

U.S. Department of Energy
Washington, D.C.

ORDER

DRAFT
DOE O 475.2B

Approved: XX-XX-2014

SUBJECT: IDENTIFYING CLASSIFIED INFORMATION

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 475.2A, *Identifying Classified Information*, dated 2-1-11. 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contract unless and until the contract or regulatory commitment is modified to either eliminate requirements that are no longer applicable or substitute a new set of requirements.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.
 - (3) The Director, Office of Intelligence and Counterintelligence (IN) will assure that IN employees, contractors and NT-50 users comply with their respective responsibilities under this Order. Nothing in this Order will be construed to interfere with requirements outlined in Intelligence Community (IC) Directive (ICD) and other ICDs and IN Policy Guidance (ICPG) concerning the classification and security of IC information and documents pursuant to Executive Order 12333.
 - 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 this Order.

- (1) Requests for Equivalencies and Exemptions to this Order from DOE (not including NNSA) are granted by the Director, Office of Classification. Requests from NNSA are granted by the NNSA Classification Officer, 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 and field element that generates classified information, documents, or material must maintain a classification program that ensures the identification of classified information as well as a commitment to open Government through the accurate and accountable application of classification standards.
- b. Each Headquarters element that oversees subordinate field elements or subordinate contractors that generate classified information, documents, or material must have a Program Classification Officer. The Program Classification Officer will also serve as the Headquarters Classification Representative for his or her element. The position of Program Classification Officer may be filled by a person from outside the element who meets the qualifications for the position.
- c. Each Headquarters element that has Federal or contractor employees who generate classified information, documents, or material must have a Headquarters Classification Representative if they do not have a Program Classification Officer. The position of Headquarters Classification Representative may be filled by a Program Classification Officer or Headquarters Classification Representative from outside the element. Alternate Headquarters Classification Representatives may be appointed in accordance with Attachment 2, *Appointment of Classification Officials*.

- d. Each field element that generates classified information, documents or material or oversees one or more contractors who generate 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.
- e. Documents and material must be reviewed, classified, declassified, downgraded, and upgraded as specified in Attachment 4, *Classification/Declassification Review Requirements*.
- f. Classified information contained in documents or material must be correctly identified, basing such determinations on current classification guidance developed in accordance with Attachment 3, *Classification Guidance*, or source documents as permitted by paragraph 1.b. of Attachment 4, *Classification/Declassification Review Requirements*. Appropriate classification and declassification markings must be placed on the documents or material in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- g. Information, documents, and material must be classified, declassified, downgraded, or upgraded only by individuals with appropriate authorities in accordance with Attachment 2, *Appointment of Classification Officials*.
- h. Classification officials with appropriate authority who misclassify documents or material must not face penalties as long as such determinations are within their authority and are based on reasonable interpretations of guidance.
- i. Classification guidance must be identified or the use of source documents must be approved for all DOE or non-DOE-funded work performed in a classified subject area that may generate derivatively classified documents or material. The guidance must satisfy the requirements of Attachment 3, *Classification Guidance*.
- j. Classification officials must be provided with current and appropriate classification guidance.
- k. Classification challenges and declassification proposals must be processed in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- l. Each Headquarters and field element classification program must be periodically evaluated as described in Attachment 5, *Classification Program Evaluations*.
- m. Training programs must be conducted in accordance with Attachment 6, *Classification Education Program*, to ensure that employees serving as classification officials are competent to perform their classification-related responsibilities.
- n. Employees with authorized access to classified information must receive a classification awareness briefing, when they are first authorized access and

annually thereafter, that, at a minimum, covers the information in Attachment 6, *Classification Education Program*, paragraph 1.b.

- o. Classified information in documents requested under statute or Executive order must be identified, reviewed, bracketed, and submitted in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*.

5. RESPONSIBILITIES.

a. Deputy Secretary.

- (1) Resolves all disagreements submitted by the NNSA Administrator concerning final determinations made by the Office of Environment, Health, Safety and Security involving information under NNSA's cognizance.
- (2) Performs duties of 5b, as necessary.

b. Associate Under Secretary for Environment, Health, Safety and Security.

- (1) Establishes classification program requirements under the Atomic Energy Act and E.O. 13526, Classified National Security Information.
- (2) Serves as the Senior Agency Official for DOE under E.O. 13526.
- (3) Determines when RD may be transclassified to FRD or TFNI.
- (4) Determines when RD and TFNI may be declassified and, in coordination with the Department of Defense, when FRD may be declassified.
- (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) Concurs on the classification of an unmarked document found to contain classified information after the public requests the document under statute or Executive order.
- (7) Makes the final appeal determination concerning the denial of any RD, FRD, or TFNI contained in a document requested under the Freedom of Information Act and the mandatory declassification review provisions of 10 CFR 1045.42.
- (8) Makes the final internal appeal determination concerning the denial of any NSI contained in a document requested under the Freedom of Information Act and the mandatory declassification review provisions of E.O. 13526 for NSI ensures that the challenger is informed of his or her right to appeal to the Interagency Security Classification Appeals Panel (ISCAP).

- (9) Makes the final appeal determination concerning any formal classification challenges for RD, FRD, and TFNI.
- (10) Makes the final internal appeal determination for any formal classification challenges for NSI and ensures that the challenger is informed of his or her right to appeal to the ISCAP.
- (11) Appoints Secret and Confidential Original Classifiers for DOE (not including NNSA). Concurs with NNSA Secret and Confidential original classification delegations, when necessary.
- (12) Reports delegations of original classification authority to the Information Security Oversight Office (ISOO) annually.

c. Director, Office of Classification.

- (1) Serves as the DOE Restricted Data Management Official under 10 CFR 1045.33.
- (2) 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.
- (3) Implements the DOE classification program.
- (4) Downgrades or upgrades the classification level of RD or FRD information, with the concurrence of the Program Office with cognizance over the information.
- (5) Coordinates the classification, transclassification, or declassification of any information with the Program Office with cognizance over the information.
- (6) 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 Program Office with cognizance over the information.
- (7) Evaluates Headquarters and field element classification programs to ensure compliance with national and DOE policy in accordance with Attachment 5, *Classification Program Evaluations*.
- (8) Approves and cancels all classification guidance, with the concurrence of the NNSA Classification Officer for information under NNSA's cognizance.
- (9) Conducts fundamental classification guidance reviews in accordance with section 1.9 of E.O. 13526 and 32 CFR 2001.91(c).
- (10) Performs the duties of the Classification Officer for DOE (not including NNSA) Headquarters elements.
- (11) Makes the initial determination pertaining to the challenge of a classification determination concerning RD/FRD/TFNI or NSI.

- (12) Serves as the denying official for any classified information contained in a document requested under statute or Executive order.
- (13) Classifies an unmarked document found to contain classified information after the public requests the document under statute or Executive order and coordinates the classification with the Senior Agency Official for such NSI determinations.
- (14) Manages and conducts the training of Program Classification Officers, Classification Officers, Headquarters Classification Representatives, Alternate Headquarters Classification Representatives, Original Classifiers, Derivative Declassifiers, and Headquarters Derivative Classifiers.
- (15) Appoints DOE (not including NNSA) Federal and contractor Classification Officers as Derivative Classifiers.
- (16) Appoints DOE (not including NNSA) Program Classification Officers, Classification Officers, Headquarters Classification Representatives, Alternate Headquarters Representatives, Derivative Declassifiers, and Headquarters Derivative Classifiers and terminates any appointments or authorities granted to these classification officials, as appropriate.
- (17) 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.
- (18) Coordinates the search for and processing of documents requested under the mandatory declassification review provisions of 10 CFR part 1045 or section 3.5 of E.O. 13526.
- (19) Conducts all coordination required to declassify a document or material that contains foreign government information.
- (20) 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.
- (21) Establishes a system for processing, tracking, and recording formal classification challenges and declassification proposals made by authorized holders of classified information.
- (22) Consolidates classification program data and reports such data to the ISOO annually as required by 32 CFR 2001.90.
- (23) Grants equivalences and exemptions to this order for DOE (not including NNSA).

d. NNSA Chief of Defense Nuclear Security.

- (1) Oversees the NNSA enterprise-wide classification program.

- (2) Concurs on any classification, declassification, and transclassification action made by the Associate Under Secretary for Environment, Health, Safety and Security or the Director, Office of Classification, concerning RD or FRD information under NNSA's cognizance.
 - (3) Develops and issues NNSA-specific instructions for implementing this Order as necessary.
 - (4) Appoints NNSA Secret and Confidential Original Classifiers in consultation with the Senior Agency Official for E.O. 13526. Appoints an NNSA Program Classification Officer with the following additional Classification Officer functions:
 - a. Grant equivalences and exemptions to this order for NNSA in consultation with the Director, Office of Classification.
 - b. Appoints NNSA Federal and contractor Classification Officers as Derivative Classifiers.
 - c. Appoint NNSA Federal and contractor classification officials, including Classification Officers, Headquarters Classification Representatives, Derivative Declassifiers, and Headquarters Derivative Classifiers.
 - d. Concur on all classification guidance concerning information under NNSA's cognizance.
 - e. Request and monitor the training and testing of NNSA Original Classifiers, Classification Officers, Derivative Declassifiers, Headquarters Classification Representatives, and Headquarters Derivative Classifiers.
- e. Director, Office of Intelligence and Counterintelligence.
 - (1) Ensures that any conflicts between ICDs or ICPGs and this Order are coordinated with the Director, Office of Classification and the IN Program Classification Officer.
 - (2) Oversees classification actions involving Sensitive Compartmented Information, including the activities of Field Intelligence Elements and Field Counterintelligence Offices.
 - (3) Ensures that intelligence and counterintelligence-related classification guidance for non-DOE-funded work conforms to existing DOE classification policy.
 - (4) Ensures that classified documents are marked in accordance with procedures promulgated by the Director, National Intelligence (DNI).
 - (5) Ensures that marking procedures for DOE equities (e.g., RD, TFNI) are properly addressed in DNI procedures.

- (6) Nominates a Federal employee to serve as Program Classification Officer to provide oversight of the classification programs at Field Intelligence Elements and Field Counterintelligence Offices and to coordinate between these programs and the Director, Office of Classification.
 - (7) Coordinates with the cognizant Classification Officer to ensure field intelligence elements are evaluated in accordance with Attachment 5, *Classification Program Evaluations* and Field Counterintelligence Offices are evaluated to ensure that they receive training in IN classification management and IC markings.
- f. Director, Office of Public Affairs, and offices responsible for official communications with the public. Ensure that documents in a classified subject area intended for public release are coordinated with the cognizant Classification Officer for review prior to release.
- g. Heads of Headquarters Elements and Managers of Field Elements.
 - (1) Provide sufficient staffing for implementation and oversight of the classification program within the element to ensure the identification of classified information as well as a commitment to openness.
 - (2) 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, "Counterintelligence," for M&O and other facilities management contracts, and the contents of the CRD for this Order are incorporated into those contracts.
 - (3) Ensure performance awards incorporate performance of classification requirements into award fee determinations.
 - (4) 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.
 - (5) Ensure that classified information contained in documents or material is correctly identified, and the appropriate classifier markings are placed on such documents or material.
 - (6) Ensure that documents or material are reviewed, classified, declassified, downgraded and upgraded as specified in Attachment 4, *Classification/Declassification Review Requirements*.
 - (7) Ensure that documents in classified subject areas that are intended for public release (e.g., for a webpage, for news organizations), including documents provided to or testimony given to Congress, are coordinated with the appropriate Classification Officer for review prior to release.
 - (8) Ensure that comprehensive searches are conducted for documents responsive to Freedom of Information Act requests and mandatory declassification review requests under 10 CFR 1045.42 and section 3.5 of

E.O. 13526 in response to an inquiry from the Director, Office of Classification.

- (9) 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.
- (10) Nominate a Federal employee to serve as Program Classification Officer, Field Element Classification Officer, Headquarters Classification Representative, or Alternate Headquarters Classification Representative, as appropriate in accordance with the requirements in Attachment 2, *Appointment of Classification Officials*.
- (11) Ensure Program Classification Officers, Field Element Classification Officers, Headquarters Classification Representatives, or Alternate Headquarters Classification Representatives have access to senior management when necessary.
- (12) 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 Program Classification Officer, as appropriate is provided, unless the use of source documents is authorized.
- (13) 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.
- (14) Ensure that classification officials with appropriate authority who misclassify documents or materials do not face penalties as long as such determinations are within their authority and are based on reasonable interpretations of guidance.
- (15) Ensure that employees who formally challenge the classification of information are not subject to retribution.
- (16) Ensure that evaluation, self-assessment, classification decision review, and corrective action plan are completed and reports are submitted in accordance with Attachment 5, *Classification Program Evaluations*.
- (17) Ensure that the performance contract or other system used to rate Federal 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.

h. Program Classification Officer.

- (1) Ensures the satisfactory performance of Headquarters and field classification programs under the cognizance of the Headquarters element and maintains operational awareness of the classification programs under the element's cognizance in accordance with Attachment 5, *Classification Program Evaluations*.
- (2) Delegates in writing any functions that he or she has been assigned by this Order to qualified individuals as necessary to implement the classification program. Note: This does not include the Program Classification Officer's classification and declassification authorities, which are non-delegable.
- (3) Concurs on the nominations of Alternate Headquarters Classification Representatives, Derivative Classifiers and Derivative Declassifiers to ensure that such officials are technically competent and submits the nomination in accordance with Attachment 2, *Appointment of Classification Officials*.
- (4) Reviews draft classification guidance, including proposed updates, submitted by field elements and forwards such guidance to the Director, Office of Classification, for approval in accordance with Attachment 3, *Classification Guidance*.
- (5) Reviews the notification submitted by a field element under his or her cognizance that confirms the completion of the cover-to-cover review of guidance developed by that field element and forwards the notification to the Director, Office of Classification, in accordance with Attachment 3, *Classification Guidance*.
- (6) Reviews the notification submitted by a field element under his or her cognizance concerning the conduct of a large-scale declassification review of documents containing more than 25,000 pages and forwards such notification to the Director, Office of Classification.
- (7) Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, bracketed, and submitted in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*.
- (8) Responds to informal and formal classification challenges received and forwards unresolved challenges to the Director, Office of Classification, in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- (9) Performs any additional duties of the Headquarters Classification Representative that are identified in paragraph j. below.

i. Field Element Classification Officer.

- (1) Manages the field element classification program.

- (2) Ensures the satisfactory performance of the field element classification programs and maintains operational awareness of the classification programs under the field element's cognizance in accordance with Attachment 5, *Classification Program Evaluations*.
- (3) Ensures the satisfactory performance of all classification programs for subordinate elements with no Classification Officer. Conducts evaluations, self-assessments, and classification decision reviews for such elements in accordance with Attachment 5, *Classification Program Evaluations*.
- (4) Concurs on the nomination of contractor Classification Officers and Derivative Declassifiers, as appropriate, to ensure that such officials are technically competent and submits them in accordance with Attachment 2, *Appointment of Classification Officials*.
- (5) Appoints Derivative Classifiers for the field element and for any subordinate elements or contractors with no Classification Officer to classify documents generated by the element or subordinate element, the contractor, and any predecessor organizations and ensures that these officials are technically competent in the specific areas of their classification authorities and terminates these authorities when appropriate.
- (6) Appoints Derivative Classifiers to classify documents generated by another organization with the concurrence of that organization's Classification Officer ensures that these officials are technically competent in the specific areas of their classification authorities, and terminates these authorities when appropriate.
- (7) Develops and conducts classification training for Derivative Classifiers that he or she appoints.
- (8) Coordinates with the IN Program Classification Officer to ensure proper training and evaluations of Field Intelligence Elements and Counterintelligence Offices.
- (9) Ensures that all classification training and awareness briefings satisfy the requirements in Attachment 6, *Classification Education Program*.
- (10) Ensures that Derivative Classifiers and Derivative Declassifiers have appropriate and current classification guidance.
- (11) Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, bracketed, and submitted in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*.
- (12) Compiles statistics concerning the field element classification program and forwards them to the Director, Office of Classification, when requested through the Program Classification Officer, as applicable.

- (13) 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 through the Program Classification Officer, as appropriate, to the Director, Office of Classification, for approval.
- (14) 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 Program Classification Officer, as appropriate, of its completion.
- (15) Evaluates the impact of new or revised classification guidance issued by the Office of Classification upon existing classification guidance developed by his or her element and submits proposed updates for any affected classification guidance within 90 calendar days to the Director, Office of Classification, through the Program Classification Officer, as appropriate.
- (16) 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.
- (17) For DOE-funded work performed by the field element, certifies that classification guidance is identified, as appropriate.
- (18) 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.
- (19) Ensures that field element documents subject to section 3.3 of E.O. 13526 are reviewed prior to such documents becoming 25 years old.
- (20) Notifies the Director, Office of Classification, through the Program Classification Officer, as appropriate, of any large-scale declassification reviews of documents containing more than 25,000 pages being conducted at his or her site.
- (21) Responds to informal and formal classification challenges received and forwards unresolved challenges to the Director, Office of Classification, in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- (22) 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 the Classification Officer's classification and declassification authorities, which are non-delegable.

j. 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. Conducts self-assessments and classification decision reviews and submits appropriate reports. Maintains operational awareness of the classification issues in his or her Headquarters element in accordance with Attachment 5, *Classification Program Evaluations*.
- (3) Concurs on the nominations of Alternate Headquarters Classification Representatives, Derivative Classifiers and Derivative Declassifiers to ensure that such officials are technically competent and submits the nomination in accordance with Attachment 2, *Appointment of Classification Officials*.
- (4) Ensures that Derivative Classifiers and Derivative Declassifiers within his or her Headquarters element have appropriate and current classification guidance.
- (5) For DOE-funded work performed by the Headquarters element, certifies that classification guidance is identified, as appropriate.
- (6) For non-DOE-funded work, certifies classification guidance provided by the funding entity does not contradict DOE classification guidance.
- (7) Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, bracketed, and submitted in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*.
- (8) Responds to informal and formal classification challenges received and forwards unresolved challenges to the Director, Office of Classification in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- (9) Compiles statistics concerning the Headquarters element classification program and forwards them to the Director, Office of Classification, when requested.
- (10) Delegates in writing any functions that he or she has been assigned by this Order to qualified individuals as necessary to implement the Headquarters element classification program. Note: This does not include the Headquarters Classification Representative's classification and/or declassification authorities, which are non-delegable.

k. 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 any original classification determination to the Director, Office of Classification, through the Program Classification Officer, as applicable, within 10 working days, providing a description of the information being

originally classified, the reason for classification, and the level and duration of classification.

- (3) Ensures each originally classified NSI document is marked in accordance with 32 CFR 2001.21 and, except for intelligence products intended for the Intelligence Community, the front page of each document contains the special control marking identified in Attachment 4, paragraph 1c(3)(b), of this Order.

l. Derivative Classifier.

- (1) Determines whether a document or material contains classified information or whether a document or material should be upgraded in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- (2) Responds to informal and formal classification challenges received and forwards unresolved challenges to the Director, Office of Classification, in accordance with Attachment 4, *Classification/Declassification Review Requirements*.

m. Derivative Declassifier.

- (1) Determines whether a document or material currently marked as classified may be declassified or downgraded in accordance with Attachment 4, *Classification/Declassification Decision Reviews*.
- (2) Brackets classified information in a classified document to produce a redacted version in accordance with Attachment 8, *Bracketing and Redaction Procedures*.
- (3) Responds to informal and formal classification challenges received and forwards unresolved challenges to the Director, Office of Classification, in accordance with Attachment 4, *Classification/Declassification Review Requirements*.

n. 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 that is intended for public release is reviewed by the Classification Officer or a Derivative Classifier delegated such review authority.
- (2) Ensure that each document or material that the employee originates and that is potentially classified or potentially classified at a higher classification level or more restrictive category is reviewed by a Derivative Classifier.
- (3) Ensure that classified documents (including documents with declassification dates or events that have passed) are not declassified until the appropriate declassification reviews are conducted.
- (4) Challenge any classification determinations he or she believes is incorrect in accordance with Attachment 4, *Classification/Declassification Review Requirements*, paragraph 4.

- (5) Submit declassification proposals for classified information he or she does not believe should be classified in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- o. 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.
- p. 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. P.L. 83-503, Atomic Energy Act of 1954, as amended. This statute provides the legal bases for identifying RD, FRD, and TFNI.
- b. 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.
- 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. 12333, *United States intelligence activities*, dated 12-4-1981. This Executive order contains requirements and responsibilities for conducting intelligence activities.
- h. E.O. 13526, *Classified National Security Information*, dated 12-29-09. This Executive order contains requirements and responsibilities for classifying, declassifying, and safeguarding NSI.
- i. 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.
- j. DOE O 226.1B, *Department of Energy Oversight Policy*, dated 4-25-2011. This Order contains requirements and responsibilities for implementing DOE line management oversight.

- k. DOE O 205.1B, *Department of Energy Cyber Security Program*, dated 5-16-11. This Order contains requirements and responsibilities for DOE's cyber security program.
 - l. DOE O 471.6, Admin Chg. 1, *Information Security*, dated 6-20-2011. This Order contains Classified Matter Protection and Control requirements and responsibilities.
 - m. Intelligence Community Directive 710, *Classification Management and Control Markings System* dated 06-21-2013. Governs the implementation and oversight of Intelligence Community classification management and control markings.
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 concerning this Order should be addressed to the Office of Classification at 301-903-7567 or 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 this Order 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 materials must maintain a classification program that ensures the identification of classified information as well as a commitment to open Government through the accurate and accountable application of classification standards.
 - b. 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.
 - c. Each contractor requests equivalencies and exemptions to this Order from the Director, Office of Classification, for DOE (not including NNSA) or the NNSA Classification Officer for NNSA. Requests must identify the Order requirement for which the equivalency or exemption is being requested; explain why the equivalency or exemption is needed; and if requesting an equivalency, describe the alternate measures for addressing the requirement.
 - d. Classified information contained in documents or material must be correctly identified, basing such determinations on current classification guidance developed in accordance with Attachment 3, *Classification Guidance*, or source documents as permitted by paragraph 1.b. of Attachment 4, *Classification/Declassification Review Requirements*. Appropriate classifier markings must be placed on the documents or material in accordance with Attachment 4, *Classification/Declassification Review Requirements*.

- e. Sufficient staffing must be provided for implementation and oversight of the contractor's classification program.
- f. A satisfactory level of performance of the requirements in this CRD must be maintained, to include holding personnel accountable for implementing the requirements, as appropriate.
- g. Documents and material must be reviewed, classified, declassified, downgraded, or upgraded only by individuals with appropriate authorities in accordance with Attachment 2, *Appointment of Classification Officials*.
- h. Documents and material must be reviewed, classified, declassified, downgraded, or upgraded in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- i. Classified information in documents requested under statute or Executive order must be identified, reviewed, bracketed, and submitted in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*.
- j. Classification officials with appropriate authority who misclassify documents or materials must not face penalties as long as such determinations are within their authority and are based on reasonable interpretations of guidance.
- k. Offices responsible for public affairs must submit documents in classified subject areas that are intended for public release to the Classification Officer for review prior to release.
- l. Classification guidance must be identified or the use of source documents must be approved for all work performed in a classified subject area that may generate derivatively classified documents or material. The guidance must satisfy the requirements of Attachment 3, *Classification Guidance*.
- m. Classification guidance for non-DOE-funded work must not contradict DOE classification guidance.
- n. For DOE-funded work performed by the contractor or subcontractors, the contractor must certify that classification guidance is identified.
- o. Classification officials must be provided with current and appropriate classification guidance.
- p. Contractors must respond to classification challenges and declassification proposals in accordance with Attachment 4, *Classification/Declassification Review Requirements*.
- q. Each contractor's classification program must be periodically evaluated in accordance with Attachment 5, *Classification Program Evaluations*.
- r. Each contractor must ensure the satisfactory performance of all subordinate elements with no Classification Officer through evaluations in accordance with Attachment 5, *Classification Program Evaluations*.

- s. Training programs must be conducted in accordance with Attachment 6, *Classification Education Program*, of this Order to ensure that employees serving as classification officials are competent in their classification-related responsibilities.
- t. Employees with authorized access to classified information must receive a classification awareness briefing when they are first authorized access and annually thereafter that, at a minimum, covers the information in Attachment 6, *Classification Education Program*, paragraph 1.b.

2. RESPONSIBILITIES OF CONTRACTOR CLASSIFICATION OFFICER.

- a. Manages the contractor's classification program.
- b. Ensures the satisfactory performance of the contractor's classification program and maintains operational awareness of any classification issues in accordance with Attachment 5, *Classification Program Evaluations*.
- c. Develops and conducts classification training for Derivative Classifiers that he or she appoints in accordance with Attachment 6, *Classification Education Program*.
- d. Ensures that all classification training and awareness briefings satisfy requirements in Attachment 6, *Classification Education Program*.
- e. Coordinates with the IN Program Classification Officer to ensure proper training and evaluations of Field Intelligence Elements and Field Counterintelligence Offices.
- f. Appoints contractor Derivative Classifiers to classify documents generated by the contractor, its subcontractors, and predecessor organizations and ensures that these officials are technically competent in the specific areas of their classification authorities and terminates these authorities when appropriate.
- g. Concurs on the nomination of contractor Derivative Declassifiers to ensure that such officials are technically competent.
- h. Appoints Derivative Classifiers to classify documents generated by organizations outside of the contractor with the concurrence of the cognizant Classification Officer and ensures that these officials are technically competent in the specific areas of their classification authorities and terminates these authorities when appropriate.
- i. Ensures that contractor Derivative Classifiers and Derivative Declassifiers have appropriate and current classification guidance.
- j. Ensures that classified information in documents requested under statute or Executive order is identified, reviewed, bracketed, and submitted in accordance with Attachment 7, *Freedom of Information Act/Privacy Act and Mandatory Declassification Review Requirements*, and Attachment 8, *Bracketing and Redaction Procedures*.

- k. Compiles statistics concerning the contractor's classification program and forwards them through the Field Element Classification Officer and the Program Classification Officer, as appropriate, to the Director, Office of Classification, when requested.
- l. As needed, prepares draft classification guidance that is more detailed and tailored to the needs of the contractor and is based on other current classification guidance and forwards such guidance to the Director, Office of Classification, for approval, through the Field Element Classification Officer and the Program Classification Officer, as appropriate.
- m. Conducts a cover-to-cover review of guidance developed by the contractor at least once every 5 years to ensure it is up to date and notifies the Director, Office of Classification, through the Field Element Classification Officer and the Program Classification Officer, as appropriate, of its completion.
- n. Evaluates the impact of new or revised classification guidance issued by the Office of Classification upon existing classification guidance developed by the contractor and submits proposed updates for any affected classification guidance within 90 calendar days to the Director, Office of Classification, through the Field Element Classification Officer and the Program Classification Officer, as appropriate.
- o. 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.
- p. For DOE-funded work performed by the contractor, certifies that classification guidance is identified, as appropriate.
- q. For non-DOE-funded work performed by the contractor, certifies that classification guidance provided by the funding entity does not contradict DOE classification guidance.
- r. Ensures the satisfactory performance of any subordinate organizations with no Classification Officer. Includes such organizations in self-assessments and classification document reviews conducted in accordance with Attachment 5, *Classification Program Evaluations*.
- s. Ensures that contractor documents subject to section 3.3 of E.O. 13526 are reviewed prior to such documents becoming 25 years old.
- t. Notifies the Director, Office of Classification, through the Field Element Classification Officer and the Program Classification Officer, as appropriate, of any large-scale declassification reviews of documents containing more than 25,000 pages being conducted by the contractor.
- u. Responds to informal and formal classification challenges received and forwards unresolved challenges to the Director, Office of Classification in accordance with Attachment 4, *Classification/Declassification Review Requirements*.

- v. Delegates in writing any functions that he or she has been assigned by this CRD to qualified individuals as necessary to implement the contractor's classification program. This does not include the Classification Officer's classification and declassification authorities, which are non-delegable.

APPOINTMENT OF CLASSIFICATION OFFICIALS

This Attachment provides information and/or requirements associated with this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) is inserted.

1. **ROLE OF CLASSIFICATION OFFICIALS.** DOE relies upon a hierarchy of classification officials to ensure that RD, FRD, TFNI, and NSI are correctly identified in documents and material. These classification officials are an integral component of DOE's classification program.
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 be a Federal employee and have a relevant scientific or technical degree or work experience as validated by the appointing official. The Program Classification Officer must be in a position to have access to senior management when necessary.
 - (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 for DOE (not including NNSA) Program Classification Officers.** The head of the Headquarters element or his or her representative submits the following information to the Director, Office of Classification:
 - (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 by Headquarters or field elements or contractors within his or her program.
 - (4) **Appointing Official.** The Program Classification Officer is appointed by the Director, Office of Classification, for DOE (not including NNSA). The NNSA Program Classification Officer is appointed by the NNSA Chief of Defense Nuclear Security.
 - (5) **Training.** (See Attachment 6, *Classification Education Program.*)

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

b. Field Element and Contractor Classification Officer.

- (1) Qualifications. The Classification Officer must have a relevant scientific or technical degree or work experience as validated by the appointing official. The Field Element and contractor Classification Officer must be in a position to have access to senior management when necessary.
- (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 or his or her representative submits the following information to the Director, Office of Classification, for DOE (not including NNSA) or to the NNSA Classification Officer for NNSA through the Program Classification Officer, as appropriate:

- 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 DOE (not including NNSA) or to the NNSA Classification Officer for NNSA through the Program Classification Officer, as appropriate.

- (4) Appointing Official. The Classification Officer is appointed by the Director, Office of Classification, for DOE (not including NNSA) or the NNSA Classification Officer for NNSA.
- (5) Training. (See Attachment 6, *Classification Education Program.*)

- (6) Removal from Position. The Classification Officer must be removed from the position by the appointing official or the manager of the field element or contractor or his or her representative if he or she cannot or does not perform his or her responsibilities reliably or does not complete all required training within the specified time frame.

c. Headquarters Classification Representative and Alternate Headquarters Classification Representatives.

- (1) Qualifications. The Headquarters Classification Representative and the Alternate Headquarters Classification Representatives must be Federal employees knowledgeable about the work being performed in classified subject areas in their Headquarters element.
- (2) Classification/Declassification Authorities Required. The Headquarters Classification Representative and the Alternate Headquarters Classification Representatives must be Derivative Classifiers prior to appointment.
- (3) Nomination.
- (a) Headquarters Classification Representative and Alternate Headquarters Classification Representative. The head of the Headquarters element or his or her representative submits the following information to the Director, Office of Classification, for DOE (not including NNSA) or to the NNSA Classification Officer for NNSA:
- 1 the employee's name, organization, mailing address (including organization code), telephone number, and e-mail address and
 - 2 a description of the employee's knowledge about the work being performed in classified subject areas in his or her Headquarters element.
- (b) Alternate Headquarters Classification Representative. In addition to the above, the nomination for the Alternate Headquarters Classification Representative must include:
- 1 duties to be performed by the Alternate Headquarters Classification Representative.
 - 2 when the Alternate Headquarters Classification Representative performs these duties (e.g., at any time, only when the Headquarters Classification Representative is on leave or on travel), and
 - 3 jurisdiction of the Alternate Headquarters Classification Representative (e.g., for a specific office within a program)
- (4) Appointing Official. The Headquarters Classification Representative and the Alternate Headquarters Classification Representatives are appointed

by the Director, Office of Classification, for DOE (not including NNSA) or the NNSA Classification Officer for NNSA.

- (5) Training. (See Attachment 6, *Classification Education Program*.)
- (6) Removal from Position. The Headquarters Classification Representative and the Alternate Headquarters Classification Representatives must be removed from their positions by the appointing official or the head of the Headquarters element or his or her representative if they cannot or do not perform their responsibilities reliably or do not complete the required training within the specified 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 at least once every calendar year thereafter. If the annual training is not completed, the authority is suspended until the training is completed.
- (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 Director, Office of Classification, for DOE (not including NNSA) or to the NNSA Chief of Defense Nuclear Security for NNSA, through the Classification Officer, Program Classification Officer, or Headquarters Classification Representative, as appropriate, for confirmation of the need for an Original Classifier:

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 Confidential Original Classifier is appointed in writing by the Associate Under Secretary for Environment, Health, Safety and Security for DOE (not including NNSA) and the NNSA Chief of Defense Nuclear Security, in consultation with the Associate Under Secretary for Environment, Health, Safety and Security, for NNSA.
 - (d) Training. (See Attachment 6, *Classification Education Program*.)
 - (e) Appointment. The employee must be appointed in writing as a Secret or Confidential Original Classifier 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 the required training 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 DOE (not including NNSA) or to the NNSA Classification Officer for NNSA.

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 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 Element or Contractors. 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 (not including NNSA) Headquarters and DOE (not including NNSA) Field Element and Contractor Classification Officers;
- (b) the NNSA Classification Officer for all NNSA Federal officials, contractor Classification Officers and NNSA Headquarters; or
- (c) the Classification Officer for the appropriate Field Element or contractor.

(4) Training. (See Attachment 6, *Classification Education Program*.)

(5) Appointment. A Derivative Classifier must be appointed in writing and must be provided with an authority description that includes the individual's name, organization, the effective date, the classified subject areas (e.g., nuclear weapon design, gas centrifuge, safeguards and security) covered by the authority, the jurisdiction of the authority (e.g, a particular office, a specific Headquarters or field element), 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. A Derivative Classifier cannot conduct the classification review for documents intended for public release in classified subject areas unless the authority has been delegated in writing in accordance with this Order. 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) Suspension of Authority. If the required retraining is not completed within the 2-year time frame, the authority is suspended until the training is completed.
- (9) Termination of Authority.
 - (a) An employee's supervisor must request the termination of a Derivative Classifier's authority from the appointing official if the Derivative Classifier no longer requires the authority or cannot or does not exercise the authority reliably.
 - (b) The appointing official must terminate a Derivative Classifier's authority if the Derivative Classifier no longer requires the authority, cannot or does not exercise the authority reliably, does not complete training requirements within 90 calendar days of suspension of his or her authority or upon request of the Derivative Classifier's supervisor.

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 Program Classification Officer or Headquarters Classification Representative, who ensures the required information is accurate and submits it to the Director, Office of Classification, for DOE (not including NNSA) or to the NNSA Classification Officer for NNSA.
 - 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 Element or Contractors

1 Field Element 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 through the Program Classification Officer, as appropriate, to the Director, Office of Classification, for DOE (not including NNSA) or to the NNSA Classification Officer for NNSA.

2 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 DOE (not including NNSA) or to the NNSA Classification Officer for NNSA.

(3) Appointing Official. A Derivative Declassifier is appointed by the Director, Office of Classification, for DOE (not including NNSA) or the NNSA Classification Officer for NNSA.

(4) Training. (See Attachment 6, *Classification Education Program*.)

(5) Appointment. A Derivative Declassifier must be appointed in writing and must be provided with an authority description that includes the individual's name, organization, the effective date, the classified subject areas (e.g., nuclear weapon design, gas centrifuge, safeguards and security) covered by the authority, the jurisdiction of the authority (e.g., a particular office, a specific Headquarters element), 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) Suspension of Authority. If the required retraining is not completed within the 2-year time frame, the authority is suspended until the training is completed.
- (9) Termination of Authority.
 - (a) An employee's supervisor must request the termination of a Derivative Declassifier's authority from the appointing official if the Derivative Declassifier no longer requires the authority or cannot or does not exercise the authority reliably.
 - (b) The appointing official must terminate a Derivative Declassifier's authority if the Derivative Declassifier no longer requires the authority, cannot or does not exercise the authority reliably, does not complete the retraining requirements within 90 calendar days of suspension of his or her authority, or upon the request of the Derivative Declassifier's supervisor.

CLASSIFICATION GUIDANCE

This Attachment provides information and/or requirements associated with this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) 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 use of 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 1045.37, section 2.2 of E.O. 13526, and 32 CFR 2001.15.
 - b. DOE classification guides must conform to the Standard Guide Format developed by the Office of Technical Guidance, Office of Classification, to the extent practical.
 - c. 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. Each classification guide must receive a cover-to-cover review every 5 years. Updates to any guide must be submitted to the Director, Office of Classification, through the Field Element Classification Officer and the Program Classification Officer, as appropriate, within 90 days of completing the review.
 - c. Upon receipt of a new or revised Headquarters classification guide, existing 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 Field Element Classification Officer and the Program Classification Officer, as appropriate, within 90 calendar days.
 - e. 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, Headquarters Classification Representative or a Derivative Classifier delegated the authority 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 Classification Officer must review the work request and proposed classification guidance and certify in writing 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. 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.
 - a. Availability of Guidance. The DOE organization responsible for funding the classified work must contact the Office of Classification, through the Field Element Classification Officer and the Program Classification Officer, as appropriate; to ensure that appropriate joint classification guidance is either available or developed.
 - b. Use of Other-Agency Classification Guidance. If NSI classification guidance covering the subject area(s) has already been developed by another of the funding agencies, the DOE organization responsible for funding the classified work must contact the Office of Classification who will coordinate with the Field Element Classification Officer and the Program Classification Officer, as appropriate, to approve its use. The guidance may be used for up to 90 days pending final approval.

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 Program Classification Officer, as appropriate, 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 Program Classification Officer, as appropriate, prior to its use.

CLASSIFICATION/DECLASSIFICATION REVIEW REQUIREMENTS

This Attachment provides information and/or requirements associated with this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) is inserted.

1. **CLASSIFICATION**. A document 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) A newly generated document or material in a classified subject area that potentially contains classified information must receive a classification review by a Derivative Classifier.
 - (2) An existing unmarked document or material that an employee believes may contain classified information must receive a classification review by a Derivative Classifier.
 - (3) An existing marked document 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) A document or material generated in a classified subject area and intended for public release (e.g., for a webpage, for news organizations), including documents provided to or testimony given to Congress, must be reviewed by the Classification Officer or a Derivative Classifier who has been delegated this authority in writing.
 - (5) A newly generated document that consists of a complete section (e.g., chapter, attachment, appendix) from a classified document and that is marked as classified:
 - 1 Must be reviewed by a Derivative Classifier if it is intended to be a stand alone classified document.
 - 2 Must be reviewed for declassification if it is intended to be an unclassified document.
 - (6) When a complete section (e.g., chapter, attachment, appendix) that is marked in its entirety as unclassified is removed from a classified document for use as a standalone document, a review is not required unless it is intended for public release.
 - (7) Output from a classified information system must be reviewed by a Derivative Classifier to determine the appropriate classification unless:

- (a) the output is a final document that has already been reviewed and is appropriately marked;
- (b) the printed output is a working paper that is:
 - 1 properly marked at the highest potential level and category or
 - 2 marked and protected as system high; or
- (c) the program is verified to produce consistent output and the Classification Officer has determined that the output is consistently classified at a particular level and category is unclassified. When the Classification Officer documents the classification determination, all printed output from the system using the fields or elements reviewed can use that determination as the basis for its classification. If any fields or elements are added or revised, a new classification review 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 or the Program Classification Officer.
- (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 level 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 to classify any email or to classify a document that contains NSI outside the Derivative Classifier's jurisdiction or authorized subject areas, or when the Classification Officer or Program Classification Officer has specifically approved their use. A source document may be used only if:
 - (a) the source document is portion marked and;
 - (b) the source document is less than 25 years old or is marked with a declassification date or event that has not passed.
- (4) Unclassified. Unclassified topics from canceled or obsolete guides may be used to determine that information is not classified when no current guidance exists.

c. Derivative Classification Markings. Upon completion of a classification review, the following markings must appear on a document or material that is determined to be classified. (For email, block format is not required.)

- (1) On the “Classified By” line of the Classification Authority Block, the name or personal identifier and position title of the Derivative Classifier and, if not otherwise evident, the Agency and the office of origin.
- (2) On the “Derived From” line of the Classification Authority Block
 - (a) if a guide is used, the short title of the guide, issue date of the guide, and agency and, where available, the office of origin of the guide, For example, if a DOE guide, CG-SS-4, 9/2000, DOE OC; if another Agency guide, XYZ Affair, 3/2013, State Dept. , or
 - (b) if a source document is used, the identification of the source document, the agency of origin and, where available the office of origin, and the date of the source
 - (c) If more than one classification guide or source document is used, the words “Multiple Sources” may be used, and a source list identifying each guide must be included with the document.
- (3) For documents containing NSI only –
 - (a) The “Declassify on” line must contain declassification instructions from the classification guide or the source document. Note: If the date is displayed numerically, the following format must be used: YYYYMMDD. If multiple sources are used, the declassification instruction with the longest duration must be identified; and
 - (b) In order to prevent the inadvertent release of RD, FRD, or TFNI and to ensure the NSI classification has not been extended, the following special control marking must be applied (except for intelligence products intended for the Intelligence Community): (For email, block format is not required.)

Derivative Declassifier review required prior to declassification

- d. Portion Marking Requirements. The following portion marking requirements supplement those required by DOE O 471.6, Admin Chg. 1, *Information Security*.
- (1) Documents containing RD or FRD are not required to be portion marked.
 - (2) Documents containing only TFNI or NSI or both must be portion marked as required by E.O. 13526.

(3) Documents containing both RD/FRD and TFNI or 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/TFNI portions” and “See source list for NSI portions.” “N/A” may be used in lieu of “Not Applicable.”
- 2 For multiple page documents, the source list must not appear on the front page of the document.
- 3 The source list must include the longest duration declassification instruction for each of the NSI source documents cited.
- 4 In the case of a single page document, the NSI source list may appear at the bottom of the document, below and clearly identified as separate from the classification authority block. Alternatively, the declassification instruction may be added at the end of each NSI portion.

(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 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, FRD or TFNI) 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 O 471.6, Admin Chng.1, *Information Security*.

- (1) Document Generated by a Foreign Government. A review by a Derivative Classifier is not required to apply a U.S. classification level (i.e., Top Secret, Secret, Confidential, or Confidential/Foreign Government Information-Modified Handling Authorized) that provides at least an equivalent level of protection to a document or material classified by a foreign government. 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 a Derivative Classification Authority Block is 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.
 - g. Inconsistent or No Guidance. If a Derivative Classifier encounters inconsistent guidance or cannot determine the proper classification of an element of information using guidance approved for his or her use, the Derivative Classifier must contact his or her Classification Office for assistance.
2. DECLASSIFICATION. Classified documents or material must be reviewed for declassification by the appropriate official.
 - a. Required Declassification Reviews.
 - (1) A classified document that is being prepared for declassification in full must be reviewed by two individuals knowledgeable in the subject area. The first review may be conducted either by a Derivative Classifier or a Derivative Declassifier; the second review must be conducted by a Derivative Declassifier (other than the first reviewer).
 - (2) A classified document that is being prepared as a redacted version must be reviewed as described in paragraph 2.a.(1) and must clearly indicate that it is a redacted version.
 - (3) A classified document that is 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) A document referred to DOE by another Government agency that is marked as containing or identified as potentially containing RD, FRD, or TFNI must be reviewed as described in paragraph 2.a.(1).
 - (5) An NSI document or material that is—
 - (a) marked for declassification with a specific date or event that has passed must be reviewed by a Derivative Declassifier (single review only) prior to actual declassification 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) a permanent historical record that is 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 OR CHANGED TO _____ BY AUTHORITY OF <u>DOC</u> BY <u>John Doe</u> DATE <u>3/20/73</u>
--

- (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.
- b. Basis for Determination. Classification guidance must be used as the basis for determining whether a document or material can be declassified. If a Derivative Declassifier encounters inconsistent guidance or cannot determine the proper classification of an element of information using guidance approved for his or her use, the Derivative Declassifier must contact his or her Classification Office for assistance.
- c. Derivative Declassification Markings. The following Derivative Declassifier markings must be placed on the document or material that is declassified:
- (1) Names or personal identifiers and positions or titles of individuals declassifying the document on the “Declassified By” line of the Classification Authority Block.
 - (2) Short title of the guide, issuance date of the guide, and “DOE OC” (e.g., CG-SS-4, 9/2000, DOE OC) on the “Derived From” line of the Classification Authority Block.
 - (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 or material 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 on the “Changed by” line.
- (4) The date the change is made on the “Date changed” line.

f. Declassified Documents for the OpenNet Data Base. Documents that have been declassified and determined eligible to be released to the public must be entered into the OpenNet data base managed by OSTI for the Office of Classification. 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, FRD, or TFNI).
- (2) The name or personal identifier and position or 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, if another agency guide is used, the agency and, where available, the office of origin (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, FRD, or TFNI).
 - (2) The name or personal identifier and position or 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, if another agency guide is used, the agency and, where available, the office of origin (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,
 - (b) if the document is a scientific or technical report, the OSTI Classified Information Program Manager, and

- (c) for upgrades, the cognizant Classification Officer.
- (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 a Change to the TFNI or NSI Category.
 - (a) If downgrading results in a change from the RD or FRD category to the TFNI or NSI category, then portion marking instructions for the TFNI and NSI in the document must be included in the notification, and declassification instructions must be included for the NSI
 - (b) If upgrading results in a change from unclassified to TFNI or NSI, then portion marking instructions for the TFNI and NSI in the document must be included in the notification, and declassification instructions must be included for the NSI.
- (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, FRD, or TFNI) 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 on the “Changed by” line.
 - (4) The date the change is made on the “Date changed” line.
 - (5) If a downgrading action resulted in a change from the RD or FRD category to the TFNI or NSI category—
 - (a) the declassification instructions for the NSI described in the notification on the “Declassify On” line and
 - (b) the appropriate portion markings (throughout the document).
 - (6) If an upgrading action resulted in a change from unclassified to the TFNI or NSI category—
 - (a) the declassification instructions for the NSI described in the notification on the “Declassify On” line, and

(b) the appropriate portion markings (throughout the document).

4. CHALLENGES. Each employee is encouraged and expected to challenge the classification of information, documents, or material that he or she believes is improperly classified. Employees are encouraged to resolve classification challenges locally. If the challenge cannot be resolved locally, the employee has the right to submit a challenge in writing to the Director, Office of Classification. However, every employee has the right at any time to submit a challenge in writing directly to the Director, Office of Classification. Under no circumstances is the employee subject to retribution for making a challenge.
 - a. The Director, Office of Classification. The Director, Office of Classification will coordinate formal challenges with the cognizant Classification Officer, Program Classification Officer, or Headquarters Classification Representative, as appropriate, and must respond to the challenger within 60 days of the initial receipt of the challenge. Any response that denies a change in the classification status of the challenged information, document, or material must include the appeal rights of the challenger.
 - b. Appeals. If an employee is not satisfied with the response to his or her classification challenge, he or she may appeal the decision.
 - (1) NSI Appeals.
 - (a) The Director, Office of Classification, must respond to an NSI appeal within 60 days or notify the challenger if the expected response is beyond 60 days. If the response is expected beyond 60 days, the notification must include the date the response will be provided. The notification must also include a statement that if no response is received within 120 days, the challenger may forward the challenge to ISCAP.
 - (b) If a challenger is not satisfied with the response from the Director, Office of Classification, the employee may appeal to the Associate Under Secretary for Environment, Health, Safety and Security.
 - (c) If there is no response to an appeal to the Associate Under Secretary for Environment, Health, Safety and Security within 90 days or the employee is not satisfied with the response from the Associate Under Secretary, the employee may forward the challenge to the ISCAP.
 - (d) If a document containing RD, FRD or TFNI is appealed to ISCAP, the RD, FRD or TFNI must be removed prior to submission to ISCAP.
 - (2) RD/FRD/TFNI Appeals. If the person making the challenge is not satisfied with the response from the Director, Office of Classification, the employee may appeal to the Associate Under Secretary for Environment, Health, Safety and Security. RD/FRD and TFNI appeals are not subject to review by ISCAP.

5. DECLASSIFICATION PROPOSALS. Each employee is encouraged and expected to submit proposals for the declassification of classified information. Declassification proposals must be submitted in writing and must include a description of the information concerned and a reason for the request. Declassification proposals may be submitted to the proposer's Classification Officer or Program Classification Officer or directly to the Director, Office of Classification, who will coordinate the declassification proposal with the appropriate officials.
6. MISCLASSIFICATION OF INFORMATION, DOCUMENTS, OR MATERIAL.
 - (a) 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.
 - (b) Classification officials with appropriate authority who misclassify documents or material must not face penalties as long as such determinations are within their authority and are based on reasonable interpretations of guidance.

CLASSIFICATION PROGRAM EVALUATIONS

This Attachment provides information and/or requirements associated with this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) is inserted.

1. SELF-ASSESSMENT AND EVALUATION REQUIREMENTS.

a. Coverage.

(1) Program Classification Officers.

a. Each Program Classification Officer must conduct:

- 1 a self-assessment of his or her Headquarters element and
- 2 an evaluation of the classification programs of any subordinate field elements and contractors with Classification Officers. This evaluation may be accomplished by:
 - i.* conducting separate on-site evaluations,
 - ii.* participating in on-site evaluations conducted by the Office of Classification or self-assessments conducted by subordinate Classification Officers, or
 - iii.* reviewing and analyzing self-assessment, classification decision review, and corrective action reports of subordinate organizations.
- 3 However, the Program Classification Officer must conduct an on-site evaluation of each subordinate field element and contractor with a Classification Officer at least once every 4 years. This requirement can be accomplished by participating in evaluations, evaluations, or self-assessments conducted in accordance with paragraphs 1a(2), 1a(3) or 4 of this attachment.

b. Each Program Classification Officer must complete an overall assessment of the classification program under his or her cognizance to the Office of Classification at least once every 2 years.

(2) Field Element Classification Officers.

- a. Each Field Element Classification Officer must conduct a self-assessment of his or her element.
- b. Each Field Element Classification Officer must conduct an evaluation of any subordinate contractors with Classification Officers. This evaluation may be accomplished by
 - i.* conducting separate on-site evaluations

- ii. participating in on-site evaluations conducted by the Office of Classification. or
 - iii. reviewing and analyzing self-assessment, classification decision review, and corrective action reports of subordinate Classification Officers.
- (3) Contractor Classification Officers. Each Contractor Classification Officer must conduct a self-assessment of his or her classification program and of any subordinate contractors that do not have a Classification Officer. The Contractor Classification Officer must also inspect any subordinate contractor that has a Classification Officer.
- (4) Headquarters Classification Representatives. Each Headquarters Classification Representative must conduct a self-assessment of the classification program within his or her organization.
- b. Coordination of Self-Assessment and Evaluation Schedules. For efficiency, Program Classification Officers and Field Element and Contractor Classification Officers should coordinate the scheduling of self-assessments and evaluations with the subordinate organizations being assessed to the maximum extent practical.
- c. Self-Assessments and Evaluations of Multiple Subordinate Organizations. Self-assessments and evaluations by Program Classification Officers and Field Element and Contractor 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 Field Element or Contractor Classification Officer and in accordance with paragraph 1.b above.
- d. Frequency. A self-assessment or an evaluation must be conducted every 2 years.
- e. Scope.
 - (1) Self-assessments and evaluations 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.
 - (b) Classification Guidance and Procedures: classification guidance is up to date; Derivative Classifiers and Derivative Declassifiers have access to appropriate guidance; guidance for DOE contracts that generate classified information and for classified non-DOE-funded work is certified by the Classification Officer; locally issued classification procedures are consistent with National and DOE directives.
 - (c) Classification Decisions: classification decision reviews are conducted in accordance with paragraph 2, *Classification Decision Review*

Requirements, and may be completed as part of the self-assessment or as a separate activity.

- (d) Training: training requirements are met; training materials are accurate and up to date when presented. Note: Headquarters Classification Representatives are only responsible for evaluating training generated by his or her Headquarters program.
- (e) Program Evaluations: self-assessments and evaluations were conducted as required and covered all required areas; accuracy of classification decision reviews was evaluated; previous deficiencies or issues identified, the corrective actions taken, and the effectiveness of those corrective actions are evaluated.
- (f) Adequate operational awareness of the Program Classification Officer, the Classification Officer, or the Headquarters Classification Representative is demonstrated by the following ways:
 - 1 Awareness of all existing work involving classified information at the site/element, to include classification guidance used.
 - 2 Awareness of any new work involving classified information at the site/element, to include the impact of the new work on existing projects.
 - 3 Technical competence and authority within the organization to independently conduct self-assessments and evaluations at the site/element.
 - 4 Cognizant of the results of self-assessments conducted of special programs for which he or she does not have access (e.g., SAP, SCI) to ensure that performance of the work will meet all requirements of this Order and CRD.
- (2) Self-assessments and evaluations may focus on particular aspects of the areas identified in paragraph 1.e.(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.

f. Reports.

- (1) Each self-assessment and evaluation must be documented in a report, which must include the following:
 - (a) a description of how the self-assessment or evaluation was conducted, including how the documents were selected for the document reviews;
 - (b) a list of organizations assessed or inspected;
 - (c) an evaluation of each program area covered in paragraph 1.e.(1);

- (d) any deficiencies identified during the self-assessment or evaluation; and
- (e) any best practices identified during the self-assessment or evaluation.

(2) Submittal of Reports.

- (a) Reports must be submitted to the Director, Office of Classification, through the Field Element and Program Classification Officer, as appropriate, within 60 days of the completion of the evaluation or self-assessment. Classification Decision Review reports may be submitted separately in accordance with paragraph 2, *Classification Decision Review Requirements*.
- (b) Program Classification Officers and Field Element Classification Officers must evaluate, endorse, and forward self-assessment and evaluation reports received from subordinate Classification Officers to the Director, Office of Classification, within 30 days of receiving the report.
- (c) Each Program Classification Officer must submit a report describing the overall assessment of the classification program under his or her cognizance to the Office of Classification within 30 days of completing the overall assessment.

2. CLASSIFICATION DECISION REVIEW REQUIREMENTS.

- a. Coverage. Each Program Classification Officer, Field Element and Contractor Classification Officer, and Headquarters Classification Representative must conduct a review of classification decisions (including varying types of classified and unclassified documents or material) within his or her Headquarters program, field element, or contractor.
- b. Scope. Classification decision reviews must assess that original and derivative classification decisions are accurate; decisions are made by classification officials acting within their granted authorities; and classification markings are correct.
- c. Frequency. Classification decision reviews must be conducted annually. The review may be conducted separately or as part of the biennial self-assessment.
- d. Methodology for Determining Representative Sample. At a minimum, the review must include a proportionally sufficient, representative sample of the organization's and sub-organization's (if applicable) classified documents. The sample size of classified products must be determined by the official conducting the review using standard statistical methods (e.g., ISO 2859, ANSI Z1.4). In addition to the classified documents, a comparable number of unclassified documents (including documents containing Unclassified Controlled Nuclear Information and Official Use Only) in a classified subject area must be reviewed.

- e. Report. Each review must be documented in a report. The format for the report will be provided by the Office of Classification based on requirements identified by ISOO. The report must include the following:
 - (1) the number of derivatively classified documents reviewed by type (e.g., RD, TFNI, FRD, NSI);
 - (2) the number of unclassified documents in classified subject areas reviewed; and
 - (3) the number of errors that were found by type (e.g., over or under classification, erroneous classification decisions, specific types of marking errors, incorrect declassification instructions).
 - f. Submittal of Report. Each report must be submitted to the Director, Office of Classification, through the Field Element and Program Classification Officer, as appropriate, within 60 days of the completion of the review. The Field Element Classification Officer and Program Classification Officer must forward the report and analysis to the Director, Office of Classification, within 30 days of receipt.
3. CORRECTIVE ACTIONS. Corrective actions identified as a result of a self-assessment or evaluation 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. Each report must be submitted to the Director, Office of Classification, through the Field Element and Program Classification Officer, as appropriate, within 60 days of the completion of the review. The Field Element Classification Officer and Program Classification Officer must forward the report and analysis to the Director, Office of Classification, within 30 days of receipt.
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 1045.4(4) and 32 CFR 2001.60 by conducting on-site evaluations. To the maximum extent practical, 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, evaluation, and classification decision

review reports received from Program Classification Officers, Field Element and Contractor 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, 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 this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) 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) Responsibility to challenge classification decisions, where to find procedures for classification challenges, and who to contact if he or she decides to challenge a classification decision.
 - (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) Frequency. Each Original Classifier must receive training at least once a calendar year.
 - (2) 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 how long to classify information being considered 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.

(3) Testing. Testing is not required.

b. Derivative Classifier.

- (1) Frequency. Each Derivative Classifier must receive initial training prior to appointment and retraining every 2 years thereafter.
- (2) Coverage. At a minimum, the following areas must be covered in both the initial training and the retraining
 - (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 being considered for derivative classification as NSI.
 - (d) Requirements for marking a derivatively classified document or material.
 - (c) A brief description of upgrading and the requirements for upgrading documents or material.

- (d) Basic information on the proper use and marking of working papers.
- (g) A brief explanation of declassification and which officials may declassify documents or material.
- (h) Responsibility to challenge classification decisions, where to find procedures for classification challenges, and who to contact if he or she decides to challenge a classification decision.
- (i) The prohibitions and limitations on derivatively classifying documents or material.
- (j) Sanctions for improper use of derivative classification authority.
- (k) The importance of avoiding over-classification and of considering information sharing needs when making a derivative classification determination.
- (l) Classification lessons learned during previous self-assessments.

(3) Testing.

- (a) Initial Training. Testing includes an examination covering the areas in paragraph 2.b.(2) and, at the discretion of the appointing official, practical exercises using actual or simulated classification guidance and documents.
- (b) Retraining. The need for and content of testing during retraining are determined by the appointing official.

c. Derivative Declassifier.

- (1) Frequency. Each Derivative Declassifier must receive initial training prior to appointment and retraining every 2 years thereafter.
- (2) Coverage. At a minimum, the following areas must be covered in both the initial training and the retraining:
 - (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.
- (3) Testing.
 - (a) Initial Training. Testing includes an examination covering the areas in paragraph 2.c.(2) and practical exercises using actual or simulated classification guidance and documents.
 - (b) Retraining. Testing must include examinations provided by the Office of Classification that cover the areas in paragraph 2.c.(2).
- d. Program Classification Officer and Classification Officer.
 - (1) Frequency. Each Program Classification Officer and Classification Officer must receive initial training within 6 months of being appointed and complete the Office of Classification's policy refresher at least once every 2 years.
 - (2) Training Waiver. The requirement for initial training may be waived if the nominated employee has completed the training and examination in the past.
 - (3) Coverage of Initial Training. Initial 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:
 - (a) The bases for classifying RD, FRD and TFNI.
 - (b) The basis for classifying NSI.
 - (c) Classification authorities and responsibilities of DOE officials.
 - (d) Fundamentals of an effective classification program.
 - (4) Testing for Initial Training: Testing includes an examination covering the areas in 2.d.(2). A score of at least 80 percent is required for passing the examination.
- e. Headquarters Classification Representative and Alternate Headquarters Classification Representatives.
 - (4) Frequency. Headquarters Classification Representatives and Alternate Headquarters Classification Representatives must receive initial training within 2 months of being appointed and complete the Office of Classification's policy refresher at least once every 2 years.

- (5) Coverage: Initial training for the position of Headquarters Classification Representative must cover Headquarters Classification Representative responsibilities.
- (6) Testing for Initial Training. Testing includes an examination covering the responsibilities of the Headquarters Classification Representative. A score of at least 80 percent is required for passing the examination.

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

This Attachment provides information and/or requirements associated with this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) 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) **If the First Reviewer Determines the Document 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 Headquarters Element Contractor.** The document must be forwarded to the Office of Classification or the NNSA Program Classification Officer, as appropriate, through the Headquarters Classification Representative if a contractor, for a second review.
 - (2) **If the First Reviewer Determines the Document 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) **If the First Reviewer Determines the Document 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) **If the First Reviewer Determines the Document 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 NNSA Classification Officer, as appropriate.
- (4) Identifies the appropriate denying official and exemption for each portion of the document that was bracketed as a result of the Office of Classification review or any coordinate review. The document is then returned to the field or Headquarters element for identifying unclassified information that is exempt from release and processing in accordance with appropriate statutes, regulations, and local procedures.

c. OpenNet. The redacted document must be entered into the OpenNet data base by the responsible program.

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 unclassified information that is exempt from release 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) If the First Reviewer Determines the Document 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 Headquarters Element Contractor. The document must be forwarded to the Office of Classification or the NNSA Program Classification Officer, as appropriate, through the Headquarters Classification Representative if a contractor, for a second review.
 - (2) If the First Reviewer Determines the Document 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) If the First Reviewer Determines the Document 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) If the First Reviewer Determines the Document 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. Review for Unclassified Information That is Exempt from Release in Responsive Documents. Prior to forwarding responsive documents to the Office of Classification or the NNSA Program Classification Officer, as appropriate, the unclassified information that is exempt from release must be identified along with any appropriate exemption categories and denying officials in accordance with statutes, regulations, DOE Orders, and local procedures. The response must also confirm that the document is cleared for public release when the information identified is redacted.
- 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 NNSA Classification Officer, 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 unclassified information that is exempt from release and responds to the requester.
- (6) Enters the redacted document into the OpenNet data base.

BRACKETING AND REDACTION PROCEDURES

This Attachment provides information and/or requirements associated with this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) 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 Classification Authority Block).
- (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 does not apply 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 applied.

(2) A paper redacted version may also be produced using redaction software.

- b. Redaction Procedures for Documents in Electronic Files. If a final 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 this Order as well as information and/or requirements applicable to contracts in which the associated CRD (Attachment 1 to this Order) 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 has been appointed in accordance with Attachment 2, 2b, of this Order to manage a classification program.
 - (1) Headquarters Classification Officer. The DOE Office of Classification (for DOE elements, not including NNSA) or the NNSA Program Classification Officer (for NNSA).
 - (2) Field Element Classification Officer. A Federal employee designated to administer the classification program for that particular field element and to monitor the classification programs of contractors under its cognizance.
 - (3) Contractor Classification Officer. An individual designated to administer the classification program for that particular contractor and to monitor the classification programs of subcontractors under its cognizance.
 - d. Classified Information. Information that is classified by statute or Executive order. Such information includes:
 - (2) RD or FRD classified by the Atomic Energy Act or 10 CFR part 1045;
 - (3) TFNI classified by the Atomic Energy Act; and
 - (4) NSI classified by E.O. 13526 or prior Executive orders.
 - e. Classified Subject Area. A subject area for which classification guidance is issued.

- f. Declassification. A determination by an appropriate authority that information no longer warrants classification or that documents or material no longer contain classified information.
- g. 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/TFNI subject areas, a Derivative Classifier is equivalent to the Restricted Data Classifier referred to in 10 CFR part 1045.)
- h. Derivative Declassifier. An individual authorized to declassify or downgrade documents or material in specified areas as allowed by his or her description of authority.
- i. Document. Any recorded information, regardless of the nature of the medium or the method or circumstances of recording (e.g., email).
- j. 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).

- k. Evaluation. Review of a subordinate element with a Classification Officer to ensure the subordinate element's classification program is effective and meets the requirements of this Order.
- 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 that has employees who generate classified information, documents, or material.
- o. Information. Facts, data, or knowledge itself as opposed to the document or material in which it is contained or revealed.

- p. Mandatory Declassification Review. A declassification review of a document containing RD/FRD information that is requested under 10 CFR 1045.42, or a document containing NSI that is requested under section 3.5 of Executive Order 13526.
- q. Material. A product (e.g., a part or a machine) or substance (e.g., a compound or an alloy).
- r. 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.
- s. 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.
- t. Program Classification Officer. A Federal employee who oversees and evaluates field classification programs under the cognizance of his or her Headquarters element.
- u. Public Release. The act of making information available to the general public, usually through an approved process. Public release includes but is not limited to publishing documents on web sites available to the public, briefings to audiences that include members of the public, and Freedom of Information Act releases.
- v. 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.
- w. Self-Assessment. Internal review of the classification program to ensure it is effective and in compliance with this Order.
- x. Self-Inspection. Evaluation of agency-wide classification program conducted by the DOE Office of Classification to meet the requirements of E.O. 13526 and 10 CFR part 1045.
- y. 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.
- z. 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 (formerly the Director, Central Intelligence Agency) respectively under section 142 of the Atomic Energy Act.
- aa. Transclassified Foreign Nuclear Information. Classified information concerning the nuclear energy programs of other nations (including subnational entities)

removed from the RD category under section 142(e) of the Atomic Energy Act after the DOE and the Director of National Intelligence jointly determine that it is necessary to carry out intelligence-related activities under the provisions of the National Security Act of 1947, as amended, and that it can be adequately safeguarded as National Security Information. This includes information removed from the RD category by past joint determinations between DOE and the CIA. TFNI does not include information transferred to the United States under an Agreement for Cooperation under the Atomic Energy Act or any other agreement or treaty in which the United States agrees to protect classified information.

- bb. Upgrade. A determination by an appropriate authority that raises the classification level or category of information, a 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.