

a tab as part of the processing of records determined to be of permanent historical value. The national stock number for the SF 715 is 7540-01-537-4689.

Subpart I—Reporting and Definitions

§ 2001.90 Agency annual reporting requirements.

(a) *Delegations of original classification authority.* Agencies shall report delegations of original classification authority to ISOO annually in accordance with section 1.3(c) of the Order and § 2001.11(c).

(b) *Statistical reporting.* Each agency that creates or safeguards classified information shall report annually to the Director of ISOO statistics related to its security classification program. The Director will instruct agencies what data elements are required, and how and when they are to be reported.

(c) *Accounting for costs.*

(1) Information on the costs associated with the implementation of the Order will be collected from the agencies. The agencies will provide data to ISOO on the cost estimates for classification-related activities. ISOO will report these cost estimates annually to the President. The agency senior official should work closely with the agency comptroller to ensure that the best estimates are collected.

(2) The Secretary of Defense, acting as the executive agent for the National Industrial Security Program under E.O. 12829, as amended, *National Industrial Security Program*, and consistent with agreements entered into under section 202 of E.O. 12989, as amended, will collect cost estimates for classification-related activities of contractors, licensees, certificate holders, and grantees, and report them to ISOO annually. ISOO will report these cost estimates annually to the President.

(d) *Self-Inspections.* Agencies shall report annually to the Director of ISOO as required by section 5.4(d)(4) of the Order and outlined in § 2001.60(f).

§ 2001.91 Other agency reporting requirements.

(a) *Information declassified without proper authority.* Determinations that

classified information has been declassified without proper authority shall be promptly reported in writing to the Director of ISOO in accordance with § 2001.13(a).

(b) *Reclassification actions.* Reclassification of information that has been declassified and released under proper authority shall be reported promptly to the National Security Advisor and the Director of ISOO in accordance with section 1.7(c)(3) of the Order and § 2001.13(b).

(c) *Fundamental classification guidance review.* The initial fundamental guidance review is to be completed no later than June 27, 2012. Agency heads shall provide a detailed report summarizing the results of each classification guidance review to ISOO and release an unclassified version to the public in accordance with section 1.9 of the Order and § 2001.16(d).

(d) *Violations of the Order.* Agency heads or senior agency officials shall notify the Director of ISOO when a violation occurs under sections 5.5(b)(1), (2), or (3) of the Order and § 2001.48(d).

§ 2001.92 Definitions.

(a) *Accessioned records* means records of permanent historical value in the legal custody of NARA.

(b) *Authorized person* means a person who has a favorable determination of eligibility for access to classified information, has signed an approved non-disclosure agreement, and has a need-to-know.

(c) *Classification management* means the life-cycle management of classified national security information from original classification to declassification.

(d) *Cleared commercial carrier* means a carrier that is authorized by law, regulatory body, or regulation, to transport Secret and Confidential material and has been granted a Secret facility clearance in accordance with the National Industrial Security Program.

(e) *Control* means the authority of the agency that originates information, or its successor in function, to regulate access to the information.

(f) *Employee* means a person, other than the President and Vice President, employed by, detailed or assigned to, an agency, including members of the

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Armed Forces; an expert or consultant to an agency; an industrial or commercial contractor, licensee, certificate holder, or grantee of an agency, including all subcontractors; a personal services contractor; or any other category of person who acts for or on behalf of an agency as determined by the appropriate agency head.

(g) *Equity* refers to information:

(1) Originally classified by or under the control of an agency;

(2) In the possession of the receiving agency in the event of transfer of function; or

(3) In the possession of a successor agency for an agency that has ceased to exist.

(h) *Exempted* means nomenclature and markings indicating information has been determined to fall within an enumerated exemption from automatic declassification under the Order.

(i) *Facility* means an activity of an agency authorized by appropriate authority to conduct classified operations or to perform classified work.

(j) *Federal record* includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference, and stocks of publications and processed documents are not included. (44 U.S.C. 3301)

(k) *Newly discovered records* means records that were inadvertently not reviewed prior to the effective date of automatic declassification because the appropriate agency personnel were unaware of their existence.

(l) *Open storage area* means an area constructed in accordance with § 2001.53 of this part and authorized by the agency head for open storage of classified information.

(m) *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 the Order.

(n) *Permanent records* means any Federal record that has been determined by the National Archives to have sufficient value to warrant its preservation in the National Archives. Permanent records include all records accessioned by the National Archives into the National Archives and later increments of the same records, and those for which the disposition is permanent on SF 115s, Request for Records Disposition Authority, approved by the National Archives on or after May 14, 1973.

(o) *Permanently valuable information* or *permanent historical value* refers to information contained in:

(1) Records that have been accessioned by the National Archives;

(2) Records that have been scheduled as permanent under a records disposition schedule approved by the National Archives; and

(3) Presidential historical materials, presidential records or donated historical materials located in the National Archives, a presidential library, or any other approved repository.

(p) *Presidential papers, historical materials, and records* means the papers or records of the former Presidents under the legal control of the Archivist pursuant to sections 2111, 2111 note, or 2203 of title 44, U.S.C.

(q) *Redaction* means the removal of classified information from copies of a document such that recovery of the information on the copy is not possible using any reasonably known technique or analysis.

(r) *Risk management principles* means the principles applied for assessing threats and vulnerabilities and implementing security countermeasures while maximizing the sharing of information to achieve an acceptable level of risk at an acceptable cost.

(s) *Security-in-depth* means a determination by the agency head that a facility's security program consists of layered and complementary security controls sufficient to deter and detect unauthorized entry and movement within the facility. Examples include, but are not limited to, use of perimeter fences, employee and visitor access controls, use of an Intrusion Detection System (IDS), random guard patrols throughout the facility during non-working hours, closed circuit video monitoring or other safeguards that mitigate the vulnerability of open storage areas without alarms and security storage cabinets during nonworking hours.

(t) *Supplemental controls* means prescribed procedures or systems that provide security control measures designed to augment the physical protection of classified information. Examples of supplemental controls include intrusion detection systems, periodic inspections of security containers or areas, and security-in-depth.

(u) *Temporary records* means Federal records approved by NARA for disposal, either immediately or after a specified retention period. Also called *disposable records*.

(v) *Transclassification* means information that has been removed from the Restricted Data category in order to carry out provisions of the National Security Act of 1947, as amended, and safeguarded under applicable Executive orders as "National Security Information."

(w) *Unscheduled records* means Federal records whose final disposition has not been approved by NARA. All records that fall under a NARA approved records control schedule are considered to be scheduled records.

PART 2003 [RESERVED]

PART 2004—NATIONAL INDUSTRIAL SECURITY PROGRAM DIRECTIVE NO. 1

Subpart A—Implementation and Oversight

Sec.

2004.5 Definitions.

2004.10 Responsibilities of the Director, Information Security Oversight Office (ISOO) [102(b)].

2004.11 Agency Implementing Regulations, Internal Rules, or Guidelines [102(b)(3)].

2004.12 Reviews by ISOO [102(b)(4)].

Subpart B—Operations

2004.20 National Industrial Security Program Operating Manual (NISPOM) [201(a)].

2004.21 Protection of Classified Information [201(e)].

2004.22 Operational Responsibilities [202(a)].

2004.23 Cost Reports [203(d)].

2004.24 Definitions.

AUTHORITY: Executive Order 12829, January 6, 1993, 58 FR 3479, as amended by Executive Order 12885, December 14, 1993, 58 FR 65863.

SOURCE: 71 FR 18007, Apr. 10, 2006, unless otherwise noted.

Subpart A—Implementation and Oversight

§ 2004.5 Definitions.

(a) "Cognizant Security Agencies (CSAs)" means the Executive Branch departments and agencies authorized in EO 12829, as amended, to establish industrial security programs: The Department of Defense, designated as the Executive Agent; the Department of Energy; the Nuclear Regulatory Commission; and the Central Intelligence Agency.

(b) "Cognizant Security Office (CSO)" means the organizational entity delegated by the Head of a CSA to administer industrial security on behalf of the CSA.

(c) "Contractor" means any industrial, education, commercial, or other entity, to include licensees or grantees that has been granted access to classified information. Contractor does not include individuals engaged under personal services contracts.

(d) "National Interest Determination (NID)" means a determination that access to proscribed information is consistent with the national security interests of the United States.

(e) "Proscribed information" means Top Secret; Communications Security, except classified keys used for data