

From the Director's Office

In today's complex environment, the lines of responsibilities of different agencies frequently cross paths. The Department of Energy (DOE) often details individuals to other agencies to facilitate the coordination and understanding of each other's programs. At other times, the DOE is asked to help other agencies through work for others programs. These interactions involve sharing information and can result in the publication of joint classification guidance or the incorporation of each other's equities in their respective documents. No matter how formal or informal the interaction may be, derivative classifiers must ensure that classification protocols are understood and followed.

Persons detailed to another agency bring not only their technical expertise but also a vast knowledge of classification policies and procedures gained through the DOE's unique formal approach to classification training. Even though derivative classification authority doesn't follow a person on detail, the knowledge gained through our certification process does. This means that DOE persons on detail have much to offer other agencies, particularly in the areas of Restricted Data (RD) and Formerly Restricted Data (FRD).

If an agency requires a DOE person on detail

to classify documents, keep in mind that in order to classify RD or FRD documents, the agency must appoint that person as an RD Classifier in writing. Another agency may not be aware of that fact, but the person on detail should be. DOE persons have first-hand knowledge of which classification guides exist and should encourage the supported agency to request any required guides. A person on detail may also identify a need for classification awareness training that the agency should offer its employees.

If you are on detail, don't hesitate to take the lead. The good news is that you don't have to do this alone. Each agency is required to have an RD Management Official, who appoints RD Classifiers and establishes RD training programs in their agencies. The classification office of your parent organization is another resource for you to use. And, of course, my office also has an Outreach Program to assist other agencies in any way we can. Feel free to call us if you think we can help.

The DOE also provides assistance to other agencies through work for others programs. Reviewing documents generated under the work for others programs is one of the greatest challenges facing DOE derivative classifiers. Agencies do not always generate adequate guidance. In such cases, DOE classifiers lack suitable guidance to make derivative classification

Director (Continued on page 6)

Compilations and Associations

Two of the most difficult concepts in classification are association and compilation. Both deal with two or more pieces of information, and in both cases, the context of the information determines whether or not it is classified. The similarity ends there. Associations involve a few, usually two, unique facts that reveal information classified under a guide topic. Compilations involve

many unclassified items of information that by mass or completeness may have sufficient value added to merit classification. Compilations do not usually have a basis in guidance and are, therefore, more difficult to determine. Associations and compilations are also marked differently.

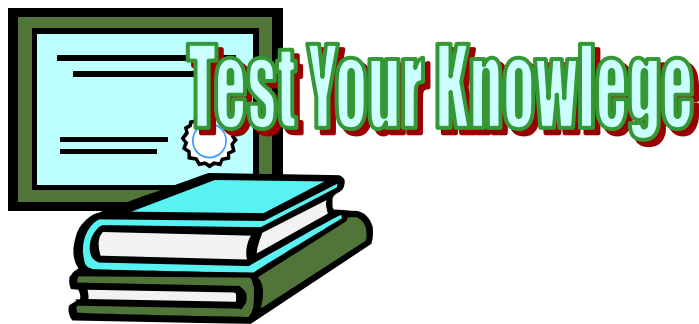
Compilation (Continued on page 4)

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1. What is the latest change to CG-SCE-1?

- a. There are no changes to that guide.
- b. Change 1, dated 8/23/04
- c. Change 2, dated 1/1/04
- d. Other _____

2. What is the latest change to CG-PPTV-1?

- a. Change 1, dated 12/98
- b. Change 2, dated 1/19/05
- c. There are no changes to that guide
- d. Other _____

3. If a topic in a classification guide shows that information is SNSI 25X2 [40], the “Declassify on” line for a document dated May 1, 2005, that contains the information covered by the topic should be annotated as:

- a. X25
- b. 25X2 [40]
- c. May 1, 2045
- d. The document cannot be automatically declassified.

4. If a document contains both C-FGI/MOD and OOU information, the front of the document must contain.

- a. OOU markings only
- b. C-FGI/MOD markings only
- c. Both OOU and C-FGI/MOD markings.

5. If a document contains two unclassified facts that combine to make a classified statement, the document should *

- a. always be classified as an association and be marked at the level and category of the classified association.
- b. be classified as an association and be marked at the level and category of the classified association if the facts are in the same paragraph.
- c. contain a statement saying the document is classified by compilation and cannot be used as a source document.
- d. None of the above are correct.

*Assume that the classified association is the only classified information in the document.

6. When a derivative declassifier reviews a document that is marked Secret RD and, based on current guidance, determines that it contains Secret FRD but no RD, he

- a. can downgrade the document to FRD.
- b. can reclassify the document to FRD.
- c. should refer the document to his CO so it can be coordinated with the Department of Defense.

Answers (on page 6)

Transclassification

“If you can do it – it’s not transclassification.”

Transclassification is authorized by the Atomic Energy Act (AEA). Although the term is not explicitly used in the AEA, transclassification is the removal of information from the Restricted Data (RD) category and placing it in another classification category. There are two instances in which this can occur. The first is by joint determination of the DOE and the Department of Defense that certain information relating to the military utilization of nuclear weapons can be removed from the RD category to a less sensitive category that has become known as Formerly Restricted Data (FRD). The second is by joint DOE and Director of Central Intelligence determination that information concerning the atomic energy programs of other nations may be transclassified to National Security Information (NSI). In both cases, the authority to transclassify information is very limited. Within the DOE, only the Director, Office of Security, can make a transclassification determination.

The term transclassification is sometimes misused to refer to the downgrading of documents. Downgrading can occur when an RD document is reviewed by a derivative declassifier (DD). If, based on current guidance, the DD

determines (1) that whatever information was RD when the document was originated is no longer RD, and (2) the document still contains information that is FRD or NSI, the document can be downgraded. This is accomplished by removing the RD markings and, if appropriate, applying the FRD or NSI markings. Thus, when the document is remarked to reflect a less sensitive category upon completion of a review by a DD, the document is downgraded, not transclassified.

The reason for the misuse of the term is the confusion between the terms “information” and “document.” It is important to note the distinction between the two. Information is regarded as facts, data, or knowledge, whereas documents or material are the means through which information is conveyed. Transclassification occurs when the information itself is moved to a less sensitive category. When a document is remarked to reflect a less sensitive category based on classification or declassification guidance, it is downgrading.

If you would like further information, please contact Nick Prospero: nick.prosperso@hq.doe.gov, (301) 903-9967.

Appraisal Corner

Guidance “Trust, but Verify”

The importance of properly distributing classification guidance and keeping it up to date cannot be overemphasized. Without up-to-date guidance, there is a risk of misclassifying documents.

Ensuring guides and guide changes are appropriately distributed requires the attention of the Office of Classification and Information Control (OCIC), the National Nuclear Security Administration Service Center (NNSA SC), the Classification Officer (CO), and the Classification Representative (CR). Ensuring guides are up to date is the responsibility of the holder of the guide. The requirement for distributing guidance is addressed in DOE Manual 475.1-1A, *Identifying Classified Information*. The manual does not dictate a particular method of guidance distribution and maintenance, and the methods for doing so vary considerably among field and Headquarters (HQ) elements. Classification guidance distribution and maintenance is a common deficiency identified in oversight reviews of both field and HQ elements. Oversight reviews make it clear that we need new and innovative ideas to ensure guides are appropriately distributed and kept up to date.

There are three methods of guide distribution: active, passive, and a combination of the two. In an active program, the OCIC, the NNSA SC, the CO, or the CR maintains a list of who has which guide and automatically distributes the new guides or changes to the guides directly to the appropriate individuals. For those individuals on the OCIC list, the guides are mailed directly to them. When the list is maintained by the NNSA SC, COs, or CRs, they must obtain the required number of guides or changes to the guides from OCIC or make copies themselves and distribute them to the appropriate individuals. Depending on the number of classifiers in the program, this could become rather labor intensive. Although simplistic in concept, distribution lists or databases require constant attention and, despite the best intentions, may not be totally accurate. Two common problems are not deleting individuals from the list when they depart or individuals obtaining copies of the guides from other officials and not asking to be added to the distribution list.

Unfortunately, a passive distribution system also has problems. Posting the *Index of DOE Headquarters Classification Guides* on an intranet or distributing it so that all guide holders have access to it assumes that these individuals will take the time to view the Index to determine the status of each of their guides. An alternate method of sending an e-mail when a particular guide is

revised is more likely to prompt action by guide holders, but does not ensure action or verify that the guide is updated. A passive system assumes that all guide holders have the time and determination to keep their guides updated. This is not always the case. Another problem with the passive system is that no response is required. When officials do not respond, it may mean they did not receive or read the notice, and, even if they received and read the message, there is no confirmation that the guide is updated.

Perhaps the best method is a combination of the two. Use the active system to make automatic distribution to the appropriate individuals, but ensure that the users have access to the Index so that they can verify they have the most current versions. If they don't, they can request the guides or changes to the guides and in doing so, keep their guides and the distribution list current.

No matter what method you use, you can be sure it isn't fool proof. Therefore, some method of quality assurance for ensuring that the guides are updated is necessary. Ronald Reagan's statement, "trust, but verify," is applicable to this situation. Based on the results of recent oversight reviews, we know that if COs/CRs don't check the guides for updates during self-assessments or random surveys and individuals don't check the Index for updates, all guidance will not be up to date.

If you have a guidance distribution and maintenance system that you feel ensures guides are up to date, please contact Ken Stein, Quality Management Program Manager, OCIC, at ken.stein@hq.doe.gov or (301) 903-9968.

What to do with For Official Use Only (FOUO)

Each Federal agency is responsible for how it implements the Freedom of Information Act (FOIA). All unclassified information exempt from release must be covered by one of eight exemptions in the FOIA, but exactly what information each agency protects may be unique to that agency. There is also no single Government-wide standard for designating information that is exempt from release under the FOIA. The Department of Energy (DOE) designates such information as Official Use Only (OUO). The Department of Defense and Central Intelligence Agency use For Official Use Only (FOUO). Because each agency develops its own program, each may have unique access and handling restrictions.

How is this information dealt with once it is transmitted to the DOE? There is no requirement to remark other-agency documents transmitted to the DOE. DOE employees dealing with documents marked FOUO should follow DOE OUO directives in regard to protection and transmission, unless otherwise instructed by the transmitting agency. DOE Manual 471.3-1, *Manual for Identifying and Protecting Official Use Only*

FOUO (Continued on page 4)

Compilation (Continued from page 1)

Associations are relatively clear; two or more facts combined make a classified statement. Guides specify numerous cases of facts that are classified when associated with a specific weapon or a specific test. Associations require particular attention because individual pieces of information may not always be classified, but with a specified weapon or in a particular context may become classified. Associations may be clear cut; for example, two pieces of information in the same sentence or paragraph that together are classified. However, sometimes the association may be more difficult to identify. The two pieces of information may not be adjacent, but are found in a multi-page document. An association may also require in-depth knowledge of a subject area (e.g., a material nickname associated with a weapon) and, therefore, be more difficult to identify. Despite the difficulty, because an association is determined by guide topics, derivative classifiers (DCs) may classify documents by association if the document is within their authorized subject areas.

Compilations, on the other hand, consist of unclassified facts that by selection, arrangement, or completeness of the information add sufficient value to merit classification. Compilations may involve information over a period of time and, hence, require greater effort to identify the classified information. While compilations within a folder might be clear, compilations within packages or related packages may be more difficult to ascertain or justify. For example, a series of Freedom of Information Act requests associating documents with questions and responses may be classified by compilation. By their nature, compilation classifications are not usually derived from guide topics and, in such cases, cannot be classified by a DC. Only an original classifier may determine a National Security Information compilation and as with any original decision, compilations involving original determinations must be reported within 10 working days to the appropriate authority for review. For Restricted Data or Formerly Restricted Data, only the Director, Office of Classification and Information Control, or the Classification Officer, Technical Security Department, National Nuclear Security Administration, can determine a compilation unless there is a guide topic that specifically addresses it.

Associations and compilations are marked differently. Documents classified by associations are marked at the overall level and category of the association. They are treated as any other classified document in regard to portion marking and stamping. For document that must be portion marked, **both** portions of the association must be marked with the level and category of the association. Documents classified by compilations are marked at the overall level and category of the compiled information and follow most marking rules. However, there are two exceptions: (1) they are **never** portion marked and (2) the first page of a document classified by compilation is

marked with following statement, "This document has been classified under the 'compilation' concept and shall not be used as the source for a derivative classification decision." The standards for explaining the reason for classification on the stamp are more stringent for compilations. When a document is classified by compilation, a written explanation must be maintained with the file or referenced on the record copy of the document.

If you have any questions as to whether or not a document is classified by association or if you suspect a document or collection of documents contain sufficient unclassified information to be classified by compilation, contact your classification officer or classification representative.

If you would like further information, please contact Paul Laplante: paul.laplante@hq.doe.gov, (301) 903-4338.

What is in Your Safe?



Have you reviewed the material in your safe lately? You may be surprised by what you find. If you haven't checked your safe lately, it may contain classification guides that have been superseded or are outdated. Inactive safes should also be checked for classified material. If guides remain in the safe, an official should determine if they are still necessary and update them as required. If they are not necessary, the guides should be disposed of following Classified Matter Protection and Control requirements.

FOUO (Continued from page 3)

Information, does not contain precise marking instructions for DOE documents that use other-agency information that is exempt from release under the FOIA. The following guidelines are recommended so that other-agency equities are noted when creating a DOE document based on FOUO information in another agency's document.

If information from a document marked FOUO is used in a DOE document, the DOE document should be marked OOU, using the exemption from the source document, if indicated. If the source document does not note an exemption, an appropriate exemption (based on guidance or the originator's judgment) should be given.

If you would like further information, please contact Linda Brightwell: linda.brightwell@hq.doe.gov, (301) 903-5454.

Guidance Status

Classification Guides (CG)

CG-ACP-1 and CG-ACP-1A. A CG for the USEC American Centrifuge Program has been approved for use.

CG-BPA-1. A new CG for the Bonneville Power Administration covering energy critical infrastructure information is in development. The first working group meeting was held in Germantown on December 19, 2004. The next working group meeting is scheduled in June.

CG-CM-1. A new CG concerning activities of the gaseous diffusion membrane technology transfer under the Commercial Membrane Corporate Research and Development Agreement is being developed.

CG-ES-1. A new CG for environmental sampling is being developed. Two working group meetings have been held. This CG will provide guidance for the rapidly improving environmental sampling capabilities used in support of National and international arms control and nonproliferation objectives. A final draft is in technical review.

CG-NEPW-1. The final draft CG for the robust nuclear earth penetrator weapon will be sent to the Department of Defense (DoD) and the National Nuclear Security Administration (NNSA) for final approval. Once approved by DoD, NNSA, and the Office of Classification and Information Control (OCIC), the guide can be published.

CG-HRW-1. The CG on historical radiological warfare information has been drafted and is awaiting declassification actions. The Technical Evaluation Panel reviewed and recommended the declassification of most of the radiological warfare information. An action memorandum is being sent to DoD for coordination. Once the declassification is approved, the guide will delineate the small amount of radiological warfare information still requiring protection.

CG-LCP-2. The revised CG on the Louisiana Energy Service Gas Centrifuge Program has been coordinated with the United Kingdom (UK) for final review and approval. It

will also be coordinated with the Nuclear Regulatory Commission (NRC).

CG-NMI-1. The new CG for nuclear material inventories is being developed.

CG-PET-1. A new CG is being developed to address proliferant enrichment technology.

CG-PSP-1. A new CG for the plasma separation process was reviewed at a working group meeting in October 2003. Technical issues are in the final stages of resolution.

CG-RDD/IND-1. A new CG for Radiological Dispersal Device/Improvised Nuclear Device Emergency Response and Consequence

comment.

CG-SSP-1. A working group has identified all topics in the CG for stockpile stewardship for deletion or transfer to other guides. After CG-SSP-1 is rescinded, users will be provided with a list of topics that will continue to be valid pending their migration to other guides.

CG-UAV-2. Revision of the CG for the separation of uranium isotopes by the Atomic Vapor Laser Isotope Separation method is complete. The guide is in final coordination.

CG-UK-2. A new working group, co-chaired by DOE and the UK, has met to begin work on a major revision to the

CG for the exchange and safeguard of material between the United States and the UK. Completion is expected in late 2005. A working group meeting is scheduled for June 1-2, 2005.

New Guidance/Changes

(since last CommuniQué)

CALIOPE, Change 2, 2/3/05
CG-CCAT-1, Change 3, 3/23/05
CG-HPRF-1, Change 1, 2/3/05
CG-PPTV-1, Change 2, 1/19/05
CG-SGC-1, Change 1, 2/23/05
CG-WV-5, Change 2, 3/23/05

In the future, this box will list all guides signed and in the distribution process since the last issue of the CommuniQué, not just those related to the Executive order update.

Management is being jointly developed by DOE, DHS, and NRC. Derived primarily from CG-RER-1, *DOE Classification and UCNI Guide for Radiological Emergency Response*, the content is tailored to the non-"Q"-cleared interagency emergency response community. A working group is addressing comments from all three agencies. Approval is expected in Summer 2005.

CG-SS-4. A major revision of the CG for safeguards and security information is underway. Working groups have formed to address Protection Program Operations, Nuclear Material Control and Accountability, and Malevolent Dispersal. The working groups will develop drafts that will be distributed to all Classification Officers and Headquarters Classification Representatives for review and

Topical Classification Guides (TCG)

TCG-DS-2. A revision to the TCG for detonation systems is being developed. The revised guide will incorporate new technological developments and add use control information. The guide is in final coordination.

TCG-NNT-1. Change 5 to the Non-Nuclear Test Guide is under development to augment existing topics and incorporate topics being transferred from CG-SSP-1. A first draft was sent to working group members in April 2005.

TCG-SAFF-2. A revision to the TCG for safing, arming, fuzing, and firing has been completed. The guide is in final coordination.

TCG-UC-3A. A revision to the Sigma 15 supplement to the TCG for nuclear weapon use control is in development. The first working group meeting is scheduled for May 24-25 at Sandia National Laboratories/New Mexico

TCG-VH-2. A revision to the TCG for vulnerabilities is in final coordination.

TCG-WI-2. A first draft for a revision to the TCG for weapon initiators is

Guidance (Continued on page 7)

Knowledge—Answers (continued from page 2)

1. b. (INDEX 05-1, Page 9)
2. b. (Page 5, this Communiqué)
3. c. (Page 2, Feb 04 Communiqué)
4. b. (Pages 3 and 4, this Communiqué)
5. a. (Pages 1 and 4 of this Communiqué)
6. a. (Page 2, this Communiqué)

Director (continued from page 1)

determinations. When possible, DOE guidance can be used; however, this is not a viable option for many work for others programs. For example, even though CG-SS-4, *Classification and UCNI Guide for Safeguards and Security Information*, provides guidance on vulnerabilities, the original decisions captured in that guide pertain to DOE sites and cannot be extrapolated to include vulnerabilities to other-agency programs. If a person doing work for others for another agency feels that DOE guidance provides guidelines on how other-agency information should be classified, a reasonable approach is to rewrite the guidance to fit the work for others program and have the other agency approve it for use. Persistence and coordination are the keys to success.

Another area that involves other agencies is joint guides that allow us to make decisions on information under the purview of another agency. For example, we have guides that tell us how the Department of Homeland Security wants to protect their information; we have guides with the Nuclear Regulatory Commission that identify their safeguards information; and we have guides with the Department of Defense that deal with delivery vehicles. Having access to these guides doesn't equate to understanding them. Before using topics from these guides, classifiers must ensure that they know how to interpret them. Don't be afraid to seek advice from the appropriate agency. No one expects DOE classifiers to know everything, but they are expected to know when to ask questions.

Finally, the DOE often includes information under the purview of other Government agencies in our documents. For example, our documents may include information from the intelligence community and the counterintelligence community, or treaty negotiation and nonproliferation information from the Department of State. As we classify and declassify documents, it is extremely important that we recognize other-agency equities and consult with those agencies as required. When classifying documents that may contain such information, discuss the document with its author to ascertain where the information originated. This may give valuable insight on the potential for it to be classified and who to contact for guidance. Likewise, when reviewing a document for declassification or redaction, reviewers must be diligent in



UPCOMING EVENTS

May 2-5	Historical Records Restricted Data Reviewers Course, HQ FORS
May 11	NNSA Initial DC Training, HQ FORS
May 12	NNSA Weapon Video Training, HQ GTN
May 16-20	DC Recertification Training, HQ GTN
May 23-27	Overview of Nuclear Weapons Classification Course, HQ GTN
May 23-27	OCIC Oversight Review of Los Alamos Site Office and Los Alamos National Laboratory
June 6-9	OCIC Oversight Review of the Office of Civilian Radioactive Waste Management
June 7	Classifiers Course, HQ GTN
July 11-15	OCIC Oversight Review of the NNSA Service Center and Office of Secure Transportation
July 19-20	Derivative Declassifiers Course, HQ GTN
August 2	Classifiers Course, HQ GTN
August 8-12	Overview of Nuclear Weapons Classification Course, HQ GTN
August 22-26	OCIC Oversight Review of the Livermore Site Office, Lawrence Livermore National Laboratory, and Sandia National Laboratories/CA.

ensuring that all other-agency equities are referred to them for review. We expect other agencies to identify and protect our equities, and we should show them the same consideration.

As we continue to work with and share information with other agencies, we must ensure that the protocols for classifying and protecting each other's equities are followed. Don't be afraid to seek guidance from the other agency, your DOE classification officer, or my office.

Andrew P. Weston-Dawkes
Director,
Office of Classification
and Information Control

This is Your Newsletter

This publication is for the classification community as a whole, and we welcome input. If you are interested in submitting an article or suggesting a subject area for an article, please contact Nick Prospero at nick.prosperso@hq.doe.gov or (301) 903-9967.

Guidance (Continued from page 5)

being prepared.

TCG-WM-2. A revision to the TCG for weapon materials has been developed. Comments on the draft guide from DOE and NNSA stakeholders have been received and are being incorporated. The guide is currently waiting for comments from DoD.

UCNI Topical Guidelines (TG)

TG-NNP-2. A revision of the nuclear nonproliferation TG is in process.

If you have any questions, contact Edith Chalk, Team Leader, Technical Guidance, at edith.chalk@hq.doe.gov or (301) 903-1185.



Congratulations!
to the Office of Classification and
Information Control's
Document Reviews Team
for receiving the
National Nuclear Security
Administration
Appreciation Award.

On November 30, 2004, Paul Saunders, Director of Security, Headquarters Security Division, Office of Nuclear Safeguards and Security Programs, National Nuclear Security Administration (NNSA), presented a plaque bearing a letter of appreciation signed by William J. Desmond, Jr., Acting Associate Administrator for Defense Nuclear Security, to James Wendt, Team Leader, Document Reviews Team (DRT), Office of Classification and Information Control. Mr. Desmond expressed his appreciation for the quality of the DRT document review support and the DRT's outstanding on-time response record.

The support provided to NNSA included Congressional Budget submissions, Environmental Impact Statements, Stockpile Stewardship material, and security investigations. Since January 2004, the DRT achieved a 95-percent cumulative on-time performance record for all time-sensitive document classification review actions.

Personnel Updates

Welcome: Allen Barwick, Instructor, PQMT
Tom Callander, Staff Technical Analyst, TGT
Joseph P. Johnston, CO SNJV
John S. Kyle, CO Y-12

Farewell: Roger Haga, ANL-W
Joe Neyer, CO FCP



**C-FGI/MOD vs.
Official Use Only**

Confidential Foreign Government Information—Modified Handling Authorized (C/FGI-MOD) is used to identify documents that contain foreign government information whose foreign protection requirement is lower than the protection requirement for United States Confidential information. There has been some confusion on how to mark a document that contains both C/FGI –MOD and Official Use Only (OUO) information. The answer is quite simple when you consider that C/FGI-MOD is classified information that is governed by Executive Order 12958, *Classified National Security Information*, and OUO markings are not placed on classified documents. Such documents should simply be marked as C/FGI-MOD and should not include the OUO stamp or page markings. Of course, in portion marking the document or marking the subject/title, those sections that contain OUO should be properly annotated.

Next Issue

Highlights from the Classification Officers Meeting

- Status of Executive Order Program, Status of HRAP
- Guidance Streamlining
- Report on Safeguards and Security Policy
- Nuclear Regulatory Commission (NRC) Safeguards Information
- Guidance Initiatives
- Critical Energy Infrastructure Guide
- Joint DOE/DHS Guides
- Revision of DOE Manual 475.1-1A, *Manual for Identifying Classified Information*
- Field Oversight Reviews – Lessons Learned
- Protecting Electronic Documents
- Design Basis Threat Technology Initiatives and Reducing Security Incidents
- Weapon Legacy Project
- No Comment Policy: The Progressive Magazine - A Case Study