November 1, 2002

P. Brochman and L. Silvious responses to questions asked by Mike Weber on DNS memo approving authorized classifiers for NSIR.

1. To what level would the derivative classifiers be authorized? Secret-NSI/RD? Varies by person? I would favor a more limited number of individuals at the TS level because of the greater controls and sensitivities.

A. A derivative classifier is authorized to classify material to any level since they are merely paraphrasing or incorporating already classified material into a new form (i.e., they are using an original classification decision; a source document; or Classification Guides, Notices, or Bulletins). It is only original classification authority that is issued up to a specific level. At the current time, this is extremely limited with only Mike and Lynn in NSIR having original authority to the SECRET level. A memo approving original SECRET authority has been prepared separately for Glenn. Additionally, an individual with original SECRET authority is also authorized to make derivative classifications at the TOP SECRET (TS) level. Agency original TS classification authority resides with Mr. Kane, the EDO and the Commission. With 98%+ of all NRC classification actions being derivative this seems equitable.

2. What criteria were used to designate classifiers? Do these people want to be classifiers? Did you consider the need for designate classifiers/SGI designators in IRO?

A. Glenn, based upon input from Phil and the Section Chiefs, specified the following criteria: In DNS, the deputy directors [the permanent DD for the moment] and each section chief would be designated as an authorized derivative classifier along with one to three senior staff, per section. In PMDA, the chief PMDA and two senior staff [who prepare correspondence] would be designated as authorized derivative classifier. These same individuals in DNS and PMDA would also be approved to designate material as SAFEGUARDS Information (SGI), except for the DNS deputy division directors who already have the authority to designate material as SGI under MD 12.6. DIRO was not initially included as this memo was intended to support DNS efforts. However, Phil checked with Holonich on 10/28 and DIRO does not need any additional authorized classifiers at this time. However, DIRO would like to add Mamish and McGinty to Attachment 2 [list of individuals who are authorized to designate material as SGI]. [Add McGinty and Mamish to memo]

3. What process will we use to ensure that the classifiers are properly qualified (i.e., sufficiently familiar with the process and technology to make the right calls)?

A. All classifiers, both original and derivative, are trained by INFOSEC and their designation as authorized classifiers is not complete until that training is achieved. The EO requires only the designation and training of Original classifiers. However, the NRC takes the program one step further and actually appoints and trains derivative classifiers. In most other agencies anyone who uses classified information may apply derivative classifications.

4. What process will we use to ensure consistency in classifications and SGI determinations?

A. In addition to initial and periodic refresher training [including reviewing changes to classification guides] supervisors and managers will be expected to review and concur on the draft classification decisions or SGI determinations previously made on a package as part of

the review and concurrence process, just as they currently do on any policy issues, spelling, or grammar issues contained within a package.

In the past when individuals have been authorized by virtue of their position to determine information is SGI [per MD 12.6], no training has been required. Along with INFOSEC's plan to create a SGI Guide to ensure consistency, DNS could initiate a training program similar to the one for classified information. This may dovetail with Mike's recent e-mail on the ORISE company and their capabilities.

LS further comment: "...but off the top of my head, I believe that this is just leading us down the path having different requirements for various groups who use SGI...a significant issue in revamping the program in my opinion... of requiring more stringent controls at NRC than we do for licensees, states, tribes etc. My security instinct says that everyone should receive some training in this arena, but not having had previous experience with other than licensees who handle classified where the training requirements are well defined in Part 95, and without some additional global thought process, I don't know where the common ground may be on this issue. Clearly we do not want to impose a regime equal to the classified one for SGI."

From: Michael Weber
To: Catherine Haney; Gail Good; Glenn Tracy
Date: 10/25/02 8:08AM
Subject: RESPONSE - DESIGNATING NEW AUTHORIZED DERIVATIVE CLASSIFIERS

I reviewed the draft memo for Roy to request a list of NSIR staff be authorized as derivative classifiers. My reviewed identified several questions that I would like answers to before action is completed on the memo:

1. To what level would the derivative classifiers be authorized? Secret-NSI/RD? Varies by person? I would favor a more limited number of individuals at the TS level because of the greater controls and sensitivities.

2. What criteria were used to designate classifiers? Do these people want to be classifiers? Did you consider the need for designate classifiers/SGI designators in IRO?

3. What process will we use to ensure that the classifiers are properly qualified (i.e., sufficiently familiar with the process and technology to make the right calls)?

4. What process will we use to ensure consistency in the classification and SGI designations?

Please advise.

CC: A. Lynn Silvious; Philip Brochman; Robert Nelson; Roy Zimmerman