

SUBJECT: IDENTIFYING CLASSIFIED INFORMATION

1. PURPOSE. To establish the program to identify information classified under the Atomic Energy Act [Restricted Data (RD) and Formerly Restricted Data (FRD)] or Executive Order (E.O.) 12958, as amended [National Security Information (NSI)], so that it can be protected against unauthorized dissemination.

2. CANCELLATION. None.

3. APPLICABILITY.

- a. DOE Elements. Except as noted in paragraph 3c, this directive applies to all Departmental elements that have access to classified information, documents, or material. (Go to <http://www.directives.doe.gov/references/> for the current listing of Departmental elements. This list automatically includes all Departmental elements created after the Order is issued.)

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

- b. DOE Contractors. Except for the exclusions in paragraph 3c, the contractor requirements document (CRD), Attachment 1, sets forth requirements of this directive that will apply to contracts that include the CRD.

The CRD must be included in contracts that involve access to classified information, documents, material, or systems used or operated by a contractor or other organization on behalf of DOE.

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

- c. Exclusions. In accordance with the responsibilities and authorities assigned by E.O. 12344 and to ensure consistency throughout the joint Navy and DOE organization of the Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors implements and oversees all requirements and practices pertaining to this DOE Order for activities under the Deputy Administrator.

4. REQUIREMENTS. Specific details for meeting the following requirements are contained in DOE M 475.1-1B, *Manual for Identifying Classified Information*, dated 8-28-07.
- a. Each field element that has access or oversees an entity that has access to classified information, documents, or material must have a Classification Officer. This requirement may be fulfilled by a Classification Officer from within the field element or from outside the field element. If this requirement is fulfilled by a Classification Officer from outside the field element, a written agreement for support is required, and the field element receiving the support must have a Classification Coordinator who monitors the work of the outside Classification Officer. If the size and/or complexity of a field element's program have reached the point where a Classification Officer from outside of the field element can no longer effectively perform the Classification Officer's functions, then the field element must designate a Classification Officer from within the organization.
 - b. If the Classification Officer for a field element requires assistance from another Classification Officer (e.g., training Derivative Classifiers; conducting contractor on-site reviews), then a written agreement for support is required that describes specifically what support is to be provided.
 - c. Each Headquarters element that has employees who are authorized access to classified information, documents, or material must have either a Headquarters Classification Representative or a Headquarters Classification Liaison. A Headquarters Classification Representative is required if any employees within the element are Derivative Classifiers. If no employees are Derivative Classifiers, then a Headquarters Classification Liaison is required.
 - d. The necessary resources and support to meet the requirements specified in this Order and DOE M 475.1-1B must be provided by organizations that have access to classified information, documents, or material.
 - e. A sufficient number and distribution of Original Classifiers, Derivative Classifiers, and Derivative Declassifiers must be maintained within each DOE and NNSA Headquarters and field element so as to not unduly interfere with or delay the work of the Headquarters or field element.
 - f. Classification guidance must be up to date, and Derivative Classifiers and Derivative Declassifiers must have access to appropriate guidance.
 - g. Prior to the commencement of non-DOE-funded work in a classified subject area, the organization performing the work must have one of the following:
 - (1) classification guidance covering the work to be performed or
 - (2) a written statement from the organization funding the work that the work does not involve classified activities unless the funding organization is not

authorized access to classified information. In that case, no written statement is required.

- h. Information, documents, and material must be correctly classified, declassified, downgraded, or upgraded by specific individuals who have been granted such authority.
- i. Incidents of security concern resulting from the misclassification of information, documents, or material must be reported as required in DOE M 470.4-1, *Safeguards and Security Program Planning and Management*.
- j. Information, documents, and material are prohibited from being classified to—
 - (1) conceal violations of law, inefficiency, or administrative error;
 - (2) prevent embarrassment to a person, organization, or agency;
 - (3) restrain competition; or
 - (4) prevent or delay the release of information that does not require protection in the interest of the national security.
- k. The performance contract or other system used to rate personnel performance must include the management of classified information as a critical element or item to be evaluated in the rating of Original Classifiers and all other personnel whose duties significantly involve the creation of classified information (e.g., Classification Officer, Classification Coordinator, Headquarters Classification Representative, Derivative Classifier, and Derivative Declassifier). Such performance systems include but are not limited to the annual personnel performance rating system or personnel evaluations based upon the Integrated Safeguards and Security Management system or an organization's internal self-assessment system.
- l. Training programs and awareness briefings must be conducted to ensure that employees serving as classification officials or working in classified subject areas are aware of their classification-related responsibilities.
- m. The implementation of the requirements contained in this Order and DOE M 475.1-1B must be periodically evaluated to ensure that they are being met.

5. RESPONSIBILITIES.

- a. Secretary.
 - (1) Delegates Top Secret original classification authority to principal subordinates.

- (2) Reclassifies NSI that has been declassified and released to the public under proper authority.
- b. Deputy Secretary resolves all disagreements submitted by the NNSA Administrator concerning final determinations made by the Office of Health, Safety and Security involving classification challenges dealing with NNSA information.
 - c. NNSA Administrator submits any disagreements between NNSA and the Office of Health, Safety and Security with regard to NNSA information to the Deputy Secretary for resolution as necessary.
 - d. Deputy Chief for Operations, Office of Health, Safety and Security.
 - (1) Establishes classification and declassification program requirements under the Atomic Energy Act and E.O. 12958, as amended, *Classified National Security Information*.
 - (2) Declassifies or transclassifies RD with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance and for such RD relating primarily to the military utilization of nuclear weapons, declassifies or transclassifies that RD upon a joint determination with the Department of Defense (under the Atomic Energy Act).
 - (3) Declassifies FRD with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance and upon a joint determination with the Department of Defense (under the Atomic Energy Act).
 - (4) Serves as the senior Agency official responsible for directing and administering the program to classify and declassify information, documents, and material under E.O. 12958, as amended.
 - (5) Makes the final appeal determination concerning any portion of a document requested under statute or Executive order that was previously denied because it was classified.
 - (6) Makes the final appeal determination concerning a formal challenge of an RD/FRD classification determination.
 - (7) Makes the final internal agency appeal determination concerning a formal challenge of an NSI classification determination.
 - (8) Submits all final determinations with respect to NNSA information to the NNSA Associate Administrator for Defense Nuclear Security for concurrence.

- e. Director, Office of Classification.
- (1) Develops, issues, and interprets policies and procedures to implement the classification and declassification programs under the Atomic Energy Act and E.O. 12958, as amended.
 - (2) Makes the initial determination that nuclear-related information is classified as RD under the Atomic Energy Act with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
 - (3) Originally classifies as NSI information within any subject area under DOE's cognizance, declassifies NSI within any subject area under DOE's cognizance, and downgrades or upgrades the classification level of NSI under DOE's cognizance with the concurrence of the Associate Administrator for Defense Nuclear Security for any information under NNSA's cognizance.
 - (4) Downgrades or upgrades the classification level of RD/FRD information with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
 - (5) Approves and cancels classification guidance with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance.
 - (6) Performs the duties of Classification Officer for Headquarters elements except for those duties explicitly assigned to the Associate Director for Defense Nuclear Security in this Order or in DOE M 475.1-1B.
 - (7) Makes the initial determination with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance concerning a formal challenge of an RD/FRD classification determination.
 - (8) Makes the initial determination with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance concerning a formal challenge of an NSI classification determination.
 - (9) Serves as the denying official for any classified portion of a document requested under statute or Executive order.
 - (10) Manages the training and testing of Classification Officers, Original Classifiers, Derivative Declassifiers, Headquarters Classification Representatives, and Headquarters Derivative Classifiers.

- (11) Appoints DOE (excluding NNSA) Federal and contractor Classification Officers, Original Classifiers, Top Secret Derivative Classifiers, Derivative Declassifiers, Headquarters Classification Representatives, and Headquarters Derivative Classifiers.
- (12) Consolidates classification and declassification statistics to meet annual reporting requirements.

f. Associate Administrator for Defense Nuclear Security.

- (1) Develops and issues NNSA-specific instructions for implementing this Order and DOE M 475.1-1B as necessary.
- (2) Concurs on initial determination that nuclear-related information under NNSA's cognizance is classified as RD under the Atomic Energy Act.
- (3) Concurs on the declassification and transclassification of RD information under NNSA's cognizance.
- (4) Concurs on the declassification of FRD information under NNSA's cognizance.
- (5) Concurs on any original NSI classification, declassification, downgrade, or upgrade action made by the Director, Office of Classification, concerning NNSA information.
- (6) Concurs on all classification guidance concerning NNSA information.
- (7) Appoints NNSA Federal and contractor Classification Officers, Original Classifiers, Top Secret Derivative Classifiers, Derivative Declassifiers, Headquarters Classification Representatives, and Headquarters Derivative Classifiers.
- (8) Conducts line oversight reviews of the NNSA classification and declassification programs in NNSA Headquarters and field elements.
- (9) If in disagreement with any determination made by the Office of Health, Safety and Security involving classification challenges concerning NNSA information, submits that determination to the NNSA Administrator for submission to the Deputy Secretary for final resolution.

g. Director, Office of Intelligence and Counterintelligence.

- (1) Serves as the Department's Senior Intelligence Officer.
- (2) Serves as the Secretary of Energy's primary representative to the Office of the Director of National Intelligence and other members of the Intelligence Community.

- (3) Oversees classification actions involving Sensitive Compartmented Information.
- h. Director, Office of Independent Oversight, conducts oversight reviews of the classification and declassification programs implemented by Headquarters and field elements and their contractors.
- i. Heads of Headquarters Elements and Managers of Field Elements.
- (1) Ensure that contracting officers are notified of any contracts authorizing access to classified information so that the contents of DEAR clause 952.204-70, titled Classification/Declassification, and the CRD for this Order and DOE M 475.1-1B are incorporated into those contracts.
 - (2) Ensure that sufficient resources (funding and personnel) are provided and that individuals are designated to fill the positions necessary to fulfill the requirements contained in this Order and its accompanying Manual.
 - (3) Ensure that the Director, Office of Classification, or his or her designee is authorized access to all classification guidance for sensitive compartmented information programs or special access programs concerning information under DOE's programs.
 - (4) Ensure that all employees authorized access to classified information are advised of their classification-related responsibilities when they first receive their clearance and at least annually thereafter.
 - (5) Ensure that employees authorized access to classified information and working in classified subject areas receive subject-matter-related awareness briefings that explain what information is potentially classified in their relevant areas.
 - (6) Nominate an employee to serve as Classification Officer or Headquarters Classification Representative, as appropriate.
 - (7) Appoint an employee to serve as Classification Coordinator or Headquarters Classification Liaison, as appropriate.
 - (8) Ensure that the appropriate Classification Officer, Classification Coordinator, Headquarters Classification Representative, Headquarters Classification Liaison, or other personnel with classification responsibilities participate in the early planning stages of any new program or any substantive change to a current program that may generate classified information, documents, or material to ensure that classification guidance is in place.
 - (9) Ensure that work in a classified subject area funded by a non-DOE entity is not started until one of the following is provided:

- (a) classification guidance certified by a Classification Officer covering work in classified subject areas or
 - (b) a written statement from the funding entity that the work does not involve classified activities if the funding entity is authorized access to classified information.
- (10) Ensure that self-assessments and on-site reviews are conducted.
 - (11) Ensure that appropriate corrective actions are taken to resolve findings identified in self-assessments and on-site reviews.
 - (12) Ensure that the performance contract or other system used to rate personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of Original Classifiers and other personnel whose duties significantly involve the creation of classified information (e.g., Classification Officers, Classification Coordinators, Headquarters Classification Representatives, Derivative Classifiers, and Derivative Declassifiers).
 - (13) May approve measures that exceed the baseline requirements and/or procedures in this Order and its accompanying Manual.
- j. Field Element Classification Officer.
- (1) Serves as the point of contact for his or her field element with the Office of Classification and/or the Office of the Associate Administrator for Defense Nuclear Security.
 - (2) Assists individuals within his or her field element to implement the policies and procedures in this Order and DOE M 475.1-1B.
 - (3) Manages training of field element Top Secret, Secret, and Confidential Derivative Classifiers. Appoints field element Secret and Confidential Derivative Classifiers.
 - (4) Compiles field element classification and declassification statistics and forwards them to the Director, Office of Classification, when requested.
 - (5) Performs Classification Officer duties for another field element when a written and signed agreement for support is in place.
 - (6) As needed, prepares 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.
 - (7) Ensures that classification guidance he or she issues is up to date.

- (8) Distributes new or revised classification guidance to field element Derivative Classifiers and Derivative Declassifiers.
 - (9) Maintains or has access to a record of classification guidance that he or she issues and a list of classification guidance that is used on each contract for which a DOE Form 470.1, "Contract Security Classification Specification," is completed.
 - (10) For DOE-funded work performed for the field element, verifies that blocks 13 and 14 on DOE Form 470.1 are completed correctly and so indicates by signing block 18.
 - (11) 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.
 - (12) Ensures that field element documents subject to section 3.3 of E.O. 12958, as amended, are reviewed prior to their 25-year anniversaries.
 - (13) Prepares a plan for any field element large-scale declassification review of a collection of documents that exceeds 25,000 pages.
 - (14) Conducts a self-assessment of the implementation of the requirements in this Order and DOE M 475.1-1B for his or her field element every 2 years. If the individual serves as the Classification Officer for another organization under an agreement for support, then he or she must also conduct such an assessment every 2 years for that organization.
 - (15) Conducts an on-site review of the implementation of the requirements in this Order and DOE M 475.1-1B by each Federal or contractor organization under his or her cognizance that has a Classification Officer every 2 years (or more or less frequently based on previous on-site review results).
- k. Field Element Classification Coordinator monitors the work of a Classification Officer from outside of the Classification Coordinator's field element who is performing all of the Classification Officer functions for that field element under an agreement for support.
- l. Headquarters Classification Representative. For organizations with Derivative Classifiers—
- (1) Serves as the point of contact for his or her Headquarters element with the Office of Classification.
 - (2) Assists individuals within his or her Headquarters element to implement the requirements in this Order and DOE M 475.1-1B.

- (3) Confirms the need for Original Classifiers, Derivative Classifiers, and Derivative Declassifiers within his or her Headquarters element.
 - (4) Ensures Derivative Classifiers and Derivative Declassifiers within his or her Headquarters element have access to current guidance.
 - (5) Compiles statistics concerning the classification and declassification of RD, FRD, and NSI and forwards them to the Director, Office of Classification, when requested.
 - (6) For DOE-funded work, verifies that blocks 13 and 14 on DOE Form 470.1 are completed correctly and so indicates by signing block 18.
 - (7) Conducts a self-assessment every 2 years of the implementation of the requirements in this Order and DOE M 475.1-1B by his or her Headquarters element.
- m. Headquarters Classification Liaison. For organizations with no Derivative Classifiers—
- (1) Serves as the point of contact for his or her Headquarters element with the Office of Classification to address any classification issues that may arise.
 - (2) Assists individuals within his or her Headquarters element to implement the requirements in this Order and DOE M 475.1-1B.
 - (3) Assists individuals within the Headquarters element with interactions with the Office of Classification.
- n. Employee with Authorized Access to Classified Information.
- (1) Ensures that each document or material he or she originates in a classified subject area receives a classification review as specified in DOE M 475.1-1B.
 - (2) Ensures that any document or material he or she possesses and believes to contain classified information receives a classification review as specified in DOE M 475.1-1B.
 - (3) Ensures that any classified document or material that he or she possesses that is marked with a specific date or event for declassification that has passed, but does not have the appropriate declassification markings is reviewed by a Derivative Declassifier to determine its current classification status.
 - (4) Ensures that any document or material originated in or related to a classified subject area that the employee wishes to take with him or her

when retiring or otherwise terminating employment receives a classification review, if required, before the document is removed.

(5) Ensures that any incident of security concern resulting from the misclassification of information, documents, or material is reported as required in DOE M 470.4-1, *Safeguards and Security Program Planning and Management*.

o. Contracting Officers/Contracting Officer Representatives. Once notified that contracts under their purview are covered by this Order and the accompanying Manual, incorporate the CRD for the Order and Manual; and any other appropriate clauses into the affected contracts.

6. DEFINITIONS.

a. Canceled Guidance. Classification guidance that has been superseded or rescinded and that may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified. (NOTE: There are two categories of canceled guidance: Confirmation Guidance and Historical Guidance.

b. Classification. The act or process by which information or documents 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. 12958, as amended.

c. Classification Coordinator. An individual who monitors the work of a Classification Officer from outside of the Classification Coordinator's field element who is performing all of the Classification Officer functions for that field element under an agreement for support.

d. Classification Guidance. Written, detailed instructions (usually concerning a system, plan, project, or program) that explicitly identify whether specific information is classified and if classified, such instructions identify the level and category (and duration if NSI).

e. Classification Officer. An individual who manages the field element classification program.

f. Classification Officials. Classification Officers, Classification Coordinators, Headquarters Classification Representatives, Headquarters Classification Liaisons, Original Classifiers, Derivative Classifiers, and Derivative Declassifiers.

g. Classified Information. Information that is determined to be—

(1) RD or FRD under the Atomic Energy Act or 10 CFR part 1045 or

(2) NSI under E.O. 12958, as amended or prior Executive orders.

- h. Classified Subject Area. A subject area for which classification guidance is issued.
- i. Confirmation Guidance. Canceled guidance that may not be used to make classification determinations, but may be used by Derivative Classifiers and Derivative Declassifiers to confirm that information is unclassified.
- j. Declassification. A determination by an appropriate authority that information no longer warrants classification or that documents or material no longer contain classified information.
- k. Derivative Classifier. An individual authorized to determine that an unmarked document or material is unclassified or classified as allowed under his or her description of authority. A Derivative Classifier may also upgrade a document or material. (In RD/FRD subject areas, a Derivative Classifier is equivalent to the Restricted Data Classifier referred to in 10 CFR part 1045.)
- l. Derivative Declassifier. An individual authorized to declassify or downgrade documents or material in specified areas as allowed by his or her description of authority.
- m. Document. Any recorded information, regardless of the nature of the medium or the method or circumstances of recording.
- n. Downgrade. A determination by an appropriate authority that—
 - (1) information may be protected at a level lower than the current classification level or
 - (2) a document or material may be protected at a level and/or category lower than the marked classification level and/or category.

In either case, however, the revised classification level must not be lower than Confidential (or for foreign government information, lower than Confidential Foreign Government Information-Modified Handling Authorized).
- o. Field Element. A term that includes operations offices, field offices, site offices, service centers, project management offices, area offices, and regional offices of federally staffed laboratories.
- p. Foreign Government Information.
 - (1) Information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both are to be held in confidence;

- (2) Information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments or an international organization of governments or any element thereof, requiring that the information, the arrangement, or both are to be held in confidence; or
 - (3) Information received and treated as “foreign government information” under the terms of a predecessor Executive order.
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- q. Formerly Restricted Data. Classified information that the DOE or its predecessor agencies and the Department of Defense have jointly determined (1) to be related primarily to the military utilization of atomic weapons and (2) can be adequately safeguarded in a manner similar to NSI. It is also subject to the restrictions on transmission to other countries and regional defense organizations that apply to Restricted Data.
 - r. Headquarters Classification Liaison. An individual who serves as the point of contact for classification issues in a Headquarters element with no Derivative Classifiers but with employees who are authorized access to classified information.
 - s. Headquarters Classification Representative. An individual who serves as the focal point for the classification program in a Headquarters element with Derivative Classifiers.
 - t. Historical Guidance. Canceled guidance that may be used only for historical reference purposes and may not be used by Derivative Classifiers or Derivative Declassifiers to determine that information is classified or unclassified.
 - u. Information. Facts, data, or knowledge itself as opposed to the document or material in which it is contained or revealed.
 - v. Mandatory Review. A declassification review of a document that is requested by a member of the public under section 3.5 of E.O. 12958, as amended, or 10 CFR 1045.42.
 - w. Material. A product (e.g., a part or a machine) or substance (e.g., a compound or an alloy).
 - x. National Security Information. Information that has been determined, pursuant to E.O. 12958, as amended, “*Classified National Security Information*,” or any predecessor order, to require protection against unauthorized disclosure and that is so designated.
 - y. Original Classifier. A Federal employee authorized to make the initial determination that certain information requires protection against unauthorized

disclosure in the interest of the national security under E.O. 12958, as amended; such information is identified as NSI.

- z. Portion Marking. The application of classification and control markings to individual parts (e.g., paragraphs, chapters, titles, figures) of a classified document to indicate their specific classification level and category (if RD or FRD) or control category (e.g., Unclassified Controlled Nuclear Information, Official Use Only).
- aa. Reclassification. A determination by an appropriate authority that restores the classification to previously declassified information.
- bb. Restricted Data. All data concerning the design, manufacture, or use of nuclear weapons; production of special nuclear material; or use of special nuclear material in the production of energy except for data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act.
- cc. Source Document. A classified document from which information is extracted and included in another document whose classification is derived from the classification markings of the individual portions from which the information was extracted.
- dd. Systematic Review. A periodic review of classified documents for declassification that is focused on those documents of interest to the public and researchers and that are likely to be declassified following such review.
- ee. Transclassification. The removal of certain information from the RD category to the FRD category based on a joint determination between the Deputy Chief for Operations, Office of Health, Safety and Security, with the concurrence of the Associate Administrator for Defense Nuclear Security for information under NNSA's cognizance, and appropriate officials within the Department of Defense that such information (1) relates primarily to the military utilization of nuclear weapons and (2) may be adequately protected in a manner similar to NSI.
- ff. Upgrade. A determination by an appropriate authority that raises the classification level or category of information, document, or material to protect the contents adequately. This includes correcting the classification level and/or category of a document or material that was never marked as well as one erroneously marked as unclassified.

7. REFERENCES.

- a. Title XXXII of Public Law 106-65, National Nuclear Security Administration Act, as amended, which established a separately organized agency within the Department of Energy.
- b. Atomic Energy Act.

- c. 10 CFR Part 824, Procedural Rules for the Assessment of Civil Penalties for Classified Information Security Violations.
- c. 10 CFR Part 1004, Freedom of Information.
- d. 10 CFR Part 1045, Nuclear Classification and Declassification.
- e. E.O. 12958, as amended, Classified National Security Information, dated March 25, 2003.
- f. DOE M 470.4-1, *Safeguards and Security Program Planning and Management*, dated 8-26-05.
- g. DOE M 475.1-1B, *Manual for Identifying Classified Information*, dated 8-28-07.

8. DEVIATIONS FROM REQUIREMENTS.

- a. Deviation Categories. There are three categories of deviations from requirements in this Order and DOE M 475.1-1B.
 - (1) Variance. A variance is an alternative means of meeting the intent of a requirement in a manner that is different from that specified in the Order or Manual.
 - (2) Waiver. A waiver is an alternative means of addressing a requirement that does not meet the intent of the requirement, but which includes measures in another area that compensate for this inability to meet the intent of the requirement.
 - (3) Exception. An exception allows for a requirement not to be met.
- b. Requesting a Deviation. A Classification Officer or Headquarters Classification Representative may propose alternative approaches to address Order and Manual requirements. This proposal must
 - (1) identify the Order or Manual requirement for which a deviation is being requested;
 - (2) identify the category of the deviation;
 - (3) explain why the deviation is needed; and
 - (4) if requesting a variance or waiver, describe the alternate measures for addressing the requirement.

The proposal must be submitted in writing to the Director, Office of Classification (if within NNSA, through the Associate Administrator for Defense Nuclear Security), for approval. A decision on the proposal must be made within

30 calendar days from receipt of the proposal. The Classification Officer or Headquarters Classification Representative must review annually the continuing need for each deviation. Each such review must be documented and if it is determined to no longer be needed, the Classification Officer or Headquarters Classification Representative must so inform the Director, Office of Classification (through the Associate Administrator for Defense Nuclear Security if within NNSA).

9. IMPLEMENTATION. Heads of DOE and NNSA Headquarters elements and managers of field elements must implement this Order and DOE M 475.1-1B within 180 calendar days of issuance. Requests for an extension to this 180-day limit may be submitted in writing within 90 calendar days of the effective date of this Order to the Director, Office of Classification (if within NNSA, through the Associate Administrator for Defense Nuclear Security). Each request must address why the extension is necessary, describe the steps to be taken, and when full implementation is expected. The Director, Office of Classification, must decide whether to approve the request within 60 calendar days of receipt.
10. NECESSITY FINDING STATEMENT. In compliance with Sec. 3174 of P.L. 104-201 (42 USC 7274k note), DOE hereby finds that this Order is necessary for the protection of human health and the environment or safety, fulfillment of current legal requirements, and conduct of critical administrative functions.
11. 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:



CLAY SELL
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT
DOE O 475.2, IDENTIFYING CLASSIFIED INFORMATION

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

This CRD establishes the requirements for Department of Energy (DOE) and National Nuclear Security Administration (NNSA) contractors whose contracts involve access to classified information, documents, or material.

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

1. **REQUIREMENTS.** Specific details for meeting the following requirements are contained in the CRD for DOE M 475.1-1B, *Manual for Identifying Classified Information*. Under the requirements of this CRD, the contractor must:
 - a. Have a Classification Officer. This requirement may be fulfilled by a Classification Officer from within the contractor organization or from outside the contractor organization. If this requirement is fulfilled by a Classification Officer from outside of the contractor organization, a written agreement for support is required, and the contractor organization receiving the support must have a Classification Coordinator who monitors the work of the outside Classification Officer. If the size and/or complexity of a contractor organization's classification program have reached the point where a Classification Officer from outside of the contractor organization can no longer effectively perform the Classification Officer's functions, then the contractor must designate a Classification Officer from within the organization.
 - b. Have a written agreement for support if the Classification Officer for the contractor requires assistance from another Classification Officer (e.g., training Derivative Classifiers; conducting contractor oversight reviews).
 - c. Ensure that necessary resources and support are provided to meet the requirements specified in this CRD.
 - d. Ensure that a sufficient number of Derivative Classifiers and Derivative Declassifiers are appointed and distributed so as to not unduly interfere with or delay the work of the organization.
 - e. Ensure that classification guidance is up to date and that Derivative Classifiers and Derivative Declassifiers have access to appropriate guidance.

- f. Ensure that prior to the commencement of non-DOE-funded work in a classified subject area that one of the following is received —
 - (1) classification guidance covering the work to be performed or
 - (2) a written statement from the funding organization that the work does not involve classified activities unless the funding organization is not authorized access to classified information. In that case, no written statement is required.
 - g. Ensure that documents and material are correctly classified, declassified, downgraded, or upgraded by specific individuals who have been granted such authority.
 - h. Ensure that incidents of security concern resulting from the misclassification of information, documents, or material are reported as required in the CRD to DOE M 470.4-1, *Safeguards and Security Program Planning and Management*.
 - i. Prohibit documents and material from being classified to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interest of the national security.
 - j. Ensure that the performance contract or other system used to rate personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of employees whose duties significantly involve the creation of classified information (e.g., Classification Officer, Classification Coordinator, Derivative Classifier, and Derivative Declassifier). Such performance systems include but are not limited to the annual personnel performance rating system or personnel evaluations based upon the Integrated Safeguards and Security Management system or an organization's internal self-assessment system, etc.
 - k. Ensure that training programs and awareness briefings are conducted to ensure that employees serving as classification officials or working in classified subject areas are aware of their classification-related responsibilities.
 - l. Ensure that the implementation of the requirements contained in this CRD and the CRD for DOE M 475.1-1B are periodically evaluated to ensure they are being met.
2. RESPONSIBILITIES OF CONTRACTOR CLASSIFICATION OFFICER.
- a. Serves as the point of contact for the contractor with the field element Classification Officer and the Office of Classification and/or the Office of the Associate Administrator for Defense Nuclear Security.

- b. Assists individuals to implement the policies and procedures in this CRD and the CRD to DOE M 475.1-1B.
- c. Manages the training of contractor Top Secret, Secret, and Confidential Derivative Classifiers. Appoints contractor Secret and Confidential Derivative Classifiers.
- d. Compiles contractor classification and declassification statistics and forwards them to the Director, Office of Classification, when requested.
- e. Performs Classification Officer duties for another organization when a written and signed agreement for support is in place.
- f. As needed, prepares classification guidance that is more detailed and tailored to the needs of the contractor's organization and is based on other current classification guidance.
- g. Ensures that classification guidance he or she issues is up to date.
- h. Distributes new or revised classification guidance to contractor Derivative Classifiers and Derivative Declassifiers.
- i. Maintains or has access to a record of classification guidance that he or she issues and a list of classification guidance that is used on each contract for which a DOE Form 470.1, "Contract Security Classification Specification," is completed.
- j. For DOE-funded work performed for the contractor, verifies that blocks 13 and 14 on DOE Form 470.1 are completed correctly and so indicates by signing block 18.
- k. For non-DOE-funded work performed by the contractor, certifies that classification guidance provided by the funding entity does not contradict DOE classification guidance.
- l. Ensures that contractor documents subject to section 3.3 of E.O. 12958, as amended, are reviewed prior to their 25-year anniversaries.
- m. Prepares a plan for any contractor large-scale declassification review of a collection of documents that exceeds 25,000 pages.
- n. Conducts a self-assessment of the implementation of the requirements in this CRD and the CRD to DOE M 475.1-1B every 2 years. If the individual serves as the Classification Officer under an agreement for support with another organization, then he or she must also conduct such an assessment every 2 years for that organization.
- o. Conducts an on-site review of the implementation of the requirements in this CRD and the CRD to DOE M 475.1-1B by each contractor organization under his

or her cognizance that has a Classification Officer every 2 years (or more or less frequently based on previous on-site review results).

- p. Designates Derivative Classifiers to serve as representatives for their organizations to assist the Classification Officer to perform the above responsibilities, if desired.