

(1) Be responsible for overall policy, guidance, and control of the DoDPSP.

(2) Develop and implement plans, policies, and procedures for the DoDPSP.

(3) Issue and maintain DoD 5200.2-R consistent with DoD 5025.1-M.

(4) Conduct an active oversight program to ensure compliance with DoDPSP requirements.

(5) Ensure that research is conducted to assess and improve the effectiveness of the DoDPSP (DoD Directive 5210.79⁵).

(6) Ensure that the Defense Investigative Service is operated pursuant to 32 CFR part 361.

(7) Ensure that the DoD Security Institute provides the education, training, and awareness support to the DoDPSP under DoD Directive 5200.32.⁶

(8) Be authorized to make exceptions to the requirements of this part on a case-by-case basis when it is determined that doing so furthers the mission of the Department of Defense and is consistent with the protection of classified information from unauthorized disclosure.

(b) The *General Counsel of the Department of Defense* shall:

(1) Be responsible for providing advice and guidance as to the legal sufficiency of procedures and standards implementing the DoDPSP and the DISP.

(2) Exercise oversight of PSP appeals procedures to verify that the rights of individuals are being protected consistent with the constitution, laws of the United States, Executive Orders, Directives, or Regulations that implement the DoDPSP and DISP, and with the interests of national security.

(c) The *Heads of the DoD Components* shall:

(1) Designate a senior official who shall be responsible for implementing the DoDPSP within their components.

(2) Ensure that the DoDPSP is properly administered under this Directive within their components.

(3) Ensure that information and recommendations are provided to the Assistant Secretary of Defense for Command, Control, Communications, and

Intelligence on any aspect of the program.

PART 157—DISSEMINATION OF DoD TECHNICAL INFORMATION

Sec.

157.1 Purpose.

157.2 Applicability and scope.

157.3 Policy.

157.4 Responsibilities.

157.5 Definitions.

157.6 Certification for access to technical information.

AUTHORITY: R.S. 161, 5 U.S.C. 22.

SOURCE: 45 FR 17988, Mar. 25, 1980, unless otherwise noted.

§ 157.1 Purpose.

This part: (a) Consolidates into one document this part and parts of DoD Instruction 5100.38, "Defense Documentation Center for Scientific and Technical Information," March 29, 1965;

(b) Supplements DoD Directive 5100.36, "Department of Defense Technical Information," December 31, 1962, and DoD Instruction 5129.43, "Assignment of Functions for the Defense Scientific and Technical Information Program," January 22, 1963;

(c) Provides policy and assigns responsibilities for the dissemination of DoD technical information;

(d) Establishes certification procedures for access to DoD technical information.

§ 157.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components"), and other U.S. Government agencies disseminating or requesting access to DoD technical information.

(b) The procedures established by this part shall be used by technical Information Dissemination Activities to control access to DoD technical information. The access afforded through use of these procedures does not override special consideration or approvals that affect the flow of controlled information.

⁵See footnote 1 to 156.1(b).

⁶See footnote 1 to 156.1(b).

(c) This part does not apply to primary distribution of technical information or to interlibrary loan within Department of Defense.

§ 157.3 Policy.

The purpose of the DoD Technical Information Program is to ensure the complete and timely exchange among DoD technical activities, including both the in-house and DoD contractor communities, of all technical information generated by or relevant to the pursuit of DoD technical programs with due consideration of security requirements and access restrictions. All DoD Components responsible for dissemination of technical information shall make a positive effort to provide users accurate and timely technical information, utilizing the most effective media, including symposia, newsletters, technical reports, inquiry responses, online data networks, consultation and other media, and making optimum use of computer technology to store, sort, select, and package data and information.

§ 157.4 Responsibilities.

(a) The *Under Secretary of Defense for Research and Engineering* (USDRE), or designee, the *Deputy Under Secretary of Defense for Research and Engineering (Research and Advanced Technology)* shall:

(1) Manage and disseminate DoD technical information, as provided in DoD Directive 5100.36, "Department of Defense Technical Information," December 31, 1962.

(2) Approve service charges collected by Information Dissemination Activities to provide partial reimbursement and to prevent excessive, unwarranted use of these services.

(b) The *Heads of DoD Components* shall:

(1) Pursue organized, coordinated, and comprehensive programs for technical information dissemination. These programs shall provide for the interchange of technical information within Department of Defense; between Department of Defense and other Federal agencies and their contractors; among Department of Defense, NATO governments and other allies; and between Department of Defense and the na-

tional and international scientific and technical community in accordance with DoD 5200.1-R, "Information Security Program Regulation," December 1978, and parts 286 and 286a of this title.

(2) Within the limits of security and access restrictions necessary to ensure adequate intra-DoD technical information exchange.

(i) Vigorously pursue a policy that ensures that technical information generated within activities under their cognizance is provided for public use through appropriate Federal agencies and technology transfer programs according to approved DoD clearance procedures; and

(ii) Wherever possible, provide unclassified technical documents and other information to expedite the information transfer procedures. However, all critical technology to which the Department of Defense has title or proprietary interest shall be classified at the appropriate level.

(3) Certify access for DoD technical information users as described in § 157.6.

(4) Introduce an active technology transfer program aimed at transferring to the public as much DoD-developed technology as is consistent with the DoD mission. Active participation by DoD laboratories, centers, and other organizations in Federal and local government technology transfer organizations, such as the Federal Laboratory Consortium, is encouraged.

(5) Support a program for the domestic dissemination of DoD-developed technology that, because of its commercial significance, should be made available as early as possible, *but only by means that will ensure the continued applicability of the International Traffic in Arms Regulations, the Export Administration Act of 1969, Export Administration Amendments of 1977, and the Export Administration Regulations of the Department of Commerce* as to when the technology should not be exported.

(6) Make planning and technical requirements information available through Industry Information Centers so that industry can plan and apply its resources effectively.

(7) Make technical information on selected technologies available through

Information Analysis Centers to support the DoD mission.

(8) Sponsor or support technical symposia, conferences and meetings for disseminating technical information in accordance with DoD Directive 5200.12,¹ "Security Sponsorship and Procedures for Scientific and Technical Meetings Involving Disclosure of Classified Military Information," June 15, 1979, when the requirement exists to disseminate the information more rapidly than normal publishing procedures permit. In accordance with DoD Instruction 5129.43,¹ "Assignment of Functions for the Defense Scientific and Technical Information Program," January 22, 1963, certain data concerning DoD-sponsored technical symposia will be transmitted to the USDR&E.

(9) Ensure compliance with provisions of DoD Directive 5000.11,¹ which prescribes policy and procedures for the "Data Elements and Data Codes Standardization Program," where applicable, to assigned functions for disseminating DoD technical information.

(c) The *Defense Technical Information Center (DTIC)* shall operate and maintain certification and registration procedures as described in § 157.6 and shall provide appropriate forms and instructions.

(d) *Technical information dissemination activities* shall collect service charges, as approved by the USDRE, to prevent excessive, unwarranted use of their services and to provide partial reimbursement of costs.

§ 157.5 Definitions.

(a) *Technical information.* Information, including scientific information, which relates to research, development, engineering, test, evaluation, production, operation, use, and maintenance of munitions and other military supplies and equipment.

(b) *Technical information dissemination activity.* Any activity, such as DTIC, that operates to assist individuals and organizations within the Department of Defense to effect adequate and timely dissemination of technical informa-

tion describing planned or ongoing RDT&E effort and the documented results of such efforts and to provide systems and services to assist eligible users to identify, access, acquire, and use DoD technical information.

(c) *Primary distribution.* The initial distribution of a technical document after completion of the original manuscript or its equivalent.

(d) *Critical technology.* Technical data, whose acquisition by a potential adversary would prove detrimental to the national security of the United States. Control of critical technology requires the control of associated critical end products (defined as "keystone") that embody extractable critical technology or that consist of equipment which completes a process line, allowing the line to be fully utilized.

(e) *Technology transfer.* The process through which Government research and technology are transformed into processes, products, or services that can be applied to actual or potential public or private needs. It includes the application of technology that has been developed for a particular mission and, after modification and diversification, fills a different need in another environment.

(f) *Eligible user.* Any DoD office, contractor, subcontractor, DoD potential contractor, or other U.S. Government office or its contractor whose eligibility and need to receive DoD technical information has been certified.

(g) *Contractor.* An individual or organization outside the U.S. Government that has accepted any type of agreement or order for providing research, supplies, or services to a U.S. Government agency. The term specifically includes both prime contractors and subcontractors.

(h) *DoD potential contractor.* An individual or organization outside Department of Defense declared eligible for documentation services by a sponsoring DoD activity on the basis of registration and active participation in a program specifically designed to exchange information concerning Defense support capability.

(i) *Industry information centers.* Centers established by DoD Components to inform the Defense industrial community of DoD acquisition, research and

¹Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

development requirements, plans, and future needs. They serve as DoD access points to Defense planning and requirements documents for representatives of industry, small business, university and nonprofit institutions registered for access to DoD information services.

(j) *Technical information dissemination.* A fundamental and integral part of each RDT&E effort (contractual or in-house) that ensures, within procedures established for security and other specific access restrictions, maximum utility of and access to technical information about and technical documents generated from Defense-supported RDT&E.

§ 157.6 Certification for access to technical information.

(a) *Policy.* (1) The Department of Defense shall disseminate technical information in support of its technical programs and in support of similar programs within other U.S. Government agencies. This dissemination shall be made to organizations whose official U.S. Government affiliations are certified. Classified information dissemination will be within the scope of its certified field of interest requirements and facility clearances. However, requests from foreign organizations for and transmittal of classified and controlled information products shall be made only through appropriate DoD foreign release offices under established release procedures.

(2) A uniform certification procedure shall be used for the effective control of the flow of technical information and shall utilize the DD Form 1540, "Registration for Scientific and Technical Information Services," cited in DoD 5220.22-R, "Industrial Security Regulation," January 1979.

(3) Certification shall be according to subject fields and groups of interest and recorded on DD Form 1540. Such certification is a warranty that the user's official responsibilities require access to technical information that can be described by one or another of the prescribed DoD categories of science and technology.

(b) *Responsibilities.* (1) The Defense Technical Information Center (DTIC) and the Defense Contract Administration Services (DCAS) shall operate and

maintain the certification procedures and DD Forms 1540 and 1541, "Facility Clearance Register."

(i) DTIC shall:

(A) Develop and distribute such instructions and procedural guidance as necessary for use by DoD Components, U.S. Government contractors and subcontractors, DoD potential contractors, and other U.S. Government offices to maintain the most effective use of the certification procedures within the terms of this Instruction and existing security regulations.

(B) Maintain at DTIC the central authority file of eligible users and notify affected dissemination activities of each new eligible user, along with conditions and scope of coverage, and of any subsequent changes thereto.

(C) Provide information products from DTIC to eligible users as follows:

(a) Unclassified technical information, subject to any approvals that may be required for controlled information.

(b) Classified technical information in only those subject fields of interest and at the security level authorized on DD Form 1540 and in accordance with any approvals that may be required for controlled information.

(D) Recommend changes to DoD 5220.22-M,¹ "Industrial Security Manual for Safeguarding Classified Information," October 1977, and related security procedures in conformance with this part.

(ii) DCAS shall certify the DD Form 1541 and report any change affecting a facility clearance through submission of a revised DD Form 1541 to the central authority file.

(2) Each DoD Component conducting, administering, or sponsoring research, development, test and evaluation and other technical work shall:

(i) Require in-house activities to complete all parts of the DD Form 1540 and submit it to the DTIC before requesting reports or information from dissemination activities. The commanding officer, the technical director, or their authorized designee shall review, approve, modify, or disapprove

¹ See footnote 1 to § 157.4(b)(8).

the registration for technical information services on DD Form 1540 submitted by their personnel.

(ii) Review, approve, modify, or disapprove DD Form 1540 submitted by non-DoD activities or organizations under its cognizance. Personnel selected to authorize DD Form 1540 shall have the technical competence and familiarity with contractor or grantee programs necessary to judge the subject fields of interest of the applicant.

(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.

- 158.1 Reissuance and purpose.
- 158.2 Applicability and scope.
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- 158.7 Categories of information that require review before declassification.
- 158.8 Categories of information that require review before declassification: Department of the Army systems.
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- 158.10 Categories of information that require review before declassification: Department of the Air Force systems.
- 158.11 Declassification considerations.
- 158.12 Department of State areas of interest.
- 158.13 Central Intelligence Agency areas of interest.

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.