifying the document on the “Declassified By” line.
  - (2) Short title of the guide, issuance date of the guide, and “DOE OC” on the “Derived From” line (e.g., CG-SS-4, 9/2000, DOE OC).
  - (3) The date of declassification on the “Declassified On” line.
  - (4) In addition, existing classification markings that are no longer valid must be lined through but not obliterated.
- d. Notification.
  - (1) Required Recipients. The Derivative Declassifier authorizing the declassification of a document or material must notify the following individuals, providing 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 Office of Scientific and Technical Information (OSTI) Classified Information Program Manager.
  - (2) Time Frame. Notification must be sent within 75 calendar days of the declassification.
  - (3) Additional Recipients. The individuals identified in paragraph 2.d.(1) who receive a declassification notification must notify all known holders of the document or material that the document is being declassified.
- e. Changing Classification Markings Based on Receipt of a Declassification Notice. The person changing the classification markings on a document based on receipt of a declassification notice must include the following information on the front of the document:
  - (1) The word “Declassified” on the “Classification changed to” line.

- (2) A brief description of the notice advising of the declassification and its date on the “Authorized by” line.
    - (3) The name of the person making the change and the date the change is made on the “Changed by” line.
  - f. Declassified Documents for OpenNet Data Base. Documents that have been declassified and determined eligible to be released to the public must be provided to OSTI for posting on the OpenNet data base. Identifying information and, if available, an electronic version of the document must be provided. This requirement does not apply to documents declassified under sections 3.3 or 3.4 of E.O. 13526.
3. DOWNGRADING AND UPGRADING. When the classification level or category of information contained in a document or material is changed by classification guidance, the document must be remarked, as appropriate.
  - a. Downgrading. Documents or material must be downgraded by a Derivative Declassifier (single review only) and must be marked with the following:
    - (1) The downgraded level (and category if RD or FRD).
    - (2) The name or personal identifier and position title of the Derivative Declassifier authorizing the downgrading on the “Downgraded By” line.
    - (3) Date of the downgrading on the “Downgraded On” line.
    - (4) On the “Derived From” line, the short title, issuance date of the guide, and “DOE OC” or other Agency if using other-Agency guidance (e.g., CG-SS-4, 9/2000, DOE OC or CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
    - (5) If NSI, the duration of classification derived from the guidance on the “Declassify On” line.
    - (6) Portion markings, if required by paragraph 1.d. above.
    - (7) In addition, the existing classification markings that are no longer valid must be lined through but not obliterated.
  - b. Upgrading. Documents or material must be upgraded by a Derivative Classifier and must be marked with the following:
    - (1) The upgraded level (and category if RD or FRD).
    - (2) The name or personal identifier and position title of the Derivative Classifier authorizing the upgrading on the “Upgraded by” line.

- (3) The date of the upgrading on the “Upgraded On” line.
- (4) On the “Derived From” line, the short title, issuance date of the guide, and “DOE OC” or other Agency if using other-Agency guidance (e.g., CG-SS-4, 9/2000, DOE OC or CG No. 1, 7/5/2005, Dept of Good Works, Office of Administration).
- (5) If NSI, include the duration of classification derived from the guidance on the “Declassify On” line.
- (6) Portion markings, if required by paragraph 1.d. above.
- (7) In addition, the existing classification markings that are no longer valid must be lined through but not obliterated.

c. Notification.

- (1) Required Recipients. The Derivative Declassifier or Derivative Classifier authorizing the downgrading or upgrading of a document or material must notify the following individuals, providing 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.
- (2) Time Frame. Notification must be sent within 75 calendar days of the downgrading or upgrading action.
- (3) Additional Requirements for Downgrading/Upgrading Actions That Result in Change to the NSI Category.
  - (a) If downgrading results in a change from the RD or FRD category to the NSI category, then declassification and portion marking instructions for the document must be included in the notification.
  - (b) If upgrading results in a change from unclassified to NSI, then declassification and portion marking instructions for the document must be included in the notification.
- (4) Additional Recipients. The individuals identified in paragraphs 3.c.(1) must notify all known holders of the document or material that the document has been downgraded or upgraded.

- d. Changing Classification Markings based on Receipt of a Downgrading or Upgrading Notice. The person changing the classification markings on a document based on receipt of a downgrading or upgrading notice must include the following information on the front of the document:
  - (1) The appropriate classification level (and category if RD or FRD) on the “Classification changed to” line.
  - (2) 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).
  - (3) The name of the person making the change and the date the change is made on the “Changed by” line.
  - (4) If a downgrading action that resulted in a change from the RD or FRD category to the NSI category—
    - (a) the declassification instructions described in the notification on the “Declassify On” line, and
    - (b) the appropriate portion markings (and throughout the document).
  - (5) If an upgrading action that resulted in a change from unclassified to the NSI category—
    - (a) the declassification instructions described in the notification on the “Declassify On” line, and
    - (b) the appropriate portion markings (and throughout the document).
4. MISCLASSIFICATION OF INFORMATION, DOCUMENTS, OR MATERIAL. Any knowing, willful, or negligent action that results in the misclassification of information, documents, or material may result in termination of the classification official’s authority. Additional consequences such as disciplinary action or the issuance of a security infraction may result in accordance with other DOE directives. Examples of knowing, willful, or negligent actions include classifying without authority, classifying outside of granted authority, and failing to obtain a classification review when required to do so. Such actions do not include cases where classification officials legitimately disagree about the reasonable interpretation of classification guidance.

## CLASSIFICATION PROGRAM EVALUATIONS

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

### 1. SELF-ASSESSMENT REQUIREMENTS.

#### a. Coverage.

- (1) Program Classification Officers. Each Program Classification Officer must conduct a self-assessment of the classification programs of his or her Headquarters element, any subordinate field elements, and any subordinate Headquarters and field element contractor organizations. This self-assessment may be accomplished by separate evaluations, by participation in on-site evaluations conducted by the Office of Classification, or by review and analysis of self-assessment reports and corrective action reports of subordinate organizations.
- (2) Classification Officers and Headquarters Classification Representatives. Each Classification Officer or Headquarters Classification Representative must conduct a self-assessment of the classification program within his or her organization and within any subordinate organizations.
- (3) Coordination of Self-Assessment Schedules. For efficiency, Program Classification Officers and Field Element Classification Officers must coordinate the scheduling of self-assessments with the subordinate organizations being assessed to the maximum extent practicable.
- (4) Self-Assessment of Multiple Subordinate Organizations. Self-assessments by Program Classification Officers and Classification Officers responsible for evaluating multiple subordinate organizations may be completed in a single evaluation or in multiple evaluations at different times during the 2-year period, as determined by the Program Classification Officer or Classification Officer and in accordance with paragraph 1.a.(3) above.

#### b. Frequency. A self-assessment must be conducted every 2 years.

#### c. Scope.

- (1) Self-assessments must evaluate how well the requirements contained in E.O. 13526, 32 CFR part 2001, 10 CFR part 1045, and this Order and CRD are being implemented by evaluating the following areas:
  - (a) Classification Officials: organization has an adequate number and appropriate distribution; authority descriptions are accurate and adhered to; training requirements are met.

- (b) Classification Guidance: classification guidance is up to date; Derivative Classifiers and Derivative Declassifiers have access to appropriate guidance; guidance for non-DOE-funded work is certified by the Classification Officer.
  - (c) Classification Decisions: original and derivative classification decisions are accurate; classifier markings are correct; classification officials act within granted authorities.
  - (d) Training: training is effective; training materials are accurate and up to date when presented.
  - (e) Previous Self-assessments: effectiveness of classification decision reviews is evaluated; previous deficiencies or issues identified, the corrective actions taken, and the efficacy of those corrective actions are evaluated.
- (2) Self-assessments may focus on particular aspects of the areas identified in paragraph 1.c.(1). Although each area must be evaluated, the classification official conducting the review may determine the depth of review for each area based on the nature and extent of classified activities to be covered and performance on previous self-assessments.
- (3) Self-assessments must evaluate the operational awareness of the Program Classification Officer, the Classification Officer, or the Headquarters Classification Representative. Adequate operational awareness is demonstrated in the following ways:
  - (a) Awareness of existing work involving classified information at the site/element, to include classification guidance used.
  - (b) Awareness of any new work involving classified information at the site/element, to include the impact of the new work on existing projects.
  - (c) Ability to conduct self-assessments of both existing and new work at the site/element to ensure that performance of the work will meet all requirements of this Order and CRD.
- d. Report. Each self-assessment must be documented in a report, which must include the following:
  - (1) a description of how the self-assessment was conducted;
  - (2) a list of organizations assessed;
  - (3) an assessment of each program area covered in paragraph 1.c.(1);

- (4) any deficiencies identified during the self-assessment; and
    - (5) any best practices identified during the self-assessment.
  - e. Submittal of Report. The report must be submitted to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, within 30 calendar days of finalizing the report.
- 2. CLASSIFICATION DECISION REVIEW REQUIREMENTS.
  - a. Coverage. Each Program Classification Officer, Classification Officer, and Headquarters Classification Representative must ensure that a review of classification decisions made by classification officials within his or her program, element, or organization is conducted.
  - b. Frequency. A review of original and derivative classification decisions must be conducted annually.
  - c. Methodology for Determining Representative Sample. The review must be of a proportionally sufficient, representative sample of organization and sub-organization (if applicable) documents. The sample size must be determined by the official conducting the review using standard statistical methods (e.g., ISO 2859, ANSI Z1.4).
  - d. Report. Each review must be documented in a report, which must include the following:
    - (1) the number of original and derivative classification decisions reviewed;
    - (2) the number of unclassified documents in a classified subject area reviewed; and
    - (3) the number and type of errors that were found.
  - e. Submittal of Report. The report must be submitted to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, within 30 calendar days of finalizing the report.
- 3. CORRECTIVE ACTIONS. Corrective actions identified as a result of the self-assessment or the classification decision review must be documented in a written report.
  - a. Contents of Report. The written report must include the following:
    - (1) a list of deficiencies identified;
    - (2) corrective actions that have been taken or are planned to address deficiencies; and

- (3) a timeline for completing the corrective actions.
  - b. Submittal of Report. The Program Classification Officer, Classification Officer, or Headquarters Classification Representative must submit the report to the Director, Office of Classification, through the Associate Administrator for Defense Nuclear Security for NNSA elements, within 60 calendar days of submission of the self-assessment or classification decision review report.
4. AGENCY SELF-INSPECTION REQUIREMENTS UNDER 10 CFR PART 1045 and 32 CFR PART 2001.
- a. Evaluation of Implementation of DOE's Classification Program. The Director, Office of Classification, meets the agency-wide self-inspection requirements in 10 CFR 1045.33 and 32 CFR 2001.60 by conducting on-site evaluations. To the maximum extent practicable, such on-site evaluations will be in concert and coordination with line management oversight to determine the effectiveness of the implementation of DOE's classification program by the Programs, field and Headquarters elements, and their contractors.
  - b. Compilation of Evaluation Reports. The Director, Office of Classification, must compile and analyze self-assessment reports received from Program Classification Officers, Classification Officers, Headquarters Classification Representatives, and other DOE inspecting organizations to meet external reporting requirements in 32 CFR 2001.60(f)(2).
  - c. Report. The Director, Office of Classification, in coordination with the Associate Administrator for Defense Nuclear Security, must annually prepare a report based on the results of the evaluations in paragraph 4.a. and the analysis in paragraph 4.b. and submit it to the ISOO.



## **CLASSIFICATION EDUCATION PROGRAM**

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. **CLASSIFICATION AWARENESS BRIEFINGS FOR EMPLOYEES AUTHORIZED ACCESS TO CLASSIFIED INFORMATION**. Classification awareness briefings for employees authorized access to classified information must meet the following requirements:

- a. **Frequency**. Employees must receive an initial classification awareness briefing when they are first authorized access to classified information and annually thereafter.
- b. **Coverage**. At a minimum, the following areas must be covered:
  - (1) Where to go for assistance with classification-related issues.
  - (2) When an employee must have a document or material reviewed for classification and which classification official must conduct the review.
  - (3) When an employee must have a document or material reviewed for declassification and which classification official must conduct the review.
  - (4) Basic information on DOE's "no-comment" policy concerning classified information in the public domain.
  - (5) Where to submit a formal classification challenge.
  - (6) Other pertinent information as determined by the Classification Officer.
- c. **Testing**. No testing is required.

2. **CLASSIFICATION TRAINING REQUIREMENTS FOR CLASSIFICATION OFFICIALS**. The training for classification officials required in Attachment 2, *Appointment of Classification Officials*, must meet the following requirements:

- a. **Original Classifier**.
  - (1) **Coverage**. At a minimum, the following areas must be covered:
    - (a) Basic information on classification standards and levels.
    - (b) A description of original classification authority and the categories under which DOE information can be originally classified.

- (c) The prohibitions and limitations on originally classifying information.
- (d) Requirements for determining the duration of classification for the information under consideration for original classification.
- (e) Requirements for marking an originally classified document.
- (f) Requirements for reporting an original classification determination to the Director, Office of Classification.
- (g) Those aspects of the classification challenge process that affect an Original Classifier.
- (h) A description of DOE's classification guidance-based system and the role of original classification within DOE.
- (i) A brief explanation of declassification and which officials may declassify information and documents or material.
- (j) Sanctions for improper use of Original Classification authority.
- (k) The importance of avoiding over-classification and of considering information sharing needs when making an original classification determination.

(2) Testing. No testing is required.

b. Derivative Classifier.

- (1) Coverage. At a minimum, the following areas must be covered:
  - (a) Basic information on classification levels and categories.
  - (b) A description of derivative classification authority, including the use of subject areas, jurisdiction, and limitations.
  - (c) Instructions for using classification guidance to make a derivative classification determination, including how to determine the duration of classification for a document or material under consideration for derivative classification as NSI.
  - (d) Requirements for marking a derivatively classified document or material.
  - (e) A brief description of upgrading and the requirements for upgrading documents or material.

- (f) A brief explanation of declassification and which officials may declassify information and documents or material.
- (g) A brief explanation of the process for challenging the classification of RD, FRD, or NSI.
- (h) The prohibitions and limitations on derivatively classifying documents or material.
- (i) Sanctions for improper use of Derivative Classification authority.
- (j) The importance of avoiding over-classification and of considering information sharing needs when making a derivative classification determination.
- (k) Classification lessons learned during previous self-assessments.

(2) Testing.

- (a) Initial Requirement. Testing must include an examination covering the areas in paragraph 2.b.(1) and practical exercises using actual or simulated classification guidance and documents.
- (b) Biennial Requirement. Biennial testing requirements are determined by the appointing official.

c. Derivative Declassifier.

- (1) Coverage. At a minimum, the following areas must be covered:
  - (a) A description of derivative declassification authority and of DOE's requirement to use classification guidance as the basis for making a derivative declassification determination.
  - (b) The coordination required before declassifying a document or material.
  - (c) The proper procedure for bracketing and redacting classified information from a classified document.
  - (d) Requirements for marking a derivatively declassified document or material.
  - (e) A brief description of downgrading and the requirements for downgrading documents or material.
  - (f) Declassification lessons learned during previous self-assessments.

- (2) Testing.
  - (a) Initial Requirement. Testing must include an examination covering the areas in paragraph 2.c.(1) and practical exercises using actual or simulated classification guidance and documents.
  - (b) Biennial Requirement. Testing must include self-paced examinations provided by the Office of Classification that cover the areas in paragraph 2.c.(1).
- d. Program Classification Officer and Classification Officer. Training for the position of Program Classification Officer or Classification Officer must cover the elements for a Derivative Classifier and a Derivative Declassifier and the following:
  - (1) The bases for classifying RD and FRD.
  - (2) The basis for classifying NSI.
  - (3) Classification authorities and responsibilities of DOE officials.
  - (4) Fundamentals of an effective classification program.
- e. Headquarters Classification Representative. Training for the position of Headquarters Classification Representative must cover the elements for a Derivative Classifier and the following:
  - (1) The bases for classifying RD and FRD.
  - (2) The basis for classifying NSI.
  - (3) Classification authorities and responsibilities of DOE officials.

## **FREEDOM OF INFORMATION ACT/PRIVACY ACT AND MANDATORY DECLASSIFICATION REVIEW REQUIREMENTS**

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. **FREEDOM OF INFORMATION ACT/PRIVACY ACT REVIEWS.** Classified documents identified as being responsive to a Freedom of Information Act (FOIA) or Privacy Act request must be reviewed to identify the classified information in the document that must be redacted prior to release.
  - a. **Review of Responsive Classified Documents.** Each responsive classified document must be reviewed by a Derivative Classifier or Derivative Declassifier who identifies and brackets each portion of the document, if any, that contains classified information as described in Attachment 8, *Bracketing and Redaction Procedures*, and determines whether the document contains classified information outside of the element's or contractor's purview.
    - (1) **Does Not Contain Classified or Potentially Classified Information.**
      - (a) **Field Element or Contractor.** The Classification Officer must conduct a second review and declassify the document. The document is then processed in accordance with appropriate statutes, regulations, and local procedures.
      - (b) **Headquarters Element or Contractor.** The document must be forwarded to the Office of Classification, through the Headquarters element if a contractor, for a second review.
    - (2) **Contains Classified Information under the Element's or Contractor's Purview.** The document must be forwarded to the Office of Classification for a second review.
    - (3) **Contains Classified Information under the Element's or Contractor's Purview and Potentially Classified Information Outside of the Element's or Contractor's Purview.** The document must be forwarded to the Office of Classification for a second review and with the indication that the document may contain classified information under the purview of another DOE field or Headquarters element or contractor or other Government Agency.
    - (4) **Does Not Contain Classified Information under the Element's or Contractor's Purview but Contains Potentially Classified Information Outside of the Element's or Contractor's Purview.** The document must be forwarded to the Office of Classification with the indication that the document does not contain classified information under the element's or

contractor's purview but may contain classified information under the purview of another DOE field or Headquarters element or contractor or other Government Agency.

- b. Office of Classification Review and Processing. The Office of Classification:
  - (1) Conducts the second review to validate or modify the brackets identifying the portions of the document containing the classified information or to declassify the document, as required.
  - (2) Coordinates the review of the document with any other DOE field or Headquarters element or contractor or other Government Agency, as appropriate.
  - (3) Coordinates the review with the Associate Administrator for Defense Nuclear Security, as appropriate.
  - (4) Identifies the appropriate denying official and exemption for each bracketed portion of the document and returns the document to the field or Headquarters element for processing in accordance with appropriate statutes, regulations, and local procedures.
2. MANDATORY DECLASSIFICATION REVIEW. Each classified document identified as being responsive to a mandatory declassification review request under Executive Order 13526 or 10 CFR 1045.42 must be reviewed to identify the classified information and controlled unclassified information (CUI) in the document that must be redacted prior to release.
  - a. Identification of Responsive Documents.
    - (1) The Office of Classification must identify field and Headquarters elements and contractors that potentially have documents responsive to the request and must forward the request to those elements or contractors.
    - (2) Each element or contractor must search for and identify classified documents in its possession that are responsive to the request and must notify the Office of Classification of the results of the search within 14 days of receiving the request.
  - b. Classification Review of Responsive Documents. Each responsive classified document must be reviewed by a Derivative Classifier or Derivative Declassifier who identifies and brackets each portion of the document, if any, that contains classified information as described in Attachment 8, *Bracketing and Redaction Procedures*, and determines whether the document contains classified information outside of the element's or contractor's purview.

- (1) Does Not Contain Classified or Potentially Classified Information.
    - (a) Field Element or Contractor. The Classification Officer must conduct a second review and declassify the document. The document is then forwarded to the Office of Classification, through the Field Element Classification Officer if a contractor.
    - (b) Headquarters Element or Contractor. The document must be forwarded to the Office of Classification, through the Headquarters Classification Representative if a contractor, for a second review of the classified information.
  - (2) Contains Classified Information under the Element's or Contractor's Purview. The document must be forwarded to the Office of Classification for a second review of the classified information.
  - (3) Contains Classified Information under the Element's or Contractor's Purview and Potentially Classified Information Outside of the Element's or Contractor's Purview. The document must be forwarded to the Office of Classification for a second review and with the indication that the document may contain classified information under the purview of another DOE field or Headquarters element or contractor or other Government Agency.
  - (4) Does Not Contain Classified Information under the Element's or Contractor's Purview but Contains Potentially Classified Information Outside of the Element's or Contractor's Purview. The document must be forwarded to the Office of Classification with the indication that the document does not contain classified information under the element's or contractor's purview but may contain classified information under the purview of another DOE field or Headquarters element or contractor or other Government Agency.
- c. CUI Review of Responsive Documents. Prior to forwarding responsive documents to the Office of Classification, the CUI must be identified along with any appropriate exemption categories and denying officials in accordance with statutes, regulations, DOE Orders, and local procedures.
- d. Office of Classification Review and Processing. The Office of Classification:
- (1) Conducts the second review to validate or modify the brackets identifying the portions of the document containing the classified information or to declassify the document, as required.
  - (2) Coordinates the review of the document with any other DOE field or Headquarters element or contractor or other Government Agency, as appropriate.

- (3) Coordinates the review with the Associate Administrator for Defense Nuclear Security, as appropriate.
- (4) Identifies the appropriate denying official and exemption for each bracketed portion of the document.
- (5) Prepares a redacted version of the document, removing all portions of the document containing classified information and CUI, and responds to the requester.



## **BRACKETING AND REDACTION PROCEDURES**

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. **BRACKETING**. Bracketing is the process by which classified portions of a document are identified by the appropriate classification officials.
  - a. **Classified Information**. Classified information in a document must be bracketed so as to preclude reconstructing the classified information within the brackets after it has been redacted.
  - b. **Unclassified Information**. Unclassified information in proximity to classified information may be included within a bracket if such inclusion is required to prevent reconstruction of the classified information in the bracketed portion. Otherwise, unclassified information that is not inextricably intertwined with classified information must not be included within a bracket identifying classified information.
  - c. **Bracketing Procedures**. The following procedures must be followed when bracketing information:
    - (1) Bracketing must unambiguously identify portions (e.g., sentences, column of a chart) of a document that contain classified information. Bracketing can be done in a number of ways; for example, with brackets – [ . . . ], parentheses – ( . . . ), or by drawing boxes around each classified portion.
    - (2) To allow differences between the first and second reviewer to be easily resolved, an erasable pencil must be used to make the brackets on paper documents. For electronic documents, any method may be used that clearly identifies each portion of the document containing classified information as long as the method is reversible.
    - (3) In cases where reviewers are required to annotate applicable classification guide topic numbers adjacent to the bracketed portions, the topic numbers must also be included in the brackets to preclude their release.
    - (4) If the citation to the legal basis for denial of the bracketed portion is indicated near the bracketed portion and if this legal basis is intended to be released, the citation must not be included in the brackets.
    - (5) Other-Agency brackets must be copied exactly without expansion.
2. **REDACTION**. Redaction is the process by which bracketed portions in a document are irretrievably removed so as to allow the release of the document to a person not authorized access to classified information.

a. Redaction Procedures for Paper Documents.

- (1) When redacting classified information from paper documents, the preparer must:
  - (a) Make a copy of the bracketed version of the document.
  - (b) Redact the copy by physically removing the bracketed portions of the document.
  - (c) Destroy the cut-out classified portions using any classified document destruction methods approved by the local security office.
  - (d) After the bracketed information has been irretrievably removed, line through all classification markings that are no longer valid (e.g., classification level and category, Derivative Classifier marking).
  - (e) Make a copy of each page of the redacted version.
  - (f) When the redacted version is prepared in response to a request from the public (e.g., a FOIA or Mandatory Declassification Review request), indicate the extent of the deletion in places where information has been deleted if technically feasible. This paragraph is not applicable to documents requested for litigation.
  - (g) Ensure that the redacted version of the document clearly indicates 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.
  - (h) Make a copy of the redacted version.
  - (i) Ensure that another person compares the redacted version with the bracketed version to verify that all the bracketed portions of the document have been redacted, classification markings have been lined out, and any additional required markings have been added.
- (2) A paper redacted version may also be produced using redaction software.

b. Redaction Procedures for Documents in Electronic Files.

- (1) Standards for Electronic File Redaction. Methods or equipment used for redacting electronic files must meet National Security Agency standards for the redaction of classified information. If such methods or equipment are not available, then the preparer must print a paper copy of the

- (2) document and follow the procedures in paragraph 2.a. above for paper documents.
- (3) Redacted Document in Electronic Format. If an electronic copy of a redacted document is required, the preparer must scan the redacted paper copy of the document and save it as a portable document format (PDF) file. This PDF file is the final electronic redacted version and may be distributed and released as desired.



## DEFINITIONS

*This Attachment provides information and/or requirements associated with DOE O 475.2A as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to DOE O 475.2A) is inserted.*

1. DEFINITIONS FOR IMPLEMENTING DOE CLASSIFICATION PROGRAM.  
E.O. 13526, 32 CFR part 2001, and 10 CFR part 1045 contain definitions of terms used in this Order and CRD that are necessary for implementing the DOE classification program. These definitions must be consulted when appropriate.
2. DEFINITIONS UNIQUE TO DOE CLASSIFICATION PROGRAM. The following definitions are unique to the DOE classification program:
  - a. Classification. The act or process by which information or documents or material are determined to require protection in the interest of national security under the Atomic Energy Act, 10 CFR part 1045, or E.O. 13526.
  - b. 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).
  - c. Classification Officer. An individual who manages a classification program. This term includes Field Element Classification Officers and Contractor Classification Officers.
  - d. Classified Information. Information that is classified by statute or Executive order. Such information includes:
    - (1) RD or FRD classified by the Atomic Energy Act or 10 CFR part 1045;
    - (2) TFNI classified by the Atomic Energy Act; and
    - (3) NSI classified by E.O. 13526 or prior Executive orders.
  - e. Classified Subject Area. A subject area for which classification guidance is issued.
  - f. Controlled Unclassified Information. Unclassified information that requires safeguarding and dissemination controls, to the extent consistent with applicable statutes, regulations, and Government policies.
  - g. Declassification. A determination by an appropriate authority that information no longer warrants classification or that documents or material no longer contain classified information.

- h. Derivative Classifier. An individual authorized to confirm that an unmarked document or material is unclassified or determine that it is classified as allowed by 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.)
- i. Derivative Declassifier. An individual authorized to declassify or downgrade documents or material in specified areas as allowed by his or her description of authority.
- j. Document. Any recorded information, regardless of the nature of the medium or the method or circumstances of recording.
- k. 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).

- l. 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.
- m. 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 RD.
- n. Headquarters Classification Representative. An individual who serves as the focal point for the classification program in a Headquarters element with Derivative Classifiers.
- o. Information. Facts, data, or knowledge itself as opposed to the document or material in which it is contained or revealed.
- p. Material. A product (e.g., a part or a machine) or substance (e.g., a compound or an alloy).

- q. National Security Information. Information that has been determined, pursuant to E.O. 13526 or any predecessor order, to require protection against unauthorized disclosure and that is so designated.
- r. 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. 13526; such information is identified as NSI.
- s. Program Classification Officer. An individual who oversees and evaluates field classification programs under the cognizance of his or her Headquarters element.
- t. 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 RD category pursuant to section 142 of the Atomic Energy Act.
- u. 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.
- v. Transclassification. The removal of certain information from the RD category to (1) the FRD category or (2) the Transclassified Foreign Nuclear Information category based on joint determinations between the Department of Energy and the Department of Defense and the Director of National Intelligence, respectively.
- w. Transclassified Foreign Nuclear Information. Information concerning the atomic energy programs of other nations that has been removed from the Restricted Data category for use by the intelligence community and is safeguarded as NSI under E.O. 13526.
- x. 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 correcting the classification level and/or category of a document or material that was never marked as well as one erroneously marked as unclassified.