



Department of Energy

Washington, DC 20585

December 30, 2011

Mr. John P. Fitzpatrick
Director
Information Security Oversight Office
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Mr. Fitzpatrick:

As requested in your January 27, 2011, memorandum requesting periodic status updates of the Department of Energy's (DOE) Fundamental Classification Guidance Review (FCGR), provided below is the second and latest update on our efforts. Working groups have continued their activities since the last report. We anticipate completion of most review activities by the end of this calendar year and completion of the required reports by June of 2012.

Continued Working Group Activities

Working groups have continued to capture specific information about each topic reviewed, including: 1) the reason for classification, as promulgated in Executive Order 13526, "Classified National Security Information," section 1.4; 2) the basis topic (a referenced topic that forms the basis for the topic being reviewed, if one exists); 3) a "keystone" statement to concisely summarize why information classified by the topic should be protected; and 4) the proposed disposition of the topic. In addition, other agencies participated in the working groups or were contacted by the chairman to review the other agencies' equities addressed in the guidance. Working group reports are being developed to provide an overall summary of activities and to finalize recommendations being made regarding topics under review. Summary reports are being developed for each working group, and will form the basis for the comprehensive report to be issued to the Information Security Oversight Office (ISOO). As a result of the review, information that requires exemption from automatic declassification at 50 years was identified, and is being sent under separate cover to the Interagency Security Appeals Classification Panel (ISCAP) via ISOO. This will result in a number of 50X2-WMD topics to be included in DOE's declassification guide.

Steering Committee Activities

The steering committee convened on seven occasions during 2011 to review the preliminary results of over 75 percent of the working groups. The preliminary results of the remaining 25 percent of the working groups are currently scheduled for the upcoming January and February meetings. The steering committee will then review, during March and April, the draft working group reports and consensus recommendations.



Preliminary Findings and Recommendations

Upon review of existing National Security Information topics, preliminary findings reveal several commonalities. Many declassification instructions are currently vague or unclear, particularly those with an event-based classification. The declassification instructions for such topics will be clarified. A significant number of topics currently exempt from declassification at 25 years will be recommended for revision to cite specific, and shorter, durations. Topics that describe information not belonging to DOE/National Nuclear Security Administration (NNSA) (i.e., not a DOE/NNSA equity) are being rewritten consistently so that the derivative classifier will be referred to the owning agency for a classification determination. Some topics are written too broadly and require restructuring into multiple topics in order to precisely describe what information is classified. Although this may appear to be creating additional guidance, the end result will help prevent over-classification. In some cases, classification guides for similar programs will be combined for simplicity and ease of use. Approximately one-quarter of the working group reports have been drafted.

Senior Agency Official Review

The Director, Office of Classification, and the DOE Senior Agency Official (SAO) will be briefed on the recommendations made by each working group and the subsequent proposed revisions to classification guidance. In some cases, other government agencies have been late in responding with their comments on the proposed recommendations, which will be noted in the review with the SAO. After concurrence by the Director and the SAO, the recommendations will be incorporated into guidance documents.

Classification Guidance Status

Three classification guides that were reviewed as a part of the FCGR have been approved and several more are in the final concurrence process. Work on CG-HR-4 (the replacement for DOE's declassification guide, CG-HR-3, *Historical Records Declassification Guide*) has begun, and will incorporate the identified 50X2-WMD areas of information. Additional guidance revisions, based on the working group recommendations are expected during 2012. To date, two classification guides have been cancelled.

If you have any questions concerning the Department's Fundamental Classification Guidance Review, please contact me at (301) 903-3526 or Ms. Edith A. Chalk, of my staff, at (301) 903-1185.

Sincerely,



Andrew P. Weston-Dawkes

Director

Office of Classification

Office of Health, Safety and Security