

# Department of Energy 2022 Fundamental Classification Guidance Review Final Report

On December 9, 2021, the Information Security Oversight Office (ISOO) provided a tasking memorandum to the Department of Energy (DOE) for a FY 2022 Fundamental Classification Guidance Review (FCGR). All 128 classification guides (CGs) maintained by the DOE's Office of Technical Guidance (OTG) were checked for national security information (NSI) guidance. Eighty-eight of these CGs were found to contain NSI topics. The OTG evaluated the 3,374 NSI classification topics in these 88 CGs and verified that the associated classification guidance:

- conforms to current operational and technical circumstances,
- meets the standards for classification under Executive Order (E.O.) 13526, and
- meets the intent of the classification guidance as written.

The 2022 FCGR process accomplished the following:

1. Identified the total number of NSI topics, event-driven and date-driven declassifications, and exemptions from automatic declassification.
2. Confirmed the implementation of all recommendations in previous FCGRs.
3. Verified that new guidance published since the previous FCGR meets both the standards for classification under E.O. 13526 and its intent as written.
4. Verified that all NSI topics have a documented basis that meets the classification standards in Section 1.4 of E.O. 13526.
5. Confirmed that every NSI topic with an exemption from automatic declassification has an Interagency Security Classification Appeals Panel (ISCAP) approved basis in the *Historical Records Declassification Guide*, CG-HR-4.
6. Reaffirmed the use of keystones as a concept to understand the fundamental portions of information requiring protection.
7. Revised the list of NSI classification keystones.

The 2022 FCGR results have been added to the ISOO checklist provided on the following pages.

### Section A: Identifying Information

Agency:	U.S. Department of Energy (DOE)	Date:	September 30, 2022
Name and Title/Position of Senior Agency Official:	Todd Lapointe, Acting Director Office of Environment, Health, Safety and Security		
Name, Title/Position, Phone Number, and E-Mail Address of FCGR Point of Contact:	Adam Davis, Director Office of Technical Guidance Office of Classification, DOE/EHSS-62 301-903-2911 <a href="mailto:Adam.Davis@hq.doe.gov">Adam.Davis@hq.doe.gov</a>		

### Section B: Consolidated Classification Guides (CCG)

B-1. Does your agency have a CCG that consolidates classification guidance that applies for all components within the agency? If so, how many separate Security Classification Guides (SCGs) did your agency consolidate into the CCG? Please explain in your attached narrative.	No
B-2. Whether or not your agency has a CCG that applies for all components within the agency, does your agency have guides that consolidate classification guidance for specific activities, programs, or topics (including Special Access Programs [SAPs]) within the agency? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes
B-2a. If so, how many classification guides does your agency have that apply to the specific activities, programs, or topics (including Special Access Programs [SAPs])? When were the consolidations implemented? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	128
B-3. In the absence of a current CCG that applies for all components within the agency, does your agency have a plan to develop one? In your attached narrative, please explain your agency's plan. If your agency has no plan for a CCG that applies for all components within the agency, please explain why not. <b>Please see Section I for elaboration.</b>	No

### Section C: Security Classification Guides (SCG)

C-1. Total number of classification guides at the beginning of the current FY 2022 FCGR. <b>DO NOT COUNT DECLASSIFICATION GUIDES.</b>	123
C-2. Number of classification guides canceled as a result of this FCGR review. <b>Please see Section I for elaboration.</b>	1
C-3. Number of classification guides consolidated or superseded as a result of the current FY 2022 FCGR. Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	0
C-4. As a result of the current FY 2022 FCGR, was there a determination that new classification guides are required? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	No

C-4a. If there was a determination that new classification guides are required as a result of the FY 2022 FCGR, how many are required? Please explain in your attached narrative.	N/A
C-5. Total number of classification guides at the end of the current FY 2022 FCGR. <b>Please see Section I for elaboration.</b>	128

#### Section D: Security Classification Elements

D-1. Total number of modifications made to increase the duration of classifications. <b>Please see Section I for elaboration.</b>	12
D-2. Total number of modifications made to decrease the duration of classifications.	0
D-3. Total number of exemptions from automatic declassification added to guides, pursuant to <a href="#">E.O. 13526, Sec. 3.3, (b)(1-9)</a> . <b>Please see Section I for elaboration.</b>	6
D-4. Total number of exemptions from automatic declassification removed from guides, pursuant to <a href="#">E.O. 13526, Sec. 3.3, (b)(1-9)</a> . <b>Please see Section I for elaboration.</b>	2

#### Section E: Shared or Multi-agency Guides

E-1. Does your agency use any shared or multi-agency classification guides?	Yes
E-1a. If so, how has your agency conducted the review of such shared or multi-agency classification guides for purposes of the FY 2022 FCGR? Please describe in your attached narrative. <b>Please see Section I for elaboration.</b>	See below
E-1b. If not, is your agency considering the development of any shared or multi-agency classification guides? Please explain in your attached narrative.	N/A

#### Section F: Classification Guides in Electronic Format

F-1. Does your agency maintain classification guides in electronic format?	Yes
F-1a. If so, are your agency's classification guides provided to users in a machine-readable electronic format? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes
F-1b. If all of your agency's classification guides are not maintained in a machine-readable electronic format, do you plan to put them in a machine-readable electronic format as part of the FCGR process? Please explain in your attached narrative.	N/A
F-1c. What is the total number of classification guides currently maintained by your agency in an electronic format at the end of the current FY 2022 FCGR, expressed as a raw number and as a percentage of the total number of classification guides? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	128 (100%)
F-1d. What is the total number of classification guides currently maintained by your agency in a machine-readable electronic format at the end of the current FY 2022 FCGR, expressed as a raw number and as a percentage of the total number of electronic classification guides? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	128 (100%)

F-2. Does your agency use an electronic marking tool to mark classified information in accordance with the appropriate classification guide? Please identify the electronic marking tool(s) used by your agency.	No
F-2a. If so, what metadata standard does your electronic marking tool use to mark classified information in accordance with the appropriate classification guide? Please explain in your attached narrative.	N/A
F-2b. If your agency uses an electronic marking tool, does the electronic marking tool apply electronic markings in a machine-readable electronic format? Please explain in your attached narrative.	N/A

<b>Section G: FGCR Review Process</b>	
G-1. Was a working group formed to conduct the review? <b>Please see Section I for elaboration.</b>	Yes
G-2. If yes, did the working group include subject matter experts, classification and declassification experts, technical experts, and users of the guides? Please describe the process in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes
G-3. If no, please describe the process used to conduct the review in your attached narrative.	N/A
G-4. During the review process, did your agency consider the following:	
G-4a. Should the information retain its current level of classification?	Yes
G-4b. Should any information be downgraded?	Yes
G-4c. Should any information be declassified?	Yes
G-4d. Is the current duration of classification appropriate?	Yes
G-4e. Are current exemptions from automatic declassification valid?	Yes
G-4e (1). If so, what is your process for confirming the exemption(s)? Please describe in your attached narrative. <b>Please see Section I for elaboration.</b>	See below
G-4f. Does each guide contain the following information: (as required by <a href="#">32 CFR 2001.15</a> ):	
G-4f (1). Identification of the subject matter.	Yes
G-4f (2). Approval and signature by the appropriate original classification authority (OCA) by name or personal identifier, and position.	Yes
G-4f (3). Agency point of contact (and contact information) for questions regarding the guide.	Yes
G-4f (4). Date of issuance or last review.	Yes
G-4f (5). Precise statement of each element of information that requires protection.	Yes
G-4f (6). The level of classification for each element of information.	Yes
G-4f (7). If applicable, handling caveats.	Yes
G-4f (8). The concise reason for classification as described in <a href="#">E.O. 13256, Sec. 1.4</a> .	Yes

G-4f (9). A specific date or event for declassification.	Yes
G-5. Have past and recent classification and declassification decisions been incorporated?	Yes
G-5a. If so, please describe the process in your attached narrative. If not, please describe why not. <b>Please see Section I for elaboration.</b>	See below
G-6. Has your FY 2022 FCGR process included cross-referencing information with other classification guides (internal and external) and coordinated the cross-referencing of classification guides with the appropriate OCAs to ensure consistency? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes

### Section H: Training

H-1. For the period under review, did agency personnel receive any training in the use of your SCGs, CCG, and all classification guides for specific activities, programs, or topics (including SAPs)? If so, describe the training in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes
H-2. For the period under review, did agency personnel receive any training in the use of electronic classification marking tools? If so, describe the training in your attached narrative.	N/A
H-3. For the period under review, did agency personnel receive any training in the development of your SCGs, CCG, and all classification guides for specific activities, programs, or topics (including SAPs)? If so, please describe the training in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes
H-4. For the period under review, were OCAs involved in the process of developing your CCG, SCGs, and all classification guides for specific activities, programs, or topics (including SAPs)? Please explain in your attached narrative. <b>Please see Section I for elaboration.</b>	Yes

### Section I: Comments

<p><b>B-2.</b> All DOE-only and DOE joint classification guides (CGs) provide consolidated classification guidance for specific activities, programs, and topics within the mission scope of the agency.</p> <p><b>B-2a.</b> 128 CGs provide classification guidance for information in subject areas within the mission scope of the DOE. All classification guidance in each subject area is consolidated during the development of the CG for that subject area.</p> <p><b>B-3.</b> All CGs maintained by the DOE address specific activities, programs, or topics. DOE classification responsibilities cover a broad range of subject areas. Consolidation across all subject areas is not possible due to need-to-know restrictions for specific subject areas; therefore, consolidation of classification guidance is by subject area only.</p> <p><b>C-2.</b> One CG was recommended for cancellation.</p>
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**C-3.** No CGs were consolidated or superseded as a result of the FY 2022 FCGR.

**C-4.** No new CGs were determined to be needed as a result of the FY 2022 FCGR.

**C-5.** On a regular basis, CGs are reviewed for continued relevance and to assess if revisions are needed to accommodate changes in regulatory requirements, subject area information, or classification guidance. These ongoing DOE guidance reviews adhere to the same topic and metadata review-and-approval requirements used for the FCGR. As a result of these ongoing guidance reviews, performed independently from the FCGR, the total number of CGs increased from 123 to 128 during the FCGR review period.

**D-1.** 12 topics were recommended for increased duration.

**D-3.** Exemption from automatic declassification was recommended to be added to 6 topics.

**D-4.** Exemption from automatic declassification was recommended to be removed from 2 topics.

**E-1a.** For every multi-agency guide, a working group is established that includes members from all involved agencies. The initial draft is created through an iterative and collaborative process between points of contact from all agencies. Once the draft is finalized, the CG progresses to concurrence at which point every agency has another opportunity to submit revisions. When satisfied with the final version of the CG, every agency concurs with the content of the CG and signs the record version.

**F-1a.** CGs are developed in Extensible Markup Language (XML) and are provided to users as Portable Document Format (PDF) files. Limited scope CGs, released as classification bulletins, are developed in Microsoft Word and provided to users as PDF files. PDF files are a text-searchable format.

**F-1c.** DOE maintains all CGs in electronic format.

**F-1d.** DOE maintains all CGs in a machine-readable electronic format.

**G-1.** To complete the FY 2022 FCGR, the primary author for every CG and associated bulletin was tasked with reviewing all national security information (NSI) topics in his or her CG against the criteria identified in Section G of this checklist. Working groups were established to address issues identified during topic review.

**G-2.** DOE uses working groups in the development, review, and major revision of all new and updated CGs. The composition of these working groups varies based upon the complexity of the guidance being developed or updated. When a new CG is developed or updated, the technical classification guidance analyst responsible for the CG consults with a working group of subject matter experts (SMEs) and classification professionals from affected sites. Users of the CG are solicited for input as needed.

**G-4e (1).** Exemptions from automatic declassification are confirmed by referring to DOE's *Historical Records Declassification Guide*, CG-HR-4. This reference is the basis for topics in CGs that exempt DOE NSI from declassification at 25 or 50 years. For other agency NSI equities, CG authors refer to the appropriate agency for automatic declassification exemption reviews. All referrals to other agencies are made in accordance with Section 3.3(d)(3) of E.O. 13526.

**G-5a.** Classification involves the continuous assessment of current and new information to establish, confirm, or revise protection requirements. New information within the mission scope of the DOE is evaluated by DOE or National Nuclear Security Administration (NNSA) OCAs to determine if protection under direction of E.O. 13526 or the Atomic Energy Act is required. Guidance is quickly disseminated in bulletins, which are limited scope CGs, that are incorporated into the appropriate CGs upon their next revision.

Declassification decisions are typically initiated by a challenge to classification requirements from DOE and NNSA CG users. If the information is determined to not require the same level of protection or any protection at all, a downgrade or declassification decision, as appropriate, is distributed by memo or bulletin. As with the dissemination of classification decisions, memos and bulletins used to disseminate downgrade or declassification guidance information are incorporated into the appropriate CGs upon their next revision.

**G-6.** The guide revision process involves a technical quality assurance review during which every topic is cross-referenced with related information in other guides, both internal and external, and a horizontal coordination is performed to ensure consistency in classification guidance across all DOE CGs. Metadata in the form of links to topics covering the same or similar information are assigned to individual topics when CGs are developed. When CGs are revised, this metadata is added, or existing metadata is updated. These topic links ensure that all topics associated with specific information are updated in all CGs when classification guidance for that information changes.

**H-1.** Within the Office of Classification (OC), the Office of Quality Management has a rigorous classification training program that is supervised by one Federal manager and run by a contractor senior trainer and five full time contractor training instructors. The training staff provides instructor-led training certification courses for all DOE and NNSA headquarters (HQ) derivative classifiers (DCs), derivative declassifiers (DDs), classification officers, and classification representatives. In these courses, ranging from 1 to 3 days, the student is taught how to apply topics from a CG and how to apply the appropriate markings to a document containing classified or sensitive information.

The training staff offers instructor-led training courses in many highly technical and diverse areas where the student is taught the technical material and then tested on how to apply classification guidance from the CG for that area. The student must cite the applicable CG topic and make a determination as to the classification level, classification category, applicable caveat(s), and declassification instruction for each exercise question. These courses range from 4 hours to 1 week in duration.

DC certification for HQ DOE and NNSA personnel consists of completing the one-day DC training course and examination, and a performance-based test (PBT) in each area for which they are requesting certification. For each of these CG PBTs, the candidate is given sentences, paragraphs, and/or multiple-choice questions and must determine the classification level, classification category, applicable caveat(s), and declassification instruction for that question. The candidate must also cite the application guide topic from the CG being tested. Certification of a broad-based DC consists of successful completion of over 30 different CG PBTs covering nearly 50 CGs.

Biannual recertification is required for every certified DC and DD. Recertification is completed every 2 years and includes successful completion of a computer-based training course and examination. The certified classifier must additionally successfully pass a CG PBT for each area in which he or she is certified every 4 years. The Office of Quality Management maintains a CG PBT for every DOE CG. There are currently 276 DOE and 258 NNSA certified DCs, and 111 DOE and 69 NNSA certified DDs. The Office of Quality Management currently maintains 57 PBTs to test practical knowledge of DOE guides. In the last 5 years, 2,679 PBTs were graded.

**H-3.** Within DOE, CGs are developed, reviewed, and approved within the DOE OC. This is done in the Office of Technical Guidance (OTG) where senior technical classification guidance analysts and team leaders provide on-the-job training to new staff members. The OTG staff also receive formal classification training from the Office of Quality Management. Prior to assuming guide writing responsibilities, new technical classification guidance analysts typically spend up to 3 months working full-time as DCs across the full range of DOE classified subject areas performing document reviews under the tutelage of senior document reviewers in the Office of Document Reviews to become familiar with the challenges of utilizing classification guidance. In addition, the Office of Document Reviews offers periodic Sustainment Training focused on challenging areas of classification to promote continuous improvement in the production and use of classification guidance within the DOE OC.

**H-4.** The guide writing process involves iterative internal reviews throughout CG development that includes the OCA responsible for specific guidance in the CG. There are currently ten OCAs within DOE and NNSA; however, almost all original classification decisions for DOE and joint DOE information are made by one OCA, the Director of the DOE OC. Decisions by other OCAs are limited by their authorities in certain subject areas and durations, and their decisions are forwarded to the DOE OC. Additional information regarding the DOE classification program is provided in Appendix A.



## APPENDIX A: DOE Classification

The DOE classification program provides guidance across a wide range of subject areas for NSI per E.O. 13526. In addition, guidance is provided for classification of nuclear weapon and nuclear power production information, identified as Restricted Data (RD) or Formerly Restricted Data (FRD), per the Atomic Energy Act. The classification policy for both NSI and RD/FRD is established in DOE Order 475.2B, *Identifying Classified Information*.

Each headquarters (HQ) and field element that generates classified documents or material maintains a classification program to properly identify classified information in its records and documents. Classification officials certified by the DOE Office of Classification (OC) are essential to the ability of the DOE classification program to ensure consistent implementation of classification and declassification requirements for DOE NSI as well as RD and FRD. DOE relies upon a hierarchy of classification officials in HQ and field elements to oversee classification programs and to verify that classified information is correctly identified.

Classification and declassification decisions made by DOE classification officials are derived from original classification determinations collected for a particular subject area and disseminated in CGs. The classification officials who perform these derived decisions are certified as derivative classifiers (DCs) and derivative declassifiers (DDs). DCs are trained and certified in DOE classification policy and receive focused training in their specific subject areas of authority. Only certified DCs are authorized to classify documents for their organizations, and only in the specific subject areas for which they have been certified. Separate training and certification are required to be authorized as a DD.

The DOE OC develops, approves, and distributes all DOE classification guidance. Within the DOE OC, the OTG works with programs at HQ, the national laboratories, field sites, other agencies, and foreign countries to continuously review existing guidance and to develop new guidance as programmatic needs arise. This process, shown in Figure 1, employs operations, policy, and classification subject matter experts (SMEs) to identify and determine the appropriate classification of topics. The Director of the DOE OC is the approval authority for all DOE classification guidance. This provides for consistent guidance throughout DOE.

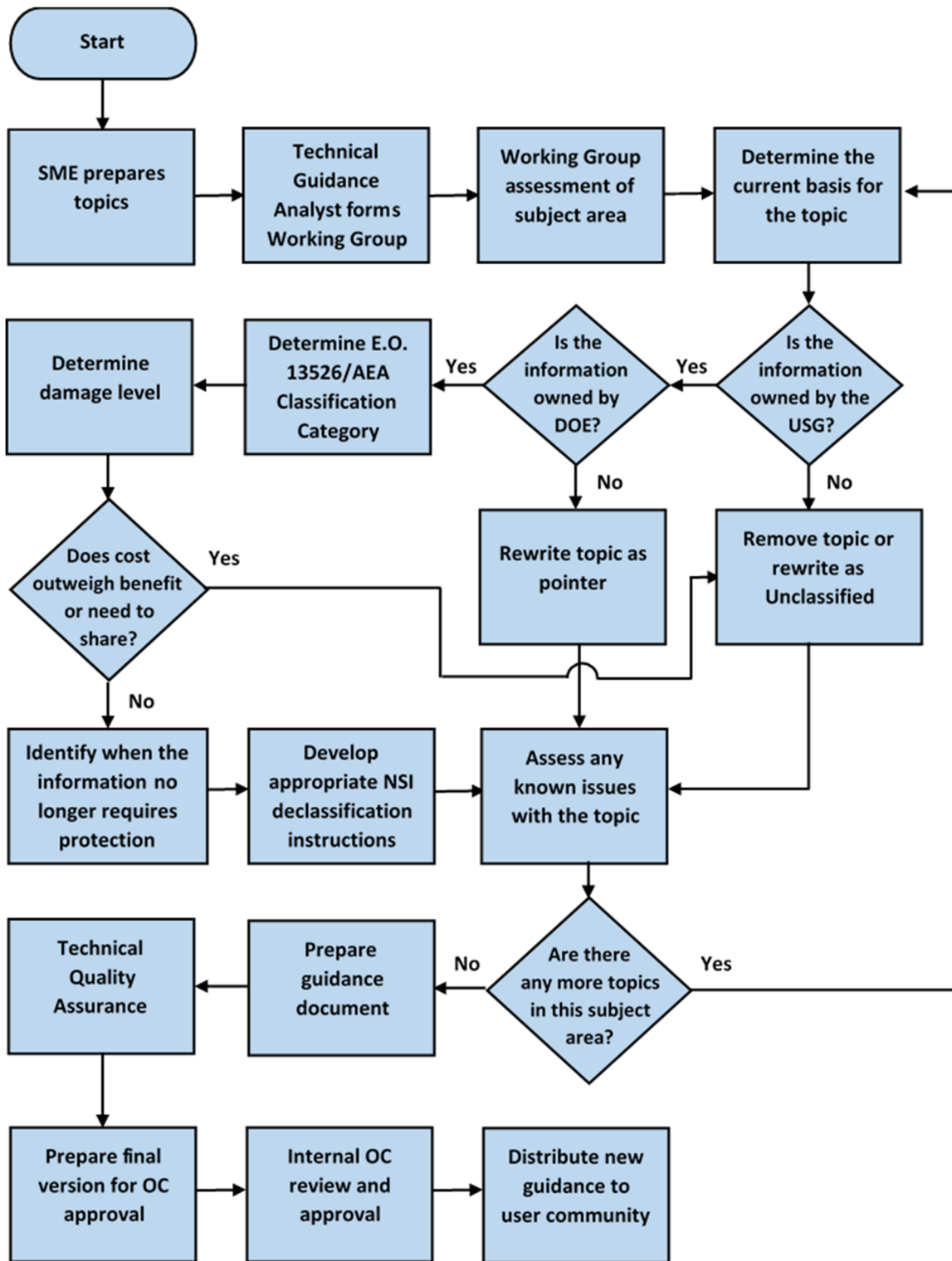


Figure 1. Department of Energy, Office of Classification, Classification Guide Review and Update Process

The development and production of clear and accurate guidance is often a lengthy process that involves the coordination of a large amount of information with numerous stakeholders. During guidance development, DOE may issue classification bulletins, which are limited scope CGs, to quickly inform DCs and DDs of declassifications and original classification decisions. A classification bulletin takes less time to develop than a subject area CG because of its smaller scope. When possible, OTG transmits guidance electronically to make sure DCs and DDs quickly receive the most current approved guidance. Although more narrowly focused, classification bulletins are CGs and received the same rigor in their review for this FCGR.

For several decades, all DOE CGs have incorporated metadata that is consistent across all DOE guidance. This metadata includes items identified as rationales, genealogy, basis links, exemption basis links, related links, keywords, and keystones. Rationales contain the regulatory basis information for the topic classification as established in E.O. 13526, explanations for how that basis applies to the specific information classified by the topic, and identification of the original classification decision made by an original classification authority (OCA). Genealogy captures changes to topics when guidance is revised. A basis link identifies a topic found elsewhere in the same CG or in another DOE CG that implements the original classification decision for the associated information. Topics with no basis link are unique classification decisions and may serve as the classification basis for other DOE topics. Exemption basis links identify topics in CG-HR-4 that provide the ISCAP-approved basis for exemption from automatic declassification. A related link identifies a topic in the same CG or in another DOE CG that covers similar information. Keywords are searchable terms that apply to the topic. And keystones are tenets of classification that identify the specific information being protected.

Within the DOE OC, the Office of Quality Management maintains a rigorous training program. Instructors conduct training in such diverse areas as the following: nuclear material production, nuclear directed energy weapons, directed nuclear energy systems, inertial confinement fusion, atomic vapor laser isotope separation, gaseous diffusion isotope separation, gas centrifuge isotope separation, nuclear weapon design, nuclear weapon utilization, nuclear weapon testing, and safeguards and security. In these training courses, students learn how to apply topics from a CG and how to apply the appropriate markings to a document containing classified or sensitive information. Students must cite the applicable CG topic and determine the classification level, classification category, applicable caveat(s), and declassification instruction for each exercise question. The instructor reviews the correct answers with the students to confirm understanding of the material presented, and if a student fails an exam, the student is counseled and permitted to retake the exam to attempt a passing grade.

Every DC and DD must recertify biannually, which requires successful completion of a computer-based training course and examination. The certified classifier must also successfully pass a PBT for specific CGs in each subject area for which he or she is certified every 4 years. This ensures students achieve and maintain the requisite skill to make accurate classification decisions. Since the completion of the previous FCGR, the DOE OC has administered 2,679 CG PBTs to over 700 DOE and NNSA HQ DCs and DDs for initial certification or recertification.

The DOE OC maintains a rigorous onsite evaluation program of the DOE's classification and unclassified controlled nuclear information (UCNI) programs as required by executive orders,

Government regulations, and DOE directives. The onsite evaluations provide the Director of the Office of Environment, Health, Safety and Security (EHSS), who has been designated under Section 5.4(d) of E.O. 13526 as the DOE Senior Agency Official (SAO) for NSI, with a mechanism for assessing the effectiveness of the NSI program within DOE. The SAO incorporates the results of the onsite evaluations into an annual report for the ISOO Director in accordance with 32 CFR 2001.60(f).

The DOE OC plans four site visits per year with each site being visited every 4 years. During each onsite evaluation, DOE OC staff interview DCs and UCNI Reviewing Officials to verify they have the proper, up-to-date guidance for accurate decisions in their authorized subject area(s). The DOE OC also checks that DCs correctly apply guidance by reviewing a statistically significant representation of the site's classified documents. For constant improvement of the classification process, feedback of the onsite assessments is provided to the classification analysts in the OTG, the training department, and the classification officer for the site. This assessment program ensures that all DOE/NNSA sites maintain high quality local classification programs.