



CommuniQué



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FALL 2014

From the Classification Director's Office

"Developing a sound policy on the classification of information requires the balancing of overlapping and competing considerations: protecting national security, encouraging an informed citizenry and a knowledgeable group of policymakers in Congress and the executive branch, facilitating the achievement of departmental missions, encouraging fiscal efficiency, assuring the effectiveness of the classification system, and weighing the international implications of DOE policy."

These words could have been taken from any number of recently issued studies on reducing overclassification or improving declassification from various public interest groups, but they were made by the Openness Advisory Panel to the Secretary of Energy in 1997. The statement above concerned the Fundamental Classification Policy Review that was conducted by the Department of Energy (DOE) in 1995 and 1996. That review of classification policy resulted in many concrete proposals for the declassification of information.

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GETTING TO KNOW YOU . . . The EM PCO'S View On Self-Assessments

A relatively new requirement within the classification community is the designation of a Program Classification Officer (PCO) within each Headquarters element that oversees a field element with contractors who generate classified information, documents, or material. Each PCO is responsible for ensuring that the classification programs under the cognizance of his or her Headquarters element is functioning satisfactorily and meeting all the requirements. One of the ways to ensure that this is happening is by conducting a self-assessment of classification programs within the PCO's purview every 2 years, as required by the DOE order for identifying classified

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Upcoming Events 2014-15



December 2	General Course for Derivative Classifiers
January 27	General Course for Derivative Classifiers
March 10	General Course for Derivative Classifiers (Forrestal)
March 17-18	General Course for Derivative Declassifiers
March 24-26	General Course for Classification Officers/Analysts
April 14	General Course for Derivative Classifiers (Albuquerque)
April 15-16	General Course for Derivative Declassifiers (Albuquerque)
April 21	General Course for Derivative Classifiers
May 5-7	50th Annual Classification Officers Technical Program Review Meeting

Note: Courses are conducted at DOE Headquarters, Germantown, MD, unless otherwise noted. Also note that the 2015 course dates may change due to room availability. To obtain information on course registration, please contact Christy Craver at (301) 903-2269 or christy.craver@hq.doe.gov.

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In light of recent news events (e.g., secret waiting lists maintained by some Veterans Affairs hospitals) as well as the anniversary of the 9/11 attacks, I've once again been thinking about the concept of *responsible openness*. In other words, where does the public's right to know information about how the Government operates intersect with the Department's responsibility to protect citizens from terrorists and others who want to harm the United States? The Department's mission is to ensure these individuals cannot obtain extremely sensitive information on nuclear weapon design and technologies for producing Special Nuclear Material or gain access to the Special Nuclear Material needed to make a nuclear weapon or explosive device.

When we talk about classified information, the answer to this question is determined by whether or not the information meets very specific criteria in 32 CFR part 2001 for National Security Information (NSI) or 10 CFR part 1045 for Restricted Data (RD) and Formerly Restricted Data (FRD). Even after this information has been evaluated and determined to meet the criteria for classification, it does not remain classified indefinitely. Both NSI and RD information receive systematic reviews for declassification (see the article on the classification/declassification of RD later in this issue). Although specific criteria must be met for classification, there is also a balancing act between information that meets the criteria for classification and information deemed to benefit public health and safety concerns. At times, the Department determines that the public interest outweighs national security implications and declassifies information that could have been protected in accordance with the classification criteria. For example, information on certain weapons materials has been declassified, so it can be made available to the public and former workers for environmental and health purposes.

Although the Freedom of Information Act (FOIA) is widely considered the "cornerstone" of openness, it was not enacted until relatively recently (1966). However, declassifying information has been a major activity for the Department and its predecessor agencies from the very beginning. Shortly after World War II ended, General L. R. Groves, head of the Manhattan Project, was already focused on efforts to declassify information, even before Congress had passed the Atomic Energy Act of 1946. In November 1945, General Groves asked Dr. R. C. Tolman to develop a declassification policy for the classified information that had been developed to date, and the *Declassification Guide for Responsible Reviewers* was published in March 1946. Many, many more declassifications have occurred since those early days, but each declassification action has been and still is handled with the same concern to ensure the national security.

As a result of all of these efforts, a large number of documents that would have been "born classified" during the Manhattan Project are now generated as unclassified documents based on guide topics. The Department's classification culture today has expanded beyond the national security focus of the early 1940s. As a result of dramatic changes in the international arena, much information no longer warrants classification, and documents containing such information are routinely released to the public. Additionally, different domestic objectives mean that we must balance the national security focus with the free flow of information needed to facilitate environmental restoration as well as public and worker radiation dose reconstruction.

This year marks the 20th anniversary of the Department's OpenNet*, an Internet database of declassified and publicly released documents that is supported by the Office of Classification (OC) and administered by the Office of Scientific and Technical Information. OpenNet provides easy, timely access to declassified documents and other related information in support of the National Transparency and Open Government Initiative. Documents that are declassified and determined eligible for public release must be submitted to OpenNet in accordance with the Classification Order.

Classification offices throughout the Department contribute to *responsible openness* by using guidance to determine if documents need to be classified in the interest of national security or if they can be declassified and released to the public. The Headquarters OC has provided extensive resources to ensure that files with high public interest value are reviewed and made readily available to the public, consistent with the goals outlined in President Obama's memorandum on *Transparency and Open Government* and with the Department's Open Government Plan. For example, the Manhattan Project files (over 13,000 pages of information) were all reviewed by OC and posted to OpenNet. The Oppenheimer files have also been reviewed and will be posted. Reviews of documents for the database are also supported by the Laboratories and other Departmental elements. Approximately 12,000 Marshall Island documents were added to the database in March 2008.

Responsible openness is the key to ensuring the security of our citizens while at the same time providing them with as much information as we can about how the Department operates. There are many things that we can do as a classification community to ensure *responsible openness*. One is the timely classification review of documents

* For more information on OpenNet as a groundbreaking initiative, please see Volume 2012-2 of the CommuniQué.



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requested under the FOIA. The article on [page 9](#) of this issue will provide both the seasoned pro and the novice with tips to ensure that the documents produced are both timely and responsive. In addition, OC has been exploring ways to electronically transmit FOIA documents more quickly for classification review processing (for more details, please see the Spring 2014 issue of the CommuniQué).

If you have any questions, please contact me at (301) 903-3526 or andrew.weston-dawkes@hq.doe.gov.

Getting to Know You . . . [Continued from page 1](#)

information. A self-assessment may be accomplished by participating in onsite evaluations with OC, conducting a separate self-assessment, or by reviewing and analyzing self-assessment reports and corrective action reports of subordinate organizations.

Mr. Ty Sanders, the PCO for the Office of Environmental Management (EM) since December 2012, has taken advantage of participating in several onsite evaluations of EM sites with field Classification Officers (CO) as well as with OC. Even though he has nearly 10 years of experience dealing with DOE's program for identifying and protecting classified and controlled information, Ty finds that interactions with classification officials at the various EM sites are very helpful in making EM classification programs a success. Finding out first-hand how things are done by both the Headquarters OC and the field has helped with achieving success in the EM classification program.

Ty had the following comments:

"The EM classification program covers a wide range of subject areas since the mission of EM is to complete the safe cleanup of the environmental legacy from over 50 years of developing nuclear weapons and from performing other nuclear energy research at various sites throughout the United States. While EM does not normally generate a great deal of classified information, the legacy documents and work performed at these various sites require appropriate attention as our mission is carried out. To meet responsibilities for monitoring the EM field and Headquarters classification programs on a 2-year cycle, I'm kept busy with virtual site interactions, weekly manager meetings, and travel to the various sites for participation in required site self-assessments. In addition to my classification background with the former Office of Health, Safety and Security, my ongoing developmental assignments in a variety of EM Program Offices has contributed to a wider knowledge base of workload concerns and intricate scheduling dependencies. Reducing the burden of multiple similar assessments on my peers has been an ongoing initiative that takes a great deal of communication and multi-year planning. The Office of Classification and field Classification Officers have been very cooperative in understanding the benefit of working together as multiple reviews have been completed using joint assessments.



The program philosophy in EM for oversight of classification is to achieve success in a safe and secure manner. During site visits, many individuals are interviewed. I encourage folks to be at ease and feel empowered as part of our EM Team, as we collectively address areas that can be improved to make the whole program better. Details such as National Security Information declassification dates and portion marking often seem to need some attention. Derivative Classifiers (DCs) normally take these pointers as a positive means of ensuring that all requirements are met. Comments received from DCs during field visits help me to provide feedback during the annual COs Technical Program Review Meeting on how the Technical Guidance shop can assist them by improving classification guidance. EM sites have many aspects that are unique to the DOE complex. These must be considered as we work to get rid of legacy materials and information as part of site closures and environmental cleanup. Good communication will continue to be a key factor for EM in running successful classification and controlled information programs."

Ty can be reached at 301-903-6619 or ty.sanders@em.doe.gov for questions related to his EM PCO responsibilities.



Order Up! Changes to DOE Order 475.2A

Every so often a car needs a tune-up – the right maintenance keeps the vehicle running smoothly for a long time to come. The same concept applies with DOE Order 475.2A, *Identifying Classified Information*. “Maintenance” of the current DOE Order 475.2A began as a routine 1-year review. During this review, OC considered feedback from the classification community and lessons learned from onsite inspections. As the review was being completed, the DOE Inspector General (IG) issued a report on NSI classification within DOE (*Review of Controls Over the Department’s Classification of National Security Information, March 2014*) that recommended additional changes to the Order regarding working papers, classification challenges, and marking email containing NSI. Routine maintenance became a full tune-up.

Improvements, Clarifications, and Reducing the Risk of Overclassification

The revision to the Order clarifies many responsibilities and requirements. Oversight will be improved by clarifying the role of the Program, Field, and contractor COs and by better defining self-assessments, evaluations, and classification decision reviews. The risk of overclassification will be reduced by providing more detail regarding challenges and including declassification proposal procedures. Changes that will impact DCs are discussed below.

Working Papers

The IG concluded that working papers are not being marked correctly. Even though a person does not have to be a DC to create a working paper, the IG’s recommendation focused on DC training. Accordingly, the Order requirements for DC training now include basic information on the proper use and marking of working papers.

Challenges

Language to codify the DC’s role in responding to challenges has been added under the “Responsibilities” section of the Order. Therefore, all DCs need to understand how to proceed with challenges that they cannot resolve. When making a challenge, an employee is encouraged to deal directly with the DC who made the determination, and the DC *must* respond accordingly. If the challenge cannot be resolved, the DC should contact the local CO to attempt to resolve the challenge locally. However, the employee must also be advised that a challenge can be submitted directly to the Director, OC, at any time during the process.

When this happens, OC will coordinate the response as follows: National Nuclear Security Administration (NNSA) if it is information under NNSA’s cognizance, any cognizant PCO, and the local classification officials. If unsatisfied with the Director’s response, the employee may appeal the decision to the Associate Under Secretary for Environment, Health, Safety and Security (AU-1). For RD challenges, this is the end of the road. Challenges for NSI can be appealed to the Interagency Security Classification Appeals Panel. This is just a brief overview. For the complete process, including timeframes, see the Order. It is important to note that under no circumstances is an employee subject to retribution for making a challenge.

Marking Classified Email

Marking classified email is an issue that has been discussed for some time. A DC must review emails, but all users of classified networks are not DCs. Even if a user is a DC, all information in an email string may not be within the DC’s jurisdiction or subject areas of authority. In order to allow greater flexibility, DOE Order 475.2B will give each DC the authority to classify his or her response to an email using the sender’s email as a source document, even when the original email is outside of his or her jurisdiction or subject areas of authority.

For example, a Security Specialist with DC authority could receive an email that was classified as Secret Restricted Data (SRD) by the sender because it revealed some RD information that had been compromised (e.g., quantity of special nuclear material in a weapon). The Security Specialist’s response might only contain information regarding details of the incident investigation classified as SNSI using the safeguards and security guide. Prior to the Order revision, the Security Specialist did not have authority to classify the entire string (which is SRD because of the information in the original email) since it contains information that is outside of his or her authority. DOE Order 475.2B will permit the Security Specialist to classify the entire string using the original email as a source document. **Since this will be implemented at the local level, your Classification Officer will promulgate policy for your site.**

These are just some of the changes in DOE Order 475.2B. The revised Order is available on the DOE Directives website (<https://www.directives.doe.gov/>). OC also developed a briefing for DCs concerning major changes to the Order. This briefing will be provided to Headquarters DCs. The briefing will also be made available to COs, PCOs, and Classification Representatives (CR) and will be posted on Powerpedia.

If you have any questions regarding the Order, contact OC’s outreach program at (301) 903-7567 or outreach@hq.doe.gov.



Polishing the Policy: Revising GEN-16 “No Comment” Policy

“What should I do with documents in the open literature that are marked as classified when I know they aren’t classified?” This was one of the questions that prompted OC to consider revising GEN-16, Revision, *“No Comment” Policy on Classified Information in the Public Domain*. Documents in the open literature that are marked as classified could be legitimately classified documents that were leaked, or they could also be documents that were declassified by an appropriate authority and were not appropriately marked to reflect the declassification.



For example, declassified documents that have been released by the National Archives and Records Administration do not have the classification markings crossed out, but should have a reference number and a note concerning declassification. If these documents or parts of these documents have been copied without the reference number, the classification status of the document may not be clear. When a document with unclear classification status is sent to or downloaded to a DOE computer, some sites may consider this a security incident and require the system to be sanitized, while other sites may handle it differently. In order to clarify how these documents should be handled, the OC revised GEN-16. The revision was coordinated with General Counsel and the Office of the Chief Information Officer to ensure our policies are consistent and approved by the relevant offices.

One of the most obvious changes to GEN-16 is the reference to “open literature” instead of the “public domain.” Because “public domain” describes an item’s copyright status, “open literature” is now being used. The open literature is not limited to items in the public domain (i.e., no longer copyrighted or never copyrighted).

Let’s examine these different types of situations and discuss how the revision handles them:

Documents in the Open Literature that are Marked as Classified

- You may not send these documents or links to these documents to other persons and cannot save these documents or links to them on an unclassified system.
- You may only print these documents on a printer with volatile memory, and the printed documents must be protected, as appropriate.

Documents in the Open Literature that are Unmarked

- You may view, print, save, or send open literature documents that are unmarked and contain classified information as long as there is nothing to add credibility to the information (e.g., annotation), and instructions to the contrary have not been issued.
- You may collect documents of this type (news articles, webpages, etc.), whether mere lists of sources or sources actually possessed in physical or digital form, as long as the collection is not limited to publications that contain classified information. Note: If you wish to include a well-known reference in a collection of documents that you believe may contain classified information, contact your CO for advice.
- You may cite unmarked documents that contain classified information in the open literature in bibliographies as long as the vast majority of the open literature documents or publications do not contain classified information, and the specific reference does not point to the classified information in the document. Contact your CO for guidance on proper citation.
- You may not annotate or make any additions that indicate the source contains classified information or is technically accurate or inaccurate. If a source is annotated or edited in a way that could be a comment, the document must be reviewed by a DC.

Unclassified Presentations and Discussions in a Classified Subject Area

If you hold unclassified discussions or give presentations in classified subject areas to unclassified persons, you may comment on information in a classified subject area if you are absolutely certain the information in question is unclassified. If you are not sure whether something that could be discussed is classified, contact a DC. However, remember that selective use of “No Comment” may constitute a comment. You should consider the context of an interview, discussion, etc., carefully when responding to questions or during discussions. You should also consider responding with a statement similar to “We do not comment on this type of information.” Tread lightly. For any



Polishing the Policy . . . [Continued from page 5](#)

questions concerning presentations or discussions in classified subject areas (e.g., yields, stockpile locations, etc.), talk with your local CO.

When the revision to GEN-16 is issued, a new briefing on GEN-16 will be available on the OC website and in Powerpedia. If you have any questions regarding the classification of a document or whether GEN-16 applies, contact your local CO. Also contact your local CO when you think GEN-16 might apply, but the situation is not addressed or if you need additional guidance. If you have any questions concerning sanitization of a computer, contact your local security office. If you have any questions regarding the GEN-16 policy or would like a link to the briefing when it is available, contact the OC's outreach program at (301) 903-7567 or outreach@hq.doe.gov.

RESTRICTED DATA INFORMATION – FROM THE CRADLE TO THE GRAVE

During the Manhattan Project, virtually everything was classified. The first Atomic Energy Act of 1946 defined RD as encompassing all information falling within its definition (e.g., design of nuclear weapons, production of special nuclear material, etc.). New information was considered "born classified" until a decision to declassify it was made. The Atomic Energy Act of 1954, as amended, retained this definition of RD, but with the passage of more than 50 years, the core of information still classified as RD has been dramatically reduced through ongoing declassification actions.

Classifying RD Information

How RD information is classified – and declassified – is now spelled out in 10 CFR § 1045.14*. Whenever someone believes that information falls within the definition of RD from the Atomic Energy Act, but cannot find a guide topic that applies, the individual must forward that information to the DOE Director, OC, through the local classification or security office. The Director, OC, has 90 days to determine that (1) guidance already exists for the information or (2) no guidance exists but the information does or does not require protection as RD. If the information is within the definition, but there is no topic, then the Director, OC, must apply the criteria in 10 CFR § 1045.16 and § 1045.17 to determine the appropriate classification of the information (see the box on [page 7](#) for the risks considered by the Director, OC, when making this determination). Once an RD determination is made, it must be promulgated through classification guidance to be used by DCs in determining if documents contain RD information.

Declassifying RD Information

The impetus to consider declassifying RD information may come in different forms. Under 10 CFR § 1045.20, proposals may be submitted by the public or by Government agencies and their contractors. The proposal is then sent to AU-1. It must include a description of the information concerned and may also include a reason for the request. Declassification proposals can also result from a systematic review of RD to identify any information that may potentially be declassified. Section 142b of the Atomic Energy Act requires DOE to ". . . maintain a continuous review . . . to determine which information may be declassified and removed from the category Restricted Data" The first Fundamental Classification Policy Review was conducted in 1995-96 as part of Secretary of Energy Hazel O'Leary's Openness Initiative. The objective of that review was to determine which information required continued protection, determine which information no longer warranted protection and recommend declassifications, and recommend changes in DOE classification policies and practices. The latest systematic review of RD information began in December 2011, and declassification proposals from that systematic review continue to be considered today.

The six criteria from 10 CFR part 1045 are also used when determining whether RD information can be declassified, but for declassification, the official that makes the determination is AU-1. The Office of Technical Guidance (AU-62) in OC and a group of subject matter experts who are members of the Technical Evaluation Panel (TEP) provide AU-1 with advice and assistance. For more information on the TEP process, see the article on [page 7](#).

* 10 CFR Part 1045, *Nuclear Classification and Declassification*, issued December 31, 1997, establishes the rules for classifying and declassifying RD information and documents.



Restricted Data Information—From the Cradle to the Grave . . . [Continued from page 6](#)

Once the TEP makes a recommendation to declassify the information, AU-62 coordinates it with DOE Program Offices and other agencies, as appropriate. Equipped with all of this information, AU-1 can then make an informed decision about whether to declassify the information. When a declassification action is signed, the Director, OC, is again responsible for promulgating this determination through the issuance of classification guidance for use by DCs and Derivative Declassifiers when reviewing documents for classification or declassification.

While a determination on whether information falls under the RD definition must be made within 90 days, the determination to declassify RD information takes much longer – typically a year or more. These very deliberate declassification steps ensure that the information “. . . can be published without undue risk to the common defense and security . . .” as required by the Atomic Energy Act.

For more information on the process for classifying or declassifying RD information, please contact Edie Chalk at 301-903-1185 or edie.chalk@hq.doe.gov.

C L A S S I F Y ?	<p>What criteria are considered when classifying or declassifying RD information?</p> <ol style="list-style-type: none"> 1. Whether the information is so widely known or readily apparent to knowledgeable observers that classification would cast doubt on the credibility of the classification system. 2. Whether publication of the information would assist in the development of countermeasures or otherwise jeopardize any U.S. weapon or weapon system. 3. Whether the information would hinder U.S. nonproliferation efforts by significantly assisting potential adversaries to develop or improve a nuclear weapon capability, produce nuclear weapon materials, or make other military use of nuclear energy. 4. Whether publication of the information would have a detrimental effect on U.S. foreign relations. 5. Whether publication of the information would benefit the public welfare, taking into account the importance of the information to public discussion and education and potential contribution to economic growth. 6. Whether publication of the information would benefit the operation of any Government program by reducing operation costs or improving public acceptance. 	D E C L A S S I F Y ?
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What Role Does the TEP Play in Declassifying RD Information?

The TEP is an advisory body composed of three subject matter experts – one each from the Los Alamos National Laboratory (LANL), Lawrence Livermore National Laboratory (LLNL), and Sandia National Laboratories (SNL). The TEP meets periodically to evaluate proposed RD declassifications using the six criteria for declassifying RD information specified in 10 CFR § 1045.16 (see the box above). After extensive discussion and evaluation of the criteria, the members provide recommendations based on their technical expertise. If releasing the information would cause undue risk to the national security, then it cannot be declassified. The TEP recommendations are then provided to AU-1 who makes the final determination (more detail on [page 6](#)).

Although the “TEP” was first established in 1979, the concept of asking a group of technical experts to review proposed declassification actions and make recommendations has been in existence for well over 50 years. More recently (2011), the TEP process was invigorated when AU-62 initiated a systematic review of its guides to identify RD information that could potentially be declassified, and an updated charter was signed.

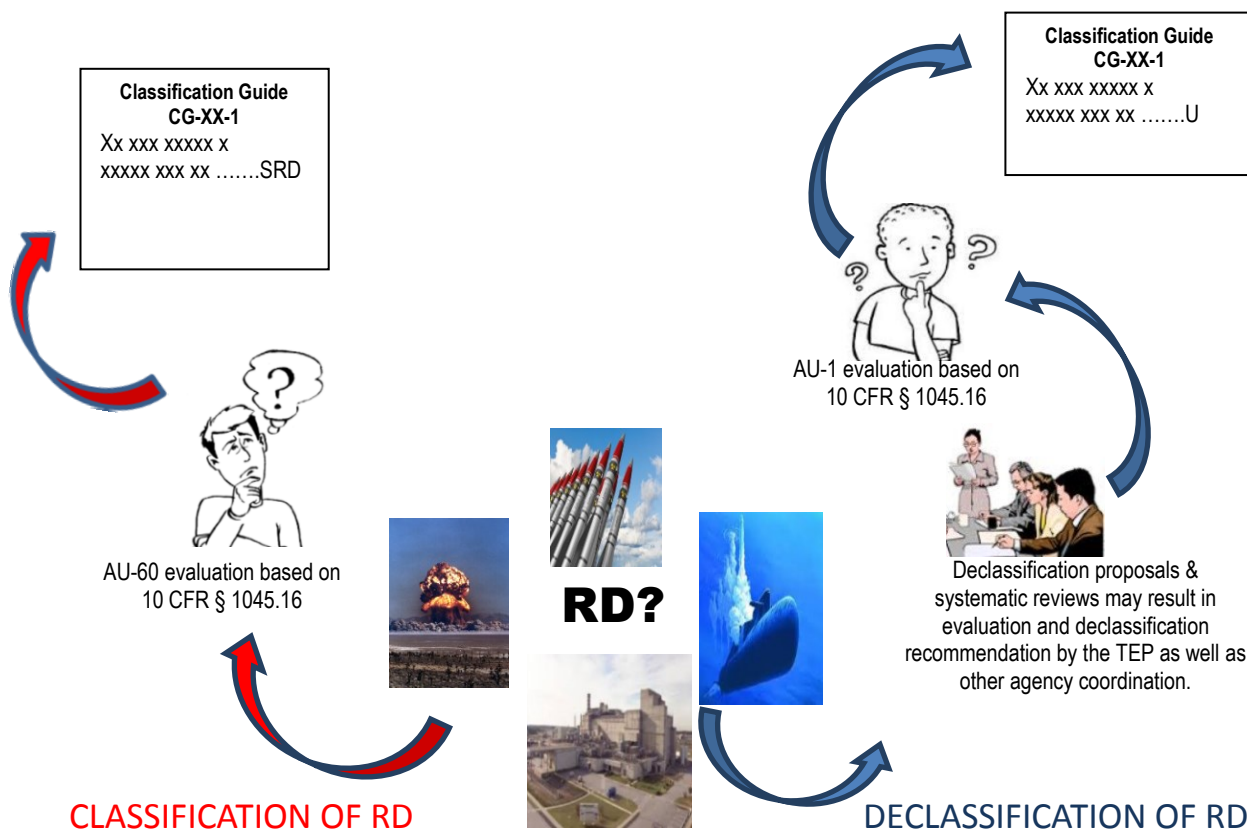


What Role Does the TEP Play . . . Continued from page 7

Meetings between the TEP and OC to evaluate RD topics against the criteria for declassification have been occurring approximately three times per year. At these meetings, technical area subject matter experts use the criteria from 10 CFR part 1045 to examine the potential risks to national security from declassifying the information. If the TEP determines that a declassification recommendation is justified, AU-62 drafts a formal declassification proposal, briefs all equity holders, coordinates activities to obtain endorsements from the appropriate program offices, and submits the declassification action to AU-1 for approval.

To date, information concerning gun- and implosion-assembled weapons, boosting, thermonuclear weapons, detonation systems, and weapon initiators has been reviewed. In FY 2013, 48 areas were evaluated against the criteria in 10 CFR part 1045 for possible declassification with one third of the areas recommended for declassification (approximately half of these were approved). The others did not meet the criteria for recommended declassification or are still being evaluated and remain classified in accordance with national security objectives.

As always, the TEP is open to declassification proposals from the field. Originators of declassification proposals may be requested to present them to the Panel. The last meeting was held July 2014, and another meeting is scheduled at SNL in early December. For more information, please contact Edie Chalk at 301-903-1185 or edie.chalk@hq.doe.gov.



CG-SS-5, Classification and UCNI Guide for Safeguards and Security Information, Status Update

Since the Fall 2013 issue of the CommuniQué, work has continued on the fifth revision of this safeguards and security guidance. A draft was transmitted to the field COs for review and comment. Over 300 comments were received. They covered everything from typographical errors to multi-page questions about implementation of a specific proposed topic. At the 2014 COs Technical Program Review Meeting, a workshop was held to discuss comments that were commonly made by the COs and to discuss any additional questions about the guide.



In the weeks following the COs Meeting, the guide was rewritten to address the comments, where appropriate. If the guide was not changed based on the comments, the reason was documented. After addressing the comments, the guide was placed in internal administrative review.

Once the internal review was completed, the guide was transmitted to the field COs again so that the requested changes could be reviewed. Concurrent with this transmittal, Headquarters began working with individuals from the Nevada National Security Site to improve the malevolent dispersal topics. A teleconference was held in September to review the new draft and address changes made based on comments received earlier. Once all comments and issues from the field and Headquarters programs have been resolved, the package will be assembled and sent for concurrence and approval. For more information, please contact Edie Chalk at 301-903-1185 or edie.chalk@hq.doe.gov.

Tips for Identifying FOIA Responsive Documents and Ensuring Timely Response to the Requester

It's 9:00 a.m. on a Monday, and your Office has just received a request for any documents that are "responsive" to a FOIA request that the DOE is processing. What are some important things to keep in mind? Whether this is the first time you have received a request or you are a seasoned pro, the tips below will help to ensure a timely response to the requester and will help the OC to ensure that it is not expending unnecessary resources to conduct duplicate classification reviews when copies of the same document have been submitted for classification review by multiple Departmental elements (e.g., labs, field offices, production facilities, etc.).

Please bear in mind that a requester who is unsatisfied with the timeliness of the response may choose to exercise his/her right to file a legal complaint (i.e., a civil litigation pursuant to the FOIA). If this happens, it's even more important to keep the tips below in mind to ensure that documents are provided to the Court in a timely manner.

Tips of the Trade

Based on our experience, the following are helpful suggestions when handling a FOIA response:



Responsive, Responsive, Responsive: When it comes to the FOIA, we can't say it enough! Taking the time to look at the documents that have been identified and to determine that they really are responsive to the written request submitted ensures the following: (1) the requester won't be overwhelmed with documents that aren't responsive (e.g., only have a word or two in common with the request) and (2) the Department won't expend resources processing documents that aren't of interest to the requester, to include the resources needed to conduct classification reviews. It also facilitates a more timely response to the requester.



Communication:

FOIA Office Involvement – Please get your FOIA Office involved to ensure the documents that were identified during the search period are actually responsive to the request. Then make sure that all responsive documents are being processed. If the FOIA Officer doesn't have a security clearance,



Tips for Identifying FOIA Responsive Documents . . . [Continued from page 9](#)

encourage the individual to locate someone with a clearance who can compare the documents to the request letter to confirm that the documents really are responsive.

Inventory of Documents – All entities processing the responsive documents need to have a shared understanding of which documents have been identified as part of the inventory of responsive documents in order to prevent unnecessary duplication of classification reviews for multiple copies of the same document. Keep in mind that the inventory we’re talking about here is “THE” inventory (in all caps), not just one site’s list. Sites need to communicate with one another as well as with OC at Headquarters and the CO for the NNSA to ensure everyone knows which documents are in play.



Timeliness:

Designate FOIA Actions A High Priority – Timely processing is of the utmost importance. When a legal complaint is filed, it is most likely because the initial response wasn’t completed in a timely manner. If a complaint has been filed, you can help minimize the delay in producing the documents provided to the Court by giving first priority to the FOIA action at each step of your process. Also, for all FOIA requests, be aware that OC cannot declassify or unilaterally redact other Government agency documents; we must send them to the originating agency for review. Send such documents to us immediately so that the originating agency’s classification review can run concurrently with OC’s review.

No Batching – Do not wait for every document to complete a step before proceeding with the next step. “Batching” at one or more steps of your process can cause undue delay. OC recently encountered a situation where a field entity batched 3 months’ worth of response letters and documents before sending them to us for classification review. This caused a significant delay in processing.

Send Via Classified Local Area Network (LAN) When Possible – When possible, use the classified LAN to route the documents to OC instead of using the postal system. If transmitting via ESN/NESAN*, send the documents to Declassification-Reviews@clan.gov, with a courtesy unclassified email to remind us to check that mail drop. For larger files, use OC’s big file sharing procedure.** You’ll need to give us a call to set that up. If the classified LAN is not available, use overnight delivery service or a courier (if local) when allowed by your Site Security Plan.

If OC receives the documents in electronic format on the classified system, it can respond with redacted versions of the documents directly through the unclassified DOE LAN system by printing a hard copy of the redacted document (which necessarily resides on the classified system) and scanning the unclassified redacted version*** for transmission over the unclassified system following the requirements in the Classification Order.

Most importantly, there should be constant communication with all offices involved to ensure everyone has an overall picture of what actions need to occur and when, which ones have already taken place, and the schedule for completing any remaining actions.

Kenneth M. Stein; Director, Office of Document Reviews
Office of Classification POCs: David Hix, david.hix@hq.doe.gov, 301-903-5668; Mike Kolbay, mike.kolbay@hq.doe.gov, 301-903-1154.

* Enterprise Secure Network/NNSA HQ Enterprise Secure Access Network

** Additional detail in the Spring 2014 issue of the CommuniQué.

*** Note: This “redacted” version has had only the classified information removed. It could still contain Export Controlled Information, Privacy Act information, as well as other types of Official Use Only information that may be FOIA exempt. It could also still contain some potential Unclassified Controlled Nuclear Information. The Programmatic Element must review this information to make the determination that it is sensitive information that is not publicly releasable.



Attention DCs! Keep Emails Part of the Statistics Game

In the Spring 2014 CommuniQué, we talked about the importance of keeping statistical records for derivative classification decisions. If you are a DC and have not received a call for statistics, you may be receiving one soon. Many COs provide a spreadsheet to record classification decisions, but sites may have other data collection methods. For the last few years, classification decisions for email have been included in statistics collected. Emails are ultimately just one more form of document, and accounting for them in our statistics is one facet of the ongoing effort to bring digital-realm classification decisions in line with hard copy-document classification standards. Some sites may have you report your email classifications, but others may use statistical methods based on all email traffic at the site to determine these statistics. You should receive instructions from your CO explaining exactly what statistics are to be provided. If you have any questions regarding what you are to report, contact your CO for more details.

Items of Interest to the Classification Community from the 49th Annual COs Meeting, April 22-23, 2014



This past April, the 49ers came to Germantown – no, not the football team from San Francisco, but the attendees at the DOE’s 49th annual COs Technical Program Review Meeting. This year, Germantown welcomed 114 classification officials from Headquarters and around the country, a substantial increase over the 85 attendees at the 2013 Meeting. Participants shared ideas and discussed policies and procedures for information classification and control, guidance, document reviews, and other topics important to the classification community.

Mr. Glenn Podonsky addressed the Meeting for the last time as DOE’s Chief Health, Safety and Security Officer – he assumed leadership of the new Office of Independent Enterprise Assessments on May 4, 2014. Mr. Podonsky took the opportunity to acknowledge the occasion, mentioning that it was his tenth appearance at the Meeting, and thanked all of the DOE classification officials for their service.

Additional opening remarks were delivered by Brigadier General Jimmy McMillian (ret.), Director of the Office of Safeguards, Security, and Emergency Preparedness within EM. In his first appearance at the COs Meeting, he spoke on “Leadership 101,” describing the effects that leadership, good and bad, can have on an organization. He delineated the facets of good leadership such as discipline, rigor, integrity, transparency, good stewardship of taxpayer dollars, and commitment to excellence. He concluded his presentation by challenging one of the COs to a military-style push-up competition. It was a close competition, but Brigadier General McMillian edged ahead!

Afterward, Dr. Andrew Weston-Dawkes, Director, OC, presented his *Report from Washington*, in which he highlighted personnel changes over the last year and various issues that are common throughout the classification community. These included comments on the IG’s *Report on Improving DOE’s National Security Information (NSI) Program*, the recommendations made by the Public Interest Declassification Board (PIDB) for reforming DOE’s classification practices, the current state of the Controlled Unclassified Information (CUI) regulation and policy development, and a review of current and future budget concerns.

Throughout the remainder of the Meeting, additional presentations were made by various individuals from Headquarters and the field covering areas of interest to the classification community. These presentations are briefly summarized on the following pages. If you would like to receive a copy of the minutes of this Meeting or slides from any of the unclassified briefings, please contact the OC Outreach Program at (301) 903-7567 or outreach@hq.doe.gov.



Items of Interest to the Classification Community . . . [Continued from page 11](#)

Activity Updates from the COs Technical Program Review Meeting – HQ Office of Classification

The OC offices described their activities over the course of the last year and their import for the classification community:

Office of Quality Management (AU-61) – Nick Prospero, Director – Mr. Prospero discussed the following: staffing changes in the Office of Quality Management; proposed revisions to regulations, directives, and policy bulletins; training priorities; and other ongoing policy initiatives. Among current policy initiatives, he described refresher/recertification training; a new Office of Intelligence and Counterintelligence (IN) reviewer training program; revisions to GEN-16, “No Comment” Policy on Classified Information in the Public Domain; and the implementation of corrective actions following the IG Report. Furthermore, in a presentation that elicited much discussion, he presented new guidelines for the marking of emails on classified networks based on their content rather than marking at system high. These guidelines were later showcased in a set of examples presented by Mr. Fletcher Whitworth. Mr. Prospero also outlined a proposal for the IN program involving a system with three levels of IN classifiers – email only, NSI, and RD/FRD classifiers, respectively. On the second day of the Meeting, he discussed the execution and findings of the most recent Information Security Oversight Office (ISOO) Self-Inspection Report and outlined a proposed plan for improving the Classification Decision Review process.

Ms. Lesley Nelson-Burns updated officials on the implementation status of the CUI program, including a comparison of information protection practices under the Official Use Only program and the CUI program. In a separate presentation, she provided an overview of the revisions to DOE Order 475.2A, including accommodations made to address the recommendations in the recent IG report. Ms. Jacqueline George demonstrated the new computer-based training that will be issued by AU-61 – a refresher course for Headquarters DCs that can be made available to the field.

Office of Technical Guidance (AU-62) – Edith Chalk, Director – Ms. Chalk briefly described the activities of the TEP and provided details of the ongoing RD Systematic Review. Additionally, progress has been made on several current guidance initiatives, such as the major effort on CG-SS-5 that will incorporate OC’s recommendations from the NSI Fundamental Classification Guidance Review. Mr. Johnnie Grant gave a status report on the approval of local guides as well as a reminder to perform the 5-year review of such guides (notification to him upon review completion). Mr. Grant also asked for feedback on the electronic xCGS program, as none has been received. In two separate presentations, Mr. Gregory Gannon described guide development for the Insider Threat Program and reviewed the UCNI decision-making process.

Office of Document Reviews (AU-63) – Ken Stein, Director – Mr. Stein gave an overview of current document review efforts, staffing within his office, and technological advances aimed at improving efficiency, such as redaction software and automated filters for digital records. He also led a discussion on the necessity of proper records scheduling, to include the need to identify permanent records requiring classification reviews.

Field Element CO Updates

The field element classification officials who addressed the Meeting this year were:

Ronald McIntosh, CO for SNL/New Mexico (NM), who shared his observations and recommendations for future inspections and self-inspections following the recent IG visit to SNL/NM.

David C. Brown, CO for LLNL, Paula Bachelor, CO for Pacific Northwest National Laboratory (PNNL), and Rick R. Balthaser, CO for the Sandia Field Office, who participated in a panel discussion that included overviews of the LLNL and PNNL classification programs and how they operate. Mr. Brown also gave a presentation on classification issues in the areas of additive manufacturing, the W78/W88-1 Life Extension Program, and High Energy Density physics.



Items of Interest to the Classification Community . . . [Continued from page 12](#)

ISOO Updates

John Fitzpatrick, Director of ISOO, reviewed ISOO’s oversight methods and its current projects, such as declassification programs and support to the PIDB and the Interagency Security Classification Appeals Panel. In a separate presentation, he described the progress in implementing the CUI program and ISOO’s CUI responsibilities.

Intelligence Community Update

Charles Durant, Director of the Office of Counterintelligence, described DOE-IN’s current focus on the Insider Threat Program (ITP) and analyzed the likelihood that DOE’s approach will be used as a pilot program for other Government agencies in this area.

Updates in Headquarters Security and Records Management Programs

Carl Piechowski of the Office of Security Policy (AU-51) described the motivation behind the ITP and his office’s ongoing development of the governing order.

Mr. Samuel Soley, Jr., of the Office of Corporate Security Analysis and Special Operations discussed the new DOE Technical Security Program, the establishment and purview of the program, and the drafting of its Order (DOE Order 470.6).

Susan Farrand of the Office of the Chief Information Officer, Office of Cyber Security, described her office’s organization and its current projects, which include developing tools and resources for better cyber security reporting and analysis.

Troy Manigault, Director of the Records Management Division and Departmental Records Officer, provided an overview of records management and the lifecycle of a record. He also detailed DOE’s current efforts to shift more records management to the electronic environment and explained the reasoning behind the shift.



COs won’t want to miss this one!

50th Annual Classification Officers Technical Program Review Meeting

May 5-7, 2015



Home

AWARD OF EXCELLENCE WINNER LARRY SPARKS

Each year, OC honors one of its COs with the Award of Excellence. At this year's 2014 Award of Excellence Banquet, Mr. Larry Sparks from Oak Ridge was honored. Those of you who have met Larry know that he has been an integral part of the classification community for many years. His dedication and professionalism has led to a number of improvements in the overall classification program.

Larry joined the Oak Ridge Office classification team in 1998. He hit the ground running and hasn't stopped since! During the past 4 years, the reorganization of operations at Oak Ridge under the Office of Science (SC), EM, and



Larry Sparks receiving the Award of Excellence from Andy Weston-Dawkes

Office of Nuclear Energy (NE) have placed great stress on their classification programs and limited resources. During these transitions, Larry was tasked to serve as the PCO for SC's Oak Ridge activities and as the Federal CO for five separate organizations reporting to SC, EM, and NE. He also provided oversight to seven of their contractor organizations. In accepting these diverse and unique challenges, Larry showed that he was eminently capable of administering, coordinating, and directing multi-programmatic classification activities. His ability to master complex technologies, analyze classification issues, and present sound recommendations greatly contributed to DOE's classification program. Several efforts were particularly noteworthy, including his effort spearheading a gaseous diffusion declassification action related to the decontamination and decommissioning of the Portsmouth Gaseous Diffusion Plant that will save the Government over \$100 million. In addition, the support he provided to the Nuclear Regulatory Commission's regulation of the Global Laser Enrichment

Project concerning the SILEX process has been instrumental in its successful classification program.



Previous recipients of the Award of Excellence who also attended the banquet, from left to right:

Larry Sparks, Ron McIntosh,
Donna Nichols, John Monahan,
Greg Spencer, and Dave Brown.

**Thanks to Allen Barwick
for providing the photos.**



Guidance Status

(Due to time needed to obtain concurrences on the Communiqué,
this section is current through 8/31/14)

Classification Guides (CG)

CG-ACN-2. *Joint DOE/DoD Classification Guide for Arms Control Negotiations.* Started discussions with DoD on revisions. Working group forming.

CG-ACTV-2. *DOE Classification and UCNI Guide for Arms Control and Verification Technology.* Editorial comments have been compiled. Substantive inputs will be collected in the next 2 weeks.

CG-CB-3. *Classification Guide for Chemical/Biological Defense Information.* Looking for input from program and field elements to tailor guide to current needs.

CG-CI-2. *DOE Classification Guide for Counterintelligence Information.* Finished implementing FCGR recommendations and knowledge preservation metadata.

CG-ECP-1. *Joint DOE/NRC Classification Guide for the European Centrifuge Program.* In XML and technical QA.

CG-GSP-1/CG-GSP-1A. *DOE Classification Guide for Graded Security Protection/Supplement.* Drafts of both guides being revised as a result of internal review.

CG-IGC-1, Change 3. *Classification Guide for Isotope Separation by the Gas Centrifuge Process.* Incorporating UCNI topics from OR and other editorial corrections. Awaiting declassification determination before finalizing.

CG-IN-1, Change 3. *DOE Classification Guide for Intelligence Information.* IN reviewing revised draft.

CG-IND-2. *DOE Classification Guide for Improvised Nuclear Devices.* In concurrence.

CG-IND-2A. *Sigma 20 Annex to DOE Classification Guide for Improvised Nuclear Devices.* Will start development after approval of CG-IND-2.

CG-MC&A-1. *Classification and UCNI Guide for Nuclear Material Control and Accountability.* Revising draft based on working group comments.

CG-MD-2, Change 1. *DOE Classification Guide for the Fissile Materials Disposition Program.* In concurrence.

**Guidance Issued since
Index 2014-02**

Headquarters Guidance
None

Local Guidance
None

Bulletins
WNP-150, *Clarification of Inertial Confinement Fusion (ICF),* dated 7/29/14
WNP-151, *Uranium Equation of State,* dated 7/11/14

CG-MPCA-2 / CG-MPCA-2A. *Classification Guide for MPC&A Information/Annex.* In concurrence.

CG-MPP-3. *Classification Guide for a Material Protection Project.* Draft under internal review.

CG-NMIP-1, Change 1. *Nuclear Materials Information Program Classification Guide.* Draft under program review.

CG-NMP-2, Change 5. *DOE Classification Guide for Nuclear Materials Production.* Change 5 implements FCGR proposed revisions. AU-62 consolidating comments on draft change from field offices and will address each comment.

CG-NRI-1, Change 1. *DHS/DOE Classification and UCNI Guide for Nuclear/Radiological Incident Emergency Response and Consequence Management.* At DHS for review/comment.

CG-PD-1/CG-PD-1A. *Classification Guide for Proliferation Detection Technology/Supplement.* Internal (AU-62) review complete; guides under revision.

CG-PGD-6. *Joint NRC/DOE Classification Guide for Uranium Isotope Separation by the Gaseous Diffusion Process.* FCGR recommendations and TNP-42 implemented. Knowledge preservation metadata being developed for the guide.

CG-RC-3. *Classification Guide for Non-U.S. Reactor Conversion Studies.* Awaiting input from program office.

CG-RDD-2. *Joint DOE/DHS/NRC Classification Guide for Radiological Dispersal Devices and Radiation Exposure Devices.* In concurrence.

CG-SIV-1. *Classification and UCNI Guide for Secure Intra-Site Vehicles.* Received draft from Sandia on 1/31/13. Under internal review.

CG-SLD-1, Change 1. *DOE Classification Guide for Second Line of Defense Program.* In concurrence.

CG-SMG-2, Change 2. *Joint CBP/DOE Classification Guide for Nuclear Smuggling Information.* DHS currently drafting DHS-only guide. Once DHS-only guide is signed, DOE will cancel CG-SMG-2.

CG-SNS-1. *DOE/DoD/NASA Classification Guide for Space Nuclear Systems.* Draft received from program office. Restructuring and editing draft. Will replace TNP-33, TNP-47, CG-RP-1, CG-SNR-1, and CG-SRPS-1.



Guidance Status (continued from page 15)

CG-SS-5. *Classification and UCNI Guide for Safeguards and Security Information.* Field and program classification officer comments received on 4/11/14. Draft being revised to address comments.

CG-TSCM-1, Change 1. *Classification Guide for Technical Surveillance Countermeasures Information.* Guidance incorporating working group comments being drafted. Draft to be revised to incorporate TNP-49.

CG-US-SILEX-2. *Joint DOE/NRC Classification Guide for Enrichment of Uranium by the SILEX Process.* U.S.-only version published. Awaiting additional input from Australian government.

Topical Classification Guides (TCG)

TCG-BTS-1 Change 3. *Joint DOE/DoD Topical Classification Guide for Boosting and Transfer Systems.* In concurrence.

TCG-NAS-2, Change 7. *Joint DOE/DoD Topical Classification Guide for Nuclear Assembly Systems.* Incorporated topics from CG-SSP-1 Rescission and WNP-117. Additional changes will be made as a result of the ongoing RD classification review.

TCG-SAFF-3. *Joint DOE/DoD Topical Classification Guide for Safing, Arming, Fuzing, and Firing.* Package to transmit to DoD is with NNSA for concurrence.

TCG-UC-3, Change 6. *Joint DOE/DoD Topical Classification Guide for Nuclear Weapon Use Control.* In XML and technical QA finished. Pending author and team leader QA.

TCG-VH-2, Change 1. *Joint DOE/DoD Topical Classification Guide for Vulnerability and Hardening.* 5-year review initiated. Comments received from NNSA and are being incorporated.

TCG-WI-2, Change 1. *Joint DOE/DoD Topical Classification Guide for Weapon Initiators.* In development.

TCG-WS-2. *Joint DOE/DoD Topical Classification Guide for Weapon Science.* On hold pending results from Technical Evaluation Panel RD classification review.

TCG-WT-1, Change 10. *Joint DOE/DoD Topical Classification Guide for Weapon Testing.* Author addressing comments from technical review.

UCNI Topical Guidelines (TG)

None

Classification Bulletins Currently in Development

TNP-45. *Guidance for the Pyrometallurgy Project.*

TNP-xx. *ORNL Original Classification Determination.*

TNP-xx, *Classification Guidance for Nuclear Regulatory Commission Facility.*

WNP-152. *Unclassified Controlled Nuclear Information (UCNI) Computer Codes.*



















WNP-153, *Test Objects.*

For questions, contact Edie Chalk, Director, Office of Technical Guidance, at (301) 903-1185 or edie.chalk@hq.doe.gov.

NOTE: Copies of guides can be requested from Sandy Dorsey at (301) 903-3688 or at Sandy.Dorsey@hq.doe.gov.

PERSONNEL UPDATES

(Due to time needed to obtain concurrences on the CommuniQué, this section is current through 8/31/14)


 **WELCOME!** 
 Michael J. Badagliacca, CR for GC-62 
 Steve A. Bowen, Classification POC, NRLFO 
 Betty L. Huck, CR for NE 
 Tiffany S. Jenifer, POC for IG 
 Karen E. LaRue, Acting CO, LANL 
 R. Gregg Peed, CO, ACP (WEMS, LLC) 
 Christopher D. Poe, Interim CO, ORNL 



 **FAREWELL!** 
 Daniel J. Gerth, CO for LANL (Retired) 


COMMONLY USED ACRONYMS IN THIS COMMUNIQUÉ

CO	Classification Officer
CR	Classification Representative
CUI	Controlled Unclassified Information
DC	Derivative Classifier
DD	Derivative Declassifier
FOIA	Freedom of Information Act
FRD	Formerly Restricted Data
IG	Inspector General
ISOO	Information Security Oversight Office
NSI	National Security Information
OC	Office of Classification
PCO	Program Classification Officer
RD	Restricted Data
TEP	Technical Evaluation Panel
UCNI	Unclassified Controlled Nuclear Information

Got an idea for an article? We'd love to hear from you! Please contact Mary Deffenbaugh at mary.deffenbaugh@hq.doe.gov.

