PART 601—CLASSIFICATION AND
DECLASSIFICATION OF NA-
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§ 601.1 Purpose.

Pursuant to Executive Order 12958
and Information Security Oversight Of-
office Directive No. 1, the National
Science Foundation [Foundation] issues the following regulations. The
regulations identify the information to
be protected, prescribe classification,
declassification, downgrading, and
safeguarding procedures to be followed,
and establish a monitoring system to
ensure the regulations’ effectiveness.

§ 601.2 Classification authority.

The Foundation does not have origi-
nal classification authority under Ex-
ecutive Order 12958. In any instance
where a Foundation employee develops
information that appears to warrant
classification because of its national
security character, the material will be
afforded protection and sent to the Di-
vision of Administrative Services
(DAS). Upon determination that classi-
fication is warranted, DAS will submit
such material to the agency that has
appropriate subject matter interest
and classification authority.

§ 601.3 Security program.

The Director, Division of Administra-
tive Services, is responsible for con-
ducting a security program that en-
sures effective implementation of Ex-
ecutive Order 12958, to include:

(a) Maintaining active training and
orientation programs for employees
concerned with classified information
or material.

(b) Encouraging Foundation per-
sonnel to challenge those classification
decisions they believe to be improper.

(c) Issuing directives that ensure
classified information is used, proc-
cessed, stored, reproduced and trans-
mitted only under conditions that will
provide adequate protection and pre-
vent access by unauthorized persons.

(d) Recommending to the Director
appropriate administrative action to
correct abuse or violation of any provi-
sion of these regulations, including no-
tification by warning letters, formal
reprimand, and to the extent permitted
by law, suspension without pay and re-
moval.

§ 601.4 Classification Review Com-
mittee.

The Security Officer (Information)
chairs the Foundation’s Classification
Review Committee which has author-
ity to act on all suggestions and com-
plaints with respect to the Founda-
tion’s administration of the regula-
tions. The Assistant Directors and the
Heads of other offices reporting to the
Director serve as members of the Com-
mittee. All suggestions and complaints
including those regarding overclassi-
fication, failure to classify, or delay in
declassifying not otherwise resolved,
shall be referred to the Committee for
resolution. The Committee shall estab-
lish procedures to review and act with-
in 30 days upon all appeals regarding
requests for declassification. The Com-
mittee is authorized to overrule pre-
vious determinations in whole or in
part when in its judgment, continued
protection is no longer required. If the
Committee determines that continued
classification is required under the cri-
teria of the Executive Order, it shall
promptly so notify the requester and
advise him that he may file an applica-
tion for review with the Foundation. In
addition, the Committee shall review
all appeals of requests for records
§ 601.5 Derivative classification.

Distinct from “original” classification is the determination that information is in substance the same as information currently classified, because of incorporating, paraphrasing, restating or generating in new form information that is already classified, and marking the newly developed material consistent with the marking of the source information. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(a) If a person who applies derivative classification markings believes that the paraphrasing, restating, or summarizing of classified information has changed the level of or removed the basis for classification, that person must consult for a determination an appropriate official of the originating agency or office of origin who has the authority to upgrade, downgrade, or declassify the information.

(b) The person who applies derivative classification markings shall observe and respect original classification decisions; and carry forward to any newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

§ 601.6 Downgrading and declassification.

Executive Order 12958 prescribes a uniform system for classifying, declassifying, and safeguarding national security information.

(a) Information shall be declassified or downgraded as soon as national security considerations permit. The National Science Foundation shall coordinate their review of classified information with other agencies that have a direct interest in the subject matter. Information that continues to meet the classification requirements prescribed by Section 1.3 despite the passage of time will continue to be protected in accordance with Executive Order 12958.

(b) Foundation documents may be declassified or downgraded by the official who authorized the original classification, if that official is still serving in the same position; the originator’s successor; a supervisory official of either; or officials delegated such authority in writing by the Director.

(c) The Director shall conduct internal systematic review programs for classified information originated by the Foundation contained in records determined by the Archivist to be permanently valuable but that have not been accessioned into the National Archives of the United States.

(d) The Archivist of the United States shall, in accordance with procedures and timeframes prescribed in the Information Security Oversight Office’s directives implementing Executive Order 12958, systematically review for declassification or downgrading, classified records accessioned into the National Archives of the United States. Such information shall be reviewed by the Archivist for declassification or downgrading in accordance with systematic review guidelines that shall be provided by the head of the agency that originated the information, or in the case of foreign government information, by the Director of Information Security Oversight Office in consultation with interested agency heads.

§ 601.7 Mandatory declassification review.

(a) The Division of Administrative Services is hereby designated as the office to which members of the public or Departments may direct requests for mandatory review for declassification under this provision. In the case of documents originally classified by the Foundation, this office shall, in turn, assign the request to the appropriate office for action within 60 days. In each instance, receipt of the request will be acknowledged in writing immediately.