

the downgrading or declassification action, the date of the action, and the storage unit to which it applies.

(2) When individual documents or materials are permanently withdrawn from storage units, they shall be remarked promptly as prescribed by paragraph (a) of this section. However, when documents or materials subject to a downgrading or declassification notice are withdrawn from one storage unit solely for transfer to another, or a storage unit containing such documents or materials is transferred from one place to another, the transfer may be made without remarking if the notice is attached to or remains with each shipment.

**§ 159a.35 Additional warning notices.**

(a) *General Provisions.* (1) In addition to the marking requirements prescribed in §159a.31(d), the warning notices prescribed in this section shall be displayed prominently on classified documents or materials, when applicable. In the case of documents, these warning notices shall be marked conspicuously on the outside of the front cover, or on the first page if there is no front cover. Transmittal documents, including those that are unclassified (§159a.35(g)), also shall bear these additional warning notices, when applicable. In addition, abbreviated forms of the notices set forth in §159a.35(a), (b), and (c) shall be included in portion markings, as applicable. Further, the warning notice in paragraph (d) of this section, in its short form, shall be included at least once on interior pages, as applicable.

(2) When display of warning notices on other materials is not possible, their applicability to the information shall be included in the written notification of the assigned classification.

(b) *Restricted Data.* Classified documents or material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended shall be marked as follows:

RESTRICTED DATA

This material contains Restricted Data as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to administrative and criminal sanctions.

(c) *Formerly Restricted Data.* Classified documents or material containing Formerly Restricted Data, as defined in section 142.d, Atomic Energy Act of 1954, as amended, but no Restricted Data, shall be marked as follows:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to administrative and criminal sanctions. Handle as Restricted Data in foreign dissemination. Section 144.b, Atomic Energy Act, 1954.

(d) *Intelligence Sources or Methods Information.* (1) Documents that contain information relating to intelligence sources or methods shall include the following marking unless otherwise proscribed by DoD Instruction 5230.22:

WARNING NOTICE—INTELLIGENCE SOURCES  
OR METHODS INVOLVED

(2) Existing stamps or preprinted labels containing the caveat "Warning Notice—Intelligence Sources and Methods Involved" may be used on documents created on or after the effective date of this part until replacement is required. Any replacement or additional stamps or labels purchased after the effective date of this part shall conform to the wording of paragraph (d)(1) of this section.

(e) *COMSEC Material.* Before release to contractors, COMSEC documents will indicate on the title page, or first page if no title page exists, the following notation:

COMSEC Material—Access by Contractor Personnel Restricted to U.S. Citizens Holding Final Government Clearance.

This notation shall be placed on COMSEC documents or material when originated and when release to contractors can be anticipated. Other COMSEC documents or material shall be marked in accordance with National COMSEC Instruction (NACSI) 4003. Foreign dissemination of COMSEC information is governed by NCSC Policy Directive 6.

(f) *Dissemination and Reproduction Notice.* Classified information that the DoD originator has determined to be subject to special dissemination or reproduction limitations as outlined in §159a.54(1) shall include, as applicable, a statement or statements on its cover sheet, first page, or in the text, substantially as follows:

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Reproduction requires approval of originator or higher DoD authority.

Further dissemination only as directed by (insert appropriate office or official) or higher DoD authority.

(g) *Other Notations.* Other notations of restrictions on reproduction, dissemination or extraction of classified information may be used as authorized by DoD Directive C-5200.5, DoD Instruction 5230.22, DoD Directive 5210.2<sup>14</sup>, DoD Directive 5100.55<sup>15</sup>, DoD Directive 5200.30, Joint Army-Navy-Air Force Publication 119, DoD Directive 5230.24, and NACSI 4003.

### § 159a.36 Remarking old material.

(a) *General.* (1) Documents and material classified under E.O. 12065 and predecessor E.O.s that are marked for automatic downgrading or automatic declassification on a specific date or event shall be downgraded and declassified pursuant to such markings. Declassification instructions on such documents or material need not be restated to conform with § 159a.32(c). (See also § 159a.34(a)). Information extracted from these documents or material for use in new documents or material shall be marked for declassification on the date specified in accordance with § 159a.31(d)(2).

(2) Documents and material classified under DoD C-5105.21-M-1<sup>16</sup> and predecessor E.O.s that are not marked for automatic downgrading or automatic declassification on a specific date or event shall not be downgraded or declassified without authorization of the originator. Declassification instructions on such documents or material need not be restated to conform with § 159a.32(a). Information extracted from these documents or material for use in new documents or material shall be marked for declassification upon the determination of the originator, that is, the "Declassify on" line shall be completed with the notation "Originating Agency's Determination Required" or "OADR" in accordance with § 159a.31(d)(2).

(b) *Earlier Declassification and Extension of Classification.* Nothing in this

<sup>14</sup> See footnote 1 to § 159a.3.

<sup>15</sup> See footnote 1 to § 159a.3.

<sup>16</sup> See footnote 13 to § 159a.33(j).

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section shall be construed to preclude declassification under subpart D of this part or subsequent extension of classification under § 159a.16(c).

### Subpart F—Safekeeping and Storage

#### § 159a.37 Storage and storage equipment.

(a) *General Policy.* Classified information shall be stored only under conditions adequate to prevent unauthorized persons from gaining access. The requirements specified in this part represent the minimum acceptable security standards. DoD policy concerning the use of force for the protection of property or information is specified in DoD Directive 5210.56<sup>17</sup>

(b) *Standards for Storage Equipment.* The GSA establishes and publishes minimum standards, specifications, and supply schedules for containers, vault doors, alarm systems, and associated security devices suitable for the storage and protection of classified information. Heads of DoD Components may establish additional controls to prevent unauthorized access. Security filing cabinets conforming to Federal specifications bear a Test Certification Label on the locking drawer, attesting to the security capabilities of the container and lock. (On some older cabinets the label was affixed on the inside of the locked drawer compartment). Cabinets manufactured after February 1962 indicate "General Services Administration Approved Security Container" on the outside of the top drawer.

(c) *Storage of Classified Information.* Classified information that is not under the personal control and observation of an authorized person, will be guarded or stored in a locked security container as prescribed in the following:

(1) *Top Secret.* Top Secret information shall be stored in:

(i) A safe-type steel file container having a built-in, three-position, dial-type combination lock approved by the GSA or a Class A vault or vault type

<sup>17</sup> See footnote 1 to § 159a.3.