Office of Classification

CommuniQué

Office of Environment, Health, Safety and Security

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From the Director

Throughout the Government and within DOE, classification must be responsive to the needs of the cleared community and be able to change when necessary. One way to instigate change is by challenge. Challenges enable a person to question the classification status of information and initiate a review of the information to determine if the classification status should be changed. At one time, the Office of Classification (OC) rarely received classification challenges. This may have been because the process was either unknown or viewed as complicated and probably futile. To shed light on the process, to demonstrate that challenges do succeed, and to encourage you to submit challenges, I'd like to discuss the process, outcomes, and give examples of the challenges we've received in the last 3 years. Given the number of challenges we received during that time, it's clear that there is renewed interest in the possibilities that challenges offer.

DOE Order 475.2B, *Identifying Classified Information*, provides the basic rules of the challenge process. If you want to submit a challenge, you should submit the challenge through your classification management chain, but if you are not comfortable doing so, or are not satisfied with the response you initially receive, you can submit challenges directly to the OC. As the Director, OC, I have 60 days to respond to a challenge. Depending on the analysis necessary, the challenge may not be resolved in 60 days. If not resolved in that timeframe, the challenger is advised, at a minimum, that the challenge has been received and is being considered.

One of the most important things to know about challenges is that they aren't just about declassification. There are many possible outcomes to a challenge. Everyone thinks that a successful challenge results in a declassification or the overturning of a previous classification decision, but a challenge may also be resolved by a new interpretation of guidance, or a clarification of guidance.

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Implementing NSI Email Marking Requirements

The Office of Intelligence and Counterintelligence Solution

In response to a DOE Inspector General's report, DOE has committed to improving implementation of marking email containing National Security Information (NSI) in accordance with Executive Order 13526, *Classified National Security Information*. The most difficult issue for programs to address is determining how to ensure a Derivative Classifier (DC) reviews all NSI email. One model is to have everyone who classifies NSI email become a DC. This is the model being implemented by the Office of Intelligence and Counterintelligence (IN). The IN model uses three DC levels of authority: Group A classify only their own NSI email, Group B classify only NSI email and hard copy documents, and Group C has

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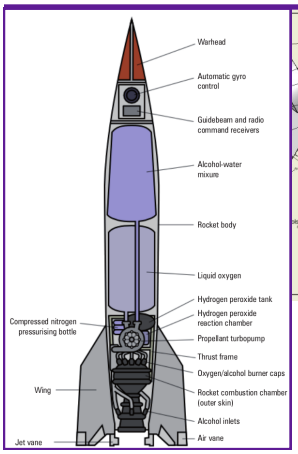
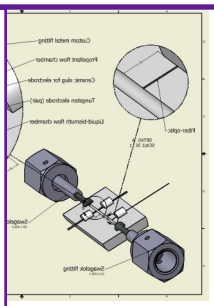
Innovation in Classification





Classification guides date back to the 1940s, and for decades pen, paper and ink based stamps were the "technology" used for classifying documents. Computers brought electronic documents, electronic guides, and electronic markings. With continuing improvements in computer technology such as scanning capability and computer marking tools, technology has become integral to classification. One of the next steps in classification technology is being modeled at Sandia National Laboratories (SNL).

SNL has developed the Weapon Component Visual Information System (WCVIS), technology that provides a new and better tool for reviewers to make accurate and efficient classification determinations. When fully developed, WCVIS will significantly enhance the abilities of individuals working with nuclear weapons to identify classified and export controlled information pertaining to nuclear weapon hardware. Development and deployment of this new tool could also result in significant cost savings associated with several activities, as well as a reduction of security incidents related to the compromise of sensitive nuclear weapon information. In addition, the tool will provide the engineering community quick access to nuclear weapon data.

WCVIS uses 3-Dimensional (3-D) computer aided drafting (CAD) models to enhance Department of Energy classification guidance for nuclear weapons. SNL is in the unique position of housing all of the CAD models for nuclear weapons. These models can be reformatted and integrated with component specific information, and then transferred onto common computer desktops. Once developed, this system should prove valuable to the user's comprehension and knowledge by following the simple axiom of "a picture is worth a thousand words."

This project could have an immediate impact toward achieving cost savings, protecting classified information, and defining export controlled determinations for nuclear weapon hardware. The tool could also be a vehicle to catalog determinations made as the National Nuclear Security Administration takes ownership of Category XVI items currently controlled under International Traffic in Arms Regulations (ITAR).

In support of this effort, a prototype of the WCVIS for the W76-1 Re-entry Body was developed and demonstrated to weapon program and classification officials within the Nuclear Security Enterprise. The tool can be used to visually depict all components within a nuclear weapon down to the nuts and bolts within the system. The user will be able to visualize in one screen not only the hardware, but all applicable guidance associated with the selected component. All applicable topics from different guides or sections of a guide are combined into one screen.

If you have any questions concerning WCVIS, please contact Ron McIntosh at (505) 844-5225 or rmcinto@sandia.gov.

Upcoming Events

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

June 2 General Course for Derivative Classifiers

June 22-26 Overview of Nuclear Weapons Classification Course

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CO's Corner

What you should know about Mandatory Declassification Review Requests

A few years ago, the Freedom of Information Act (FOIA) was used almost exclusively as the method for the public to request information and Mandatory Declassification Review (MDR) requests under Executive Order 13526, *Classified National Security Information*, were infrequent. In 2011 and 2012, the Office of Classification (AU-60) received 19 MDRs. In the following 2 years, the number of MDRs more than doubled to 40. One of the reasons the MDR process is becoming more popular is because it offers requestors one additional level of appeal, the Interagency Security Classification Appeals Panel (ISCAP). Requestors/ appellants can request an ISCAP review of the NSI that was denied after appealing to the denying agency. ISCAP is comprised of representatives of several Executive Branch agencies, and can act independently of the denying agency for NSI. A FOIA requestor has only the agency appeal, and must rely on the court system for any further appeal.

As the number of MDRs increases, it's important to understand the differences between a FOIA and MDR requests. In contrast to a FOIA request, an MDR must request a specific classified document or provide sufficient information to locate the document. Unlike FOIA requests, MDRs are received and processed by AU-60. AU-60 also responds to the requestor for all MDRs, whereas under the FOIA, the program office would provide the response after AU-60 conducts a second review to identify the classified information and provides the name of the denying official. These unique aspects are integrated into the MDR process.

When AU-60 receives an MDR, the request is evaluated to determine if it meets the criteria for an MDR and, if so, where the document might be located. If the request meets the criteria, AU-61 contacts the appropriate Headquarters element or CO (through the Program Classification Officer (PCO), when appropriate) and asks the CO to conduct a search. The first response from a CO concerning MDRs is to report whether they can locate the document. This is due within approximately 3 weeks in order to allow AU-60 sufficient time to respond to the requestor within the required timeframe.

Once the document is located, the local site must identify the classified information and other information that is exempt from release under the FOIA (e.g., Unclassified Controlled Nuclear Information, Export Controlled Information). In his or her response to AU-60, the CO must identify the denying official for all information that is not classified but is exempt from public release. In addition, the response must state that the document may be released when the classified and exempt information is removed. If any other agency equities are present in the document requested under MDR, the CO should flag the information. As with the FOIA, AU-60 will conduct any inter-agency coordination necessary.

AU-60 conducts a second review of the classified information. If there are questions regarding the brackets, AU-60 will contact the CO. After any required inter-agency coordination is complete, AU -60 will prepare a redacted version and respond to the requestor for all MDRs.

The number of MDR requests is currently on an upward trend. As the number increases, it is more important to make sure everyone understands and follows the process. If you have any questions concerning the MDR process or a particular MDR, contact Fletcher Whitworth at (301) 903-3865 or fletcher.whitworth@hq.doe.gov.

Personnel Updates

Welcome

Lawrence "Randy" Drake	CO, LANL
Laura J. Nanko	CO, NRLFO
R. Gregg Peed	Acting CO, PORTS

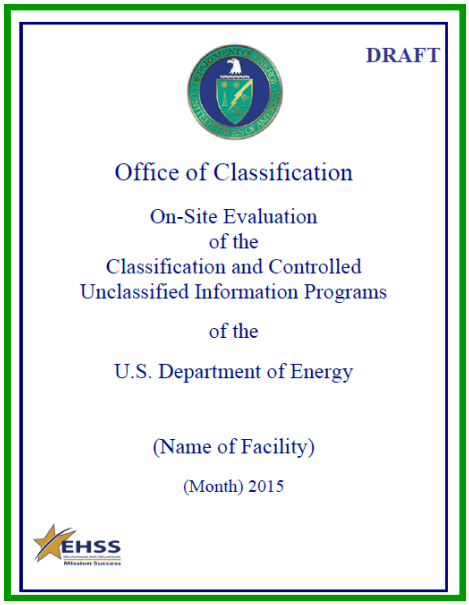
Farewell

Jayne B. Slack	CO, SR

Knowledge Check answers: 1c, 2d, 3d

Analysis of On-Site Evaluations 2011 to 2014

In 2011, the Office of Classification (OC) began to conduct on-site evaluations in order to complete the DOE-wide annual self-inspection report required by Executive Order 13526, *Classified National Security Information,* (NSI). The inspections by the OC cover Restricted Data, Formerly Restricted Data, Transclassified Foreign Nuclear Information, Unclassified Controlled Nuclear Information (UCNI), and Official Use Only (OUO) in addition to NSI. Seventeen specific areas are assessed during an on-site evaluation. Since 2011, the OC has visited 34 sites and identified 141 Findings and 86 Recommendations. The majority of findings fall into five areas—markings, training material content, self-assessments, local procedures, and classification decision reviews.


DRAFT

Office of Classification

On-Site Evaluation
of the
Classification and Controlled
Unclassified Information Programs

of the

U.S. Department of Energy

(Name of Facility)

(Month) 2015

EHSS

Over the years, the terms "finding," "recommendation," and "issue" have all been used to identify deficiencies. For this analysis, deficiencies have been cited according to their proper definition—not how they were identified in the report. For example, if a deficiency was reported as a "recommendation" but fits the current definition of "finding" (not in compliance with a requirement), it is cited as a finding in this analysis. Everything else is cited as a recommendation.

Almost 20 percent of the findings result from incorrect document markings consisting of improperly completed classification authority blocks, incorrect declassification instructions, and improper marking of OUO documents.

Training material content accounts for another 18 percent of the findings. DOE Order 475.2B, *Identifying Classified Information*, identifies the areas that must be covered in the initial and annual classification briefings and Derivative Classifier (DC) initial training and biennial retraining. Findings occur when the training material does not cover the appropriate areas. The same is true for the training requirements for UCNI Review Officials and persons with routine access to UCNI — requirements for the training are identified in 10 Code of Federal Regulations 1017 and DOE Order 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, but often are not all incorporated into the training material.

Thirteen percent of the findings are in the area of self-assessments. The major deficiencies are in the depth of the assessments conducted and the failure to provide copies of the finished reports to OC within a specified timeframe.

Another 12 percent of the findings are in the area of locally issued procedures that are inconsistent with national and/or DOE directives.

The final major area of findings is classification decision review reports. Eleven percent of the findings are in this area. The major deficiencies are not conducting an annual review, an insufficient number of documents in the review, and failure to provide copies of the report to the OC within a specified timeframe.

The remaining 26 percent of the findings are spread over the other 12 areas that are assessed. These include such deficiencies as: failure to conduct the required 5-year review of all classification guides, incorrect classification decisions, issues in the descriptions of authority provided to the DCs, and having outdated guidance.

If you are a DC, the area you can contribute to improvement is document marking. If you are not certain exactly how a document should be marked (for example, you are not sure of the appropriate declassification instructions), talk to a more experienced DC or your Classification Officer (CO)/ Classification Representative (CR). If you are a Program Classification Officer or CO/CR, make sure to consider the OC findings when you complete your next self-assessment or evaluation. These might be areas to focus on to ensure program effectiveness.

Guidance Status (as of 2/20/2015)

Classification Guides (CG)

CG-ACN-2. Joint DOE/DoD Classification Guide for Arms Control Negotiation. 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 incorporated.

CG-AM-1. DOE Classification and UCNI Guide for Additive Manufacturing. First Working Group meeting planned for April. Author solicited comments on initial draft sent to field, 12/4/2014.

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

CG-CI-2. DOE Classification Guide for Counterintelligence Information. Draft in internal review.

CG-DNC-2, Change 4. DOE Classification Guide for Designators, Nicknames, and Code Words. In XML and technical QA.

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 sent to AU-52 for review and comment.

CG-ICF-6, Change 1. Classification Guide for Inertial Confinement Fusion. Updating guide to incorporate WNP-150 and WNP-152.

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

CG-IN-2. DOE Classification Guide for Intelligence Information. Researching new topics after internal review of first draft.

CG-IND-2A. Sigma 20 Annex to DOE Classification Guide for Improvised Nuclear Devices. Development will start this summer.

CG-ITP-1. DOE Classification Guide for the Insider Threat Program. Timetable for submission to Director of National Intelligence revised from June to April 2015.

CG-MC&A-1. Classification and UCNI Guide for Nuclear Material Control and Accountability. Sent out to field for review and comment.

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

CG-MOX-1, Change 1. Joint DOE/NRC Classification and Unclassified Controlled Nuclear Information Guide for the Mixed Oxide Fuel Fabrication Facility. In XML and technical QA.

CG-MPP-3. Classification Guide for a Material Protection Project. Draft forwarded to Program Office (NA-25) for review and comment.

CG-NNSA-NEA-1. The Nuclear Enterprise Assurance Program Classification Guide. Working group meeting scheduled for April to discuss first draft.

CG-NMIP-1, Change 1. Nuclear Materials Information Program Classification Guide. In XML and technical QA.

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. Proposed declassifications from PNNL awaiting Technical Evaluation Panel review and recommendations.

CG-NRI-1, Change 1. DHS/ DOE Classification and UCNI Guide for Nuclear/ Radiological Incident Emergency Response and Consequence Management. In concurrence.

CG-PD-1/CG-PD-1A. Classification Guide for Proliferation Detection Technology/ Supplement. 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.

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Guidance Issued since Index 2015-01

Headquarters Guidance

CG-SLD-1, Change 1. DOE Classification Guide for Second Line of Defense Program (2/3/2015)

Bulletins

TNP-52, Gaseous Diffusion Cell Treatment (1/2/15)

WNP-158, Association of PA-200 Aircraft with Specified US Weapon (1/26/15)

WNP-159, Yield of the B53/W53 Y1 (1/21/2015)

WNP-160, Nuclear Safing (1/21/2015)

(Guidance continued from page 5)

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. Being restructured.

CG-SCE-1, Change 3. DOE Classification Guide for Subcritical Experiments. Completed local guide comparison. Revising to incorporate local specific SCE experiment guides.

CG-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.

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.

CG-SS-5. Classification and UCNI Guide for Safeguards and Security Information. To AU-50, NA-70, and EA-20 for concurrence.

CG-TSCM-1, Change 1. Classification Guide for Technical Surveillance Countermeasures Information. Incorporates TNP-49. With AU-1.2 for concurrence.

Topical Classification Guides (TCG)

TCG-DS-2, Change 1. Joint DOE/DoD Topical Classification Guide for Detonation 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, WNP-117, and WNP-160. Author incorporating comments from field review.

TCG-SAFF-3. Joint DOE/DoD Topical Classification Guide for Safing, Arming, Fuzing, and Firing. To DoD for approval and signature on 9/23/2014. Air Force comment received 11/15/2014 has been addressed and replacement page sent to DoD, 1/20/2015.

TCG-VH-2, Change 1. Joint DOE/DoD Topical Classification Guide for Vulnerability and Hardening. Five-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. WNPs 145, 148 and 156 being incorporated.

TCG-WPMU-3, Change 1. Joint DOE/DoD Topical Classification Guide for Weapon Production and Military Use. Under development to incorporate recent declassifications and guidance clarifications.

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. In concurrence.

UCNI Topical Guidelines (TG)

None

Classification Bulletins in Development

TNP-51, Guidance for HEU Inventories

TNP-53, Intelligence Information

TNP-54, Guidance for Force-on-Force Exercise Times

TNP-55, Declassification Action

WNP-153, Test Objects

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

NOTE: Please contact Sandy Dorsey for copies of guides at (301) 903-3688 or Sandy.Dorsey@hq.doe.gov.

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full authority to classify email and documents containing RD/FRD/Transclassified Foreign Nuclear Information (TFNI) as well as NSI.

Many users of classified email only need authority to classify their own email. Because of the limited scope of the authority, IN established a DC authority (Group A) limited to the person's own NSI email, and, jointly with the Office of Quality Management (AU-61), developed a short course to train Group A DCs. Group A DCs attend the training and complete a policy test [Performance-Based Tests (PBTs) are not required.] The training covers all of the requirements for DC training, but not as in-depth as the complete DC course.

The Group A briefing is tailor-made for persons who have no prior experience as DCs, and because of the limited scope of the authority, only

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Sometimes an interpretation is all that is required to satisfy a challenge and at other times, the challenge may not result in any change.

The process following receipt of the challenge depends on the challenge, but in all cases, the first step is for the Office of Technical Guidance (AU-62) to research the pertinent issues. Regardless of the challenge, AU-62 is responsible for processing and completing the action. AU-62 evaluates every challenge case on the merits of the arguments presented and by consulting with subject matter experts. Because AU-62 writes classification guidance, in cases where the challenge concerns particular topics, subject matter experts will research and provide a definitive guidance interpretation.

In one recent challenge, AU-62 clarified guidance to resolve the issue. Two programs, using the same guidance, disagreed as to the classification of the information. The OC teleconferenced with both programs, reviewed the history of the classification of the information, and researched scientific reports on the issue. The information was determined to be unclassified. As a result, TNP-52, "Gaseous Diffusion Cell Treatment Information," was issued to clarify the classification.

Previous classification decisions may be upheld or overturned in response to recent challenges. For example, the author of two draft memoranda concerning special nuclear material challenged the initial classification of his drafts as Secret (S) RD. The OC examined the memoranda, compared them to existing guidance, and ultimately agreed with the initial classification decision. The opposite occurred when a Classification Officer (CO) challenged the classification of a letter regarding a force-on-force exercise. The letter was initially classified due to concerns about revealing a potential vulnerability. The OC analyzed the issue and concluded that no potential vulnerability in standard procedures was actually revealed. The challenge was accepted, and the letter was declassified.

A challenge can also serve to guard against over-classification. This occurred when another agency employee challenged the classification of an updated document produced for his agency by one of the National Laboratories. The employee felt that the updated document warranted classification at Top Secret RD instead of Secret RD. AU-62 conducted an in-depth analysis of the original work, which had been classified SRD with CNWDI, and compared it with the updated version. The OC ultimately judged that the new material was not sufficient to warrant an upgrade in classification, and denied the challenge.

The challenge process is flexible, with the OC adapting to the needs of each case. AU-62 calls on a variety of expertise to assist in getting the right answer, and sometimes has to develop new contacts and methods. For example, for one challenge, AU-62 contacted retired DOE employees to help fully understand the circumstances and classification issues presented by the challenge.

Classification challenges come from many individuals and organizations, and the OC strives to be both responsive and proactive in each case. The challenge process is a collaboration which enriches the knowledge of all participants, and improves the classification program. The healthy pace of new classification challenges in the last few years has encouraged a better give-and-take between COs and the rest of the cleared community. We encourage those who believe a classification decision is incorrect to challenge that decision. When formal challenges are submitted, rest assured that they will be handled with fairness and openness. In the end, it is important that the DOE community should be confident in the knowledge that the system works and is responsive to their concerns.

(Continued from page 2)

Upcoming Events (continued)

July 14 General Course for Derivative Classifiers

September 1 General Course for Derivative Classifiers (Forrestal)

September 15-17 General Course for Classification Officers/Analysts

September 29 General Course for Derivative Classifiers (Albuquerque)

Courses are conducted at DOE Headquarters, Germantown, MD, unless otherwise noted. To obtain information on course registration, please contact Christy Craver at (301) 903-2269 or christy.craver@hq.doe.gov.

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provides the knowledge necessary to classify their own NSI emails. The training also contains numerous reminders that Group A DCs may only classify *their own* NSI emails. In addition, Group A DCs receive handouts including a brief synopsis of the guides they will use, do practice exercises, and take a policy test. The benefit of limited authority and tailored training is minimizing the resources required for initial and refresher training.

Group B DCs, the other unique authority, attend the complete DC course and additional training specific to classifying IN documents/email containing only NSI. IN's biennial recertification consists of completing the briefing and submitting five of his/her email and/or products to the Program Classification Office (PCO) for audit. These audits of sampled documents/email are in lieu of retaking policy tests and PBTs for only foreign intelligence and counterintelligence information. PBTs may be required for other classified subject areas as determined by AU-60.

Since September 2014, over 250 employees have attended IN DC email training. Use of the new system has significantly raised the awareness and accuracy of email classification and improved efficiency. Employees are now able to make on-the-spot valid classification decisions. Employees no longer have to find a DC before sending his or her email and the risk of sending an email without an appropriate review is greatly reduced. Another benefit to the new structure is added credibility to IN classification. All employees now have the knowledge to make a classification decision, as well as enough knowledge to contact a DC or the Program Classification Officer when they are not sure.

If you have any questions about IN implementation, please contact Yvonne Burch at (202) 586-0461 or Yvonne.Burch@in.doe.gov or Rick Ferrell at (202) 586-7718 or Rick.Ferrell@in.doe.gov.

Test what you know about marking emails on a classified network!

1. What classification markings should appear on an *unclassified* email sent on a classified network?

   a) Banner marking ("Unclassified") at the top and bottom of the body text.
   b) Word "Unclassified" at beginning of the subject line.
   c) Banner marking ("Unclassified") at the top and bottom of the body text, and the subject marked ("U") at the beginning of the subject line.
   d) No markings. Unclassified email doesn't have to be marked.

2. Your email contains NSI and SRD. How should the portions be marked?

   a) Each paragraph must have a portion marking showing the classification level of its contents.
   b) Each paragraph must have a portion marking showing the highest classification level and category of the information in the entire email.
   c) Email containing RD CANNOT ever be portion-marked, so the paragraphs must not be portion-marked.
   d) Email containing RD doesn't have to be portion-marked. However, if portion-marking is desired, the portion marking must show the classification level and category (if RD/FRD/TFNI) of the contents of each portion.

3. You've received a classified email which contains the text of several earlier replies (an "email string") and you have to respond. What is the appropriate action to take?

   a) Prepare your response and review the entire string (including your text). Mark the entire string of email appropriately, including updating any portion marking, if necessary.
   b) Prepare and mark your response only. Leave the existing string as it was sent.
   c) Create a new message with your response and mark it appropriately.
   d) a or c

[The answers are located at the bottom of page 3.]