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the request should be submitted to the Freedom of Information Officer, RSPA Headquarters, and that official will forward the request to the appropriate office. Each request should be accompanied by a signed authorization to conduct the search and agreement to pay any costs incurred. Prepayment may be required before delivery is made. The requester may stipulate a maximum fee which he or she will pay.

5. Reconsideration of Determination not to Disclose Records and to Deny Fee Waivers

Any person who has been notified that a record or part of a record that has been requested will not be disclosed or that a request for a fee waiver or reduction will not be granted, either in whole or in part, may appeal, in writing, to the Research and Special Programs Administrator, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, for a reconsideration of the determination. The decision of the Administrator is administratively final.

PART 8—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

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AUTHORITY: E.O. 11652 (37 FR 5209), National Security Council Directive of May 17, 1972 (37 FR 10053), and secs. 3 and 9 of the Department of Transportation Act (49 U.S.C. 1652 and 1657).

SOURCE: 37 FR 28297, Dec. 22, 1972, unless otherwise noted.

§ 8.1 Scope.

This part sets forth procedures affecting the public, for the classification, declassification and availability

49 CFR Subtitle A (10–1–96 Edition)

of information, in implementation of Executive Order 11652, "Classification and Declassification of National Security Information and Material."

§ 8.3 Applicability.

The provisions of this part apply to all elements of the Department of Transportation including the National Transportation Safety Board.

§ 8.5 Definitions.

As used in this part:

Classified information means official information which requires protection against unauthorized disclosure in the interest of the national security of the United States and which has been so designated. The specific degree of protection required is designated by the following classification categories:

(a) *Top secret*. That information or material which requires the highest degree of protection and the unauthorized disclosure of which could reasonably be expected to cause exceptionally grave damage to the national security.

(b) *Secret*. That information or material which requires a substantial degree of protection and the unauthorized disclosure of which could reasonably be expected to cause serious damage to the national security.

(c) *Confidential*. That national security information or material which requires protection and the unauthorized disclosure of which could reasonably be expected to cause damage to the national security.

Classify means to determine that official information requires, in the interest of national security, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made.

Declassify means to determine that information no longer requires protection against unauthorized disclosure in the interest of national security. Material will be re-marked to reflect this determination.

Downgrade means to determine that classified information requires a lesser degree of protection against unauthorized disclosure in the interests of national security than that currently assigned. Material will be re-marked to reflect this determination.

§ 8.7 Spheres of responsibility.

(a) Pursuant to the provisions of section 7(B)(2) of Executive Order 11652, the Assistant Secretary for Administration is hereby designated as the senior staff officer of the Secretary of Transportation with assigned responsibilities to assure effective compliance with and implementation of the order, National Security Council Directives, and this part.

(b) In the discharge of these responsibilities, the Assistant Secretary for Administration shall be assisted by the Director of Investigations and Security who, in addition to other actions directed by this part, shall evaluate the overall application of and adherence to the security policies and requirements prescribed herein and who shall report his findings and recommendations to the Assistant Secretary for Administration, heads of administrations, Chairman, National Transportation Safety Board, and, as appropriate, to the Secretary.

(c) Secretarial Officers, heads of administrations, and the Chairman, National Transportation Safety Board, shall assure the effective administration of the provisions prescribed herein, that adequate personnel and funding are provided for this purpose, and that corrective actions which may be warranted are taken promptly.

§ 8.9 Security Review Committee.

(a) There is hereby established a Department of Transportation Security Review Committee which shall have authority to:

(1) Act on all suggestions and complaints not otherwise resolved with respect to the Department's administration of the Executive Order and implementing directives, including those regarding overclassification, failure to declassify, or delay in declassifying;

(2) Act on appeals of requests for classification reviews, and appeals of requests for records under section 552 of title 5, United States Code, (Freedom of Information Act), when the initial denial is based on continued classification of the record; and

(3) Recommend to the Secretary, when necessary, appropriate administrative action to correct abuse or violation of any provision of the Execu-

tive order and implementing directives.

(b) The Security Review Committee shall be composed of the Assistant Secretary for Administration who shall serve as Chairman, the General Counsel, and the Director of Investigations and Security. When matters affecting a particular administration or the National Transportation Safety Board are at issue, the Associate Administrator for Administration for that administration, the Chief of Staff for the U.S. Coast Guard, or the General Manager for the National Transportation Safety Board, as the case may be, shall participate as an ad hoc member, together with the Chief Counsel for the particular element.

(c) The Chairman shall submit to the Interagency Classification Review Committee quarterly reports of Departmental Committee actions on classification review requests, classification abuses, and unauthorized disclosure of classified information.

§ 8.11 Authority to classify information.

(a) Executive Order 11652 confers upon the Secretary of Transportation the authority to originally classify information as SECRET or CONFIDENTIAL with further authorization to delegate this authority.

(b) The following delegations of authority to originally classify information as "SECRET" or "CONFIDENTIAL", which may not be redelegated, are hereby made:

(1) *Office of the Secretary of Transportation.* The Deputy Secretary; Assistant Secretary for Transportation Policy; Assistant Secretary for Aviation and International Affairs; Assistant Secretary for Administration; Director of Investigations and Security; Director, Transportation Systems Center.

(2) *United States Coast Guard.* The Commandant; Assistant Commandant; Chief of Staff; Chief, Office of Marine Environment and Systems; Chief, Office of Operations; Chief, Intelligence Staff; Commander, Eastern Area; Commander, Western Area; Commanders, Coast Guard Districts; Commander, Coast Guard Activities Europe.