
CG-HR-3

Historical Records Declassification Guide (U)

INTRODUCTION

A. Introduction

This guide is approved for use by Derivative Declassifiers who are authorized to review historical records containing DOE National Security Information (NSI) subject to section 3.3 of Executive Order (E.O.) 12958. The topics contain guidance for determining whether such historical records are declassified or retain their classification. This guide also serves as the basis for topics in classification guides that exempt DOE NSI from declassification at 25 years. **(NOTE: Records containing Restricted Data and Formerly Restricted Data are classified under the Atomic Energy Act and, therefore, not subject to the provisions of Executive Order 12958 or of this guide.)**

B. Scope

This guide describes specific DOE information classified as NSI that must remain classified for longer than 25 years, explains why the information is exempt from declassification at 25 years, and provides a specific date, event, or duration for declassification of the information, unless the information identifies a confidential human source or a human intelligence source.

C. Cancellation

This guide supersedes CG-HR-2, *Historical Records Declassification Guide (U)*, July 2, 1997.

D. Authority

Executive Order 12958, Classified National Security Information, is the authority to classify certain information that requires protection from unauthorized disclosure

because it could cause damage to the national security.

DOE Manual 475.1-1A, Identifying Classified Information, contains specific responsibilities, policies, and procedures for managing and administering DOE's classification program.

E. Automatic Declassification Provisions of E.O. 12958

E.O. 12958, signed by the President on March 25, 2003, requires the automatic declassification on December 31, 2006, of all NSI records that (1) are more than 25 years old and (2) have been determined to have permanent historical value under title 44, United States Code, whether or not such records have been reviewed. Subsequent to that date, a permanent historical NSI record is automatically declassified on December 31 of the year that is 25 years from the date it was initially classified. However, information contained in such records may be determined to be exempt from automatic declassification by meeting at least one of the following nine criteria (defined in section 3.3(b) of E.O. 12958):

1. reveal the identity of a confidential human source, or human intelligence source, or reveal information about the application of an intelligence source or method [25X1];
2. reveal information that would assist in the development or use of weapons of mass destruction [25X2];
3. reveal information that would impair U.S. cryptologic systems or activities [25X3];

4. reveal information that would impair the application of state-of-the-art technology within a U.S. weapon system [25X4];
5. reveal actual U.S. military war plans that remain in effect [25X5];
6. reveal information, including foreign government information, that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States [25X6];
7. reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other protectees for whom protection services, in the interest of national security, are authorized [25X7];
8. reveal information that would seriously and demonstrably impair the current national security emergency preparedness plans; or reveal current vulnerabilities of systems, installations, infrastructures, or projects relating to the national security [25X8]; or
9. violate a statute, treaty, or international agreement [25X9].

This guide identifies DOE NSI that falls under these exemptions and is, therefore, exempt from automatic declassification as approved by the Interagency Security Classification Appeals Panel.

F. Document Markings

Marking standards for documents containing NSI have varied over the years. Historical documents may be marked National Security Information, Security Information, Defense Information, or simply be marked with a classification level [Confidential (C),

Secret (S), or Top Secret (TS)]. In addition, documents dated prior to December 15, 1953, and marked as "Restricted" and dated from July 18, 1949, through October 22, 1951, and marked as "Official Use Only" were classified and now are handled and protected as Confidential NSI pending review for classification. Documents with these markings should be included in reviews of NSI historical records.

G. Review of Historical Records

A Derivative Declassifier (DD) reviews each NSI record that is subject to section 3.3 of E.O. 12958 to determine if the information contained in the record is declassified or retains its classification. If the information is not covered by a topic in this guide but the DD believes the information properly meets one of the nine exemption criteria, the DD must notify the Director, Office of Classification and Information Control (SO-10.2). Pending a response, the record containing the information in question remains classified.

During the review of historical records, a DD may encounter a record that is unmarked but potentially contains NSI, RD or FRD, or a record that is marked NSI but potentially contains RD or FRD. In these cases, the DDs who are also Derivative Classifiers (DC) with authorities in the appropriate areas should make a classification determination and classify or upgrade the documents as appropriate. If the DD does not have the appropriate derivative classification authority, he or she should forward the record to a DC or Classification Officer for the necessary classification determination. Appendix A to this guide contains additional information and key words and phrases that could indicate the presence of RD or FRD information. Topics in this guide that describe information likely to contain or are closely related to RD or FRD information are marked "(potential for RD/FRD)."

H. Declassification Date or Event (DDE)

Specific DDEs are included for each topic that retains the classification of the information. If all such topics in a chapter or section have the same DDE, the DDE may be shown as a note at the beginning of the chapter or section. When the information is exempt from automatic declassification after 25 years, the following notation is used:

1000 Guidance topic Retain Classification [25Xn; sched]

where

25X indicates the information is exempt from automatic declassification at 25 years.

n indicates the number of the exemption that applies (see paragraph E for listing of exemption categories).

sched indicates the schedule for declassification. The schedule will be a date, event, or duration beyond 25 years. A specific date, event, or duration for declassification is indicated unless the exemption pertains to the identity of a confidential human source or human intelligence source, which is never automatically declassified (and is marked as "25X1-human").

Examples:

1000 Information reveals... Retain Classification [25X2, 8; 6/30/35]

Explanation: The information in topic 1000 is exempt from automatic declassification based

on exemptions 25X2 and 25X8 and is declassified on June 30, 2035.

2000 Information reveals... Retain Classification [25X2; EV]

NOTE: Declassify when the technology is no longer in use and official disclosure of the technology and its use have been made.

Explanation: The information in topic 2000 is exempt from automatic declassification based on exemption 25X2. The NOTE will describe a specific event that must occur to declassify the information. A paraphrase of the note must be included on the "Declassify On" line on the document. If the specified event occurs before 25 years, the information will be declassified at that time.

3000 The fact that... Retain Classification [25X3; 40]

Explanation: The information in topic 3000 is exempt from automatic declassification based on exemption 25X3 and should remain classified for 40 years. A document containing such information should be marked with a date (mm/dd/yy) for declassification 40 years from the date of the document.

4000 The fact that... Retain Classification [25X1;-human]

Explanation: The information in topic 4000 is exempt from automatic declassification based on exemption 25X1 and identifies a confidential human source or a human intelligence source. No date, event, or duration is included since such information is not subject to automatic declassification.

I. Obtaining Copies of a Guide

Local copying of a guide is permitted. However, to ensure that each person with a copy of a guide receives change notices and revisions, the person's name must be on a distribution list for that guide maintained by Headquarters or the local Classification Officer.

Inside the front cover of this guide is a Classification/Control Guidance Request form that may be used to obtain additional copies of a guide or to report distribution changes.

J. Questions/Suggestions

Any comments or suggestions may be forwarded through the local classification office to the Production and Analysis Division Director using the Classification Issue/Comment Sheet inside the back cover of this guide. The completed comment sheet can be sent, as appropriate, to the following classified or unclassified addresses:

Classified Address

Office of Classification and Information
Control, SO-10.2
Attention: Production and Analysis
Division
U.S. Department of Energy
P.O. Box A
Germantown, MD 20875-0963

Unclassified Address

Office of Classification and Information
Control
Production and Analysis Division
SO-10.2/Germantown Building
U.S. Department of Energy
1000 Independence Avenue, SW.
Washington, D.C. 20585-1290

For questions concerning administrative aspects or distribution of the guide, please contact the Technical Guidance Administrator at (301) 903-3417.