

(iii) Instruct and assist its sponsored activities in filling out and submitting DD Form 1540.

(iv) Recommend changes to DoD 5220.22-M and related security procedures in conformance with this part.

(v) Promptly report to the DTIC any changes of certification status, such as change in mission of the DoD Component, contract termination, and contract or grant revision.

(vi) Designate an office at each appropriate level of the organization with responsibility for:

(A) Providing and maintaining procedures that are responsive to this Instruction and with applicable security regulations.

(B) Reviewing special cases, such as referral of questions on DD Form 1540 from the DTIC.

(3) Each dissemination activity, within the scope of its mission, shall make its technical information available to eligible users in accordance with the certification terms and the applicable security and distribution controls.

(c) *Agencies outside the Department of Defense.* (1) Components of non-DoD executive branch agencies who participate in the DoD Industrial Security Program shall follow the procedures prescribed for DoD Components in §157.6(b)(2) when DoD technical information is required.

(2) Components of non-DoD executive branch agencies who do not participate in the DoD Industrial Security Program shall make specific arrangements with the DTIC for certification of DD Form 1540 and facility clearance authorization when DoD technical information is required.

(3) Components of the legislative and judicial branches, their contractors, and their grantees who are in need of unclassified information shall make specific arrangements with DTIC for certification of DD Form 1540. Certification for classified information, if needed, must be approved by the Office of the Deputy Under Secretary of Defense for Research and Engineering (Research and Advanced Technology). In these cases, submission of the completed DD Form 1540 by contractors and grantees must be accompanied by

adequate facility clearance authorization.

PART 158—GUIDELINES FOR SYSTEMATIC DECLASSIFICATION REVIEW OF CLASSIFIED INFORMATION IN PERMANENTLY VALUABLE DoD RECORDS

Sec.

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AUTHORITY: E.O. 12356, 10 U.S.C.

SOURCE: 48 FR 29840, June 29, 1983, unless otherwise noted.

§ 158.1 Reissuance and purpose.

This part is reissued; establishes procedures and assigns responsibilities for the systematic declassification review of information classified under E.O. 12356 and Information Security Oversight Office Directive No. 1, DoD Directive 5200.1 and DoD 5200.1-R, and prior orders, directives, and regulations governing security classification; and implements section 3.3 of E.O. 12356.

§ 158.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense (OSD) and to activities assigned to the OSD for administrative support, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) This part applies to the systematic review of permanently valuable

classified information, developed by or for the Department of Defense and its Components, or its predecessor components and activities, that is under the exclusive or final original classification jurisdiction of the Department of Defense.

(c) Its provisions do not cover Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954 or information in nonpermanent records.

(d) Systematic declassification review of records pertaining to intelligence activities (including special activities) or intelligence sources or methods shall be in accordance with special procedures issued by the Director of Central Intelligence.

§ 158.3 Definitions.

(a) *Cryptologic information.* Information pertaining to or resulting from the activities and operations involved in the production of signals intelligence (SIGINT) or to the maintenance of communications security (COMSEC).

(b) *Foreign government information.* Information that is provided to the United States by a foreign government or governments, an international organization of governments, or any element thereof with the expectation, expressed or implied, that the information, the source of the information, or both are to be held in confidence; or produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, an international organization of governments, or any element thereof requiring that the information, the arrangement, or both are to be held in confidence.

(c) *Intelligence method.* Any process, mode of analysis, means of gathering data, or processing system or equipment used to produce intelligence.

(d) *Intelligence source.* A person or technical means that provides intelligence.

§ 158.4 Policy.

It is the policy of the Department of Defense to assure that information that warrants protection against unauthorized disclosure is properly classified and safeguarded as well as to facilitate the flow of unclassified infor-

mation about DoD operations to the public.

§ 158.5 Procedures.

(a) DoD classified information that is permanently valuable, as defined by 44 U.S.C. 2103, that has been accessioned into the National Archives of the United States, will be reviewed systematically for declassification by the Archivist of the United States, with the assistance of the DoD personnel designated for that purpose, as it becomes 30 years old; however, file series concerning intelligence activities (including special activities) created after 1945, intelligence sources or methods created after 1945, and cryptology records created after 1945 will be reviewed as they become 50 years old.

(b) All other DoD classified information and foreign government information that is permanently valuable and in the possession or control of DoD Components, including that held in Federal records centers or other storage areas, may be reviewed systematically for declassification by the DoD Component exercising control of such information.

(c) DoD classified information and foreign government information in the possession or control of DoD Components shall be declassified when they become 30 years old, or 50 years old in the case of DoD intelligence activities (including special activities) created after 1945, intelligence sources or methods created after 1945, or cryptology created after 1945, if they are not within one of the categories specified in §§ 158.7 through 158.10 or in 48 FR 4403, January 31, 1983.

(d) Systematic review for declassification shall be in accordance with procedures contained in DoD 5200 1-R. Information that falls within any of the categories in §§ 158.7 through 158.10 and in 44 FR 4403 shall be declassified if the designated DoD reviewer determines, in light of the declassification considerations contained in § 158.11 that classification no longer is required. In the absence of such a declassification determination, the classification of the information shall continue as long as required by national security considerations.