

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**Information Security Oversight Office****32 CFR Parts 2001 and 2004**

RIN 3095-AB18

Classified National Security Information Directive No. 1

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Implementing directive; final rule.

SUMMARY: The Information Security Oversight Office, National Archives and Records Administration, is publishing this Directive as a final rule and pursuant to Section 5.1(a) and (b) of Executive Order 12958, as amended, relating to classified national security information. The Executive order prescribes a uniform system for classifying, safeguarding, and declassifying national security information. It also establishes a monitoring system to enhance its effectiveness. This Directive sets forth guidance to agencies on original and derivative classification, downgrading, declassification, and safeguarding of classified national security information.

EFFECTIVE DATE: September 22, 2003.

FOR FURTHER INFORMATION CONTACT: J. William Leonard, Director, ISOO, at 202-219-5250.

SUPPLEMENTARY INFORMATION: This final rule is issued pursuant to the provisions of 5.1 (a) and (b) of Executive Order 12958, as further amended by Executive Order 13292, published March 28, 2003 (60 FR 15315) and amends 32 CFR part 2001, Directive No. 1 published on October 13, 1995 (60 FR 53492).

Further, this Directive incorporates 32 CFR part 2004, Safeguarding Classified National Security Information, into this Part. The purpose of this Directive is to assist in implementing the Order; users of the Directive shall refer concurrently to that Order for guidance. As of November 17, 1995, ISOO became a part of the National Archives and Records Administration. The Archivist of the United States delegated the implementation and monitoring functions of this program to the Director of ISOO. The drafting, coordination and issuance of this Directive fulfills one of the responsibilities of the implementation delegated to the Director of ISOO.

This rule is being issued as a final rule without prior notice of proposed rulemaking as allowed by the

Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A) for rules of agency procedure and interpretation. The interpretive guidance contained in this rule will assist agencies in implementing Executive Order 12958, which was amended on March 25, 2003. NARA has also determined that delaying the effective date for 30 days is unnecessary as this rule updates the existing Directive implementing Executive Order 12958. Moreover, since the revised Executive Order 12958 becomes effective on September 22, 2003, Federal agencies will benefit immediately by having up-to-date ISOO guidance, and any delay in the effective date would hinder agency procedure and be contrary to the public interest.

This rule is not a significant regulatory action for the purposes of Executive Order 12866. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on a substantial number of small entities because it applies only to Federal agencies.

List of Subjects**32 CFR Part 2001**

Archives and records, Authority delegations (Government agencies), Classified information, Executive orders, Freedom of Information, Information, Intelligence, National defense, National security information, Presidential documents, Security information, Security measures.

32 CFR Part 2004

Classified information.

■ 1. Title 32 of the Code of Federal Regulations, part 2001, is revised to read as follows:

PART 2001—CLASSIFIED NATIONAL SECURITY INFORMATION**Subpart A—Classification**

Sec.

- 2001.10 Classification standards [1.1, 1.5].
- 2001.11 Classification authority [1.3].
- 2001.12 Duration of classification [1.5].
- 2001.13 Classification prohibitions and limitations [1.7].
- 2001.14 Classification challenges [1.8].
- 2001.15 Classification guides [2.2].

Subpart B—Identification and Markings

- 2001.20 General [1.6].
- 2001.21 Original classification [1.6(a)].
- 2001.22 Derivative classification [2.1].
- 2001.23 Additional requirements [1.6].
- 2001.24 Declassification markings [1.5, 1.6, 3.3].

Subpart C—Declassification

- 2001.30 Automatic declassification [3.3].

- 2001.31 Systematic declassification review [3.4].
- 2001.32 Declassification guides [3.3].
- 2001.33 Mandatory review for declassification [3.5, 3.6].
- 2001.34 Referrals [3.3, 3.6].

Subpart D—Safeguarding

- 2001.40 General [4.1].
- 2001.41 Responsibilities of holders [4.1].
- 2001.42 Standards for security equipment [4.1].
- 2001.43 Storage [4.1].
- 2001.44 Information controls [4.1, 4.2].
- 2001.45 Transmission [4.1, 4.2].
- 2001.46 Destruction [4.1, 4.2].
- 2001.47 Loss, possible compromise or unauthorized disclosure [4.1, 4.2].
- 2001.48 Special access programs [4.3].
- 2001.49 Telecommunications, automated information systems and network security [4.1, 4.2].
- 2001.50 Technical security [4.1].
- 2001.51 Emergency authority [4.2].
- 2001.52 Open storage areas [4.1].
- 2001.53 Foreign government information [4.1].

Subpart E—Self-Inspections

- 2001.60 General [5.4].
- 2001.61 Coverage [5.4(d)(4)].

Subpart F—Security Education and Training

- 2001.70 General [5.4].
- 2001.71 Coverage [5.4(d)(3)].

Subpart G—Reporting and Definitions

- 2001.80 Statistical reporting [5.2(b)(4)].
- 2001.81 Accounting for costs [5.4(d)(8)].
- 2001.82 Definitions [6.1].
- 2001.83 Effective date [6.3].

Authority: Section 5.1(a) and (b), E.O. 12958, 60 FR 19825, 3 CFR 1995 Comp., p. 333, as amended by E.O. 13292, 60 FR 19825, March 25, 2003.

Subpart A—Classification**§ 2001.10 Classification standards [1.1, 1.5].¹**

(a) “An original classification authority with jurisdiction over the information” includes:

- (1) The official who authorized the original classification, if that official is still serving in the same position;
- (2) The originator’s current successor in function;
- (3) A supervisory official of either; or
- (4) The senior agency official under Executive Order 12958, as amended (“the Order”).

(b) “Permanently valuable information” or “permanent historical value” refers to information contained in:

- (1) Records that have been accessioned into the National Archives of the United States;
- (2) Records that have been scheduled as permanent under a records

¹ Bracketed references pertain to related sections of Executive Order 12958, as amended by E.O. 13292.