

### § 3a.12

#### § 3a.12 Authority to classify official information.

(a) The authority to classify information or material originally under E.O. 11652 is restricted to those offices within the executive branch which are concerned with matters of national security, and is limited to the minimum number absolutely required for efficient administration.

(b) The authority to classify information or material originally as Top Secret is to be exercised only by such officials as the President may designate in writing and by the heads of the following departments and agencies and such of their principal staff officials as the heads of these departments and agencies may designate in writing:

Such offices in the Executive Office of the President as the President may designate in writing.

Central Intelligence Agency.  
Atomic Energy Commission.  
Department of State.  
Department of the Treasury.  
Department of Defense.  
Department of the Army.  
Department of the Navy.  
Department of the Air Force.  
U.S. Arms Control and Disarmament Agency  
Department of Justice.  
National Aeronautics and Space Administration.  
Agency for International Development.

(c) The authority to classify information or material originally as Secret is exercised only by:

(1) Officials who have Top Secret classification authority under § 3a.11(b); and

(2) The heads of the following departments and agencies and such principal staff officials as they may designate in writing:

Department of Transportation.  
Federal Communications Commission.  
Export-Import Bank of the United States.  
Department of Commerce.  
U.S. Civil Service Commission.  
U.S. Information Agency.  
General Services Administration.  
Department of Health, Education, and Welfare.  
Civil Aeronautics Board.  
Federal Maritime Commission.  
Federal Power Commission.  
National Science Foundation.  
Overseas Private Investment Corporation.

(d) The authority to classify information or material originally as Confiden-

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tial is exercised by officials who have Top Secret or Secret classification authority.

(e) Pursuant to E.O. 11652, the authority to classify information or material originally as Secret or Confidential in the FPC shall be exercised only by the Chairman, the Vice Chairman, and the Executive Director. When an incumbent change occurs in these positions, the name of the new incumbent will be reported to the Interagency Classification Review Committee NSC.

#### § 3a.13 Classification responsibility and procedure.

(a) Each FPC official who has classifying authority (§ 3a.12) shall be held accountable for the propriety of the classifications attributed to him. Unnecessary classification and overclassification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to the FPC or any of its officials or employees, or to prevent for any other reason the release of information which does not require protection in the interest of national security.

(b) Each classified document shall show on its face its classification and whether it is subject to or exempt from the General Declassification Schedule (§ 3a.22(b)). It also shall show the office of origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Material which merely contains references to classified materials, which references do not reveal classified information, shall not be classified.

(c) Material classified under this part shall indicate on its face the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenticates a document or item has also authorized the classification, no further annotation as to his identity is required.