

3725



Information Security Oversight Office

National Archives and Records Administration

700 Pennsylvania Avenue, NW

Washington, DC 20408



OCT 16 2003

The Honorable Nils J. Diaz, Ph.D.
Chairman
Nuclear Regulatory Commission, O16-C1
Washington, DC 20555

Dear Chairman Diaz:

SUBJECT: Declassification Plans Required Under Executive Order 12958, "Classified National Security Information," as amended

Under the subject Order, the Information Security Oversight Office (ISOO) is responsible for overseeing the security classification program of each executive branch agency. One of the most notable accomplishments of Executive Order 12958 has been the implementation of the automatic declassification program, which has led to the declassification of some one billion pages of older historical records. On March 25, 2003, the President issued an amendment to Executive Order 12958 that commits agencies to institutionalize automatic declassification within their organizations and to complete appropriate reviews of the backlog of classified permanent records that are more than 25 years old by the end of 2006, and each year thereafter. Additional details as to how such reviews are to be accomplished were included in the recent revision to ISOO Directive No. 1, issued on September 22, 2003.

* Pursuant to the provisions of sections 5.2(b)(2) and (3) of the above Order, ISOO requests agencies to update, revise or establish declassification plans that are in consonance with the President's recent direction. These plans should outline how each agency will declassify, exempt, refer, or delay, as appropriate, all 25-year-old or older classified permanent records prior to the full implementation of the automatic declassification provisions on December 31, 2006.

To assist agencies with this request, we have enclosed guidance for updating, revising or establishing their declassification plans. These plans should be submitted to ISOO no later than December 31, 2003. For those agencies that do not fall under the automatic declassification provision of the Order, section 3.3, please provide a negative response.

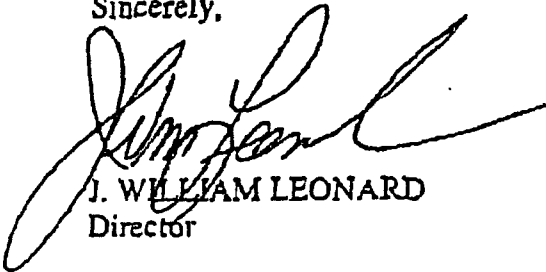
03 OCT 17 AM 8:25
CHAIRMAN OFC'D

A/4

2

We look forward to working with your agency to fulfill this very important requirement, especially with respect to enacting the necessary interagency process improvements necessary to fully implement the automatic declassification provisions of the Order. Please have your responsible officials contact your agency's ISOO liaison, Linda Ebben or Neil Carmichael on 202-219-5250, should they have any questions concerning the required plan or the enclosed guidance.

Sincerely,

A handwritten signature in black ink, appearing to read "J. William Leonard", is written over the typed name and title.

J. WILLIAM LEONARD
Director

Enclosure

cc: Mr. William s. Kane
Ms. A. Lynn Silvious

Guidance for Agency Declassification Plans

Requirement: No later than December 31, 2003, each agency shall provide to the Director of the Information Security Oversight Office (ISOO) an updated plan, a new plan, or a negative response that addresses the application of the automatic declassification provisions of Executive Order 12958, as amended. This plan shall encompass all agency classified records that have permanent historical value and that are more than 25 years old. Please consult your agency records officer for assistance in identifying the quantity and location of these records.

Purpose: This guidance provides the essential elements for updating or developing an agency declassification plan. Agency plans should respond to the President's direction to declassify the hundreds of millions of permanent historically valuable pages that have been classified over the past 60 years as soon as they no longer meet the standards for continued classification. The implementation of this instruction will assist in ensuring that all classified records 25 years or older are declassified, exempted, referred, or appropriately delayed¹ by December 31, 2006, in accordance with provisions of E.O. 12958, as amended.

A. General Applications

1. This requirement applies to all departments and agencies and to any other entity within the executive branch that come into the possession of permanent historically valuable classified records 25 years old or older. (ISOO Directive 1, §2001.30 (a))
2. Agencies that are solely consumers and holders of classified information must provide plans that describe the process that they will employ to notify other agencies, as appropriate, when their records contain classified information originated by other agencies. (ISOO Directive 1, §2001.30 (a) and (f) & §2001.34 (d) (ii))
3. Agencies that do not have permanent historically valuable classified records more than 25 years old do not need to develop a declassification plan, but must provide a negative response.
4. In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage or archival purposes, the receiving agency shall be deemed to be the originating agency for purposes of this plan. (ISOO Directive No. 1, §2001.30(d))
5. In the case of classified information that is not officially transferred as described in paragraph 3, above, but that originated in an agency that has ceased to exist and for which

¹ Automatic declassification may appropriately be delayed for up to 5 additional years for classified information contained in microforms, motion pictures, audio tapes, videotapes, or comparable media that make a review for possible declassification exemptions more difficult or costly. Also, automatic declassification of classified records that have been referred or transferred to any agency less than three years before the onset of automatic declassification may be delayed for up to three years, as can recently discovered records. Any such delays require notification to the Director of ISOO. Identification and inclusion of such records in this declassification plan can constitute the required notification. (E.O. 12958, as amended, §3.3 (e))

there is no successor agency, the Director of ISOO will designate an agency or agencies to act on provisions of the Order, as amended, with the concurrence of the designated agency or agencies. Please provide ISOO with the volume and location of such records in your agency's possession. (ISOO Directive No. 1, §2001.30 (e))

6. In the case of Presidential or White House material accessioned into the National Archives and Records Administration or maintained in Presidential Libraries, the Archivist of the United States shall develop a plan to comply with section 3.3 of the Order, as amended. (ISOO Directive 1, §2001.30 (b) and (i))
7. Agencies that have not delegated authority to the National Archives and Records Administration to declassify, exempt, refer, or appropriately delay their accessioned records must include in their own plan how they will handle such records. (ISOO Directive 1, §2001.30)
8. Agency information contained in records created by former Government officials not in the physical control of the agency must also be included in the plan. (ISOO Directive 1, §2001.10))

B. Submission Due Dates

1. Revised declassification plans, new plans, or negative responses are to be submitted no later than December 31, 2003. (E.O. 12958, as amended, §5.1 and §5.2)
2. Revisions: Agency declassification plans shall be reviewed and updated annually. Updates of the declassification plans shall be submitted to the Director of the Information Security Oversight Office no later than December 31 of each year. (E.O. 12958, as amended, §5.1 and §5.2)
3. Negative Responses: Agencies that submit a negative response are required to respond annually. (E.O. 12958, as amended, §5.1 and §5.2)

C. Content

1. Agencies should include in their plans the name, title, address, and telephone number of the agency official responsible for overseeing and coordinating agency implementation of the plan. Agencies should also identify the number of agency officials with declassification authority, internal or external to the agency, including title or position. (ISOO Directive 1, §2001.31 (a))

2. Include an estimate² of the aggregate quantity of agency records subject to this provision; a listing of where these records are located and an approximation of the quantity at each location; and a description of the agency's survey methodology. (Each estimate should reflect cubic feet, or number of pages.) The estimates (based, in part, upon experience to date) should be provided in the following breakdown:
 - a. Estimated quantity of textual records that will be declassified by December 31, 2006.
 - b. Estimated quantity of textual records that will be exempted from automatic declassification by December 31, 2006.
 - c. Estimated quantity of textual records that is expected to be referred to other agencies by December 31, 2006.
 - d. Estimated quantity of textual records that is expected to be referred to your agency for declassification or exemption by December 31, 2009.
 - e. Estimated quantity of special media that can be delayed until December 31, 2011.
 - f. Estimated quantity of special media that your agency expects to declassify by December 31, 2011.
 - g. Estimated quantity of special media that your agency expects to exempt by December 31, 2011.
 - h. Estimated quantity of special media that your agency expects to refer by December 31, 2011.
 - i. Estimated quantity of special media that you expect to be referred to your agency for declassification or exemption by December 31, 2016.
3. Include agency plans to apply the integral file block concept. It should define what records are included in an integral file block (e.g., Policy Documents, 1980-84; Committee Files, 1980-1989; Special Study on Germs, 1981-1997, entire file) and an estimate of the quantity of 25-year-old or older permanent historically valuable classified records they contain. The agency records manager should be consulted regarding integral file blocks. (E.O. 12958, as amended, §6.1 (u))
4. Include a description of your agency's process and how your plan will ensure the declassification, exemption, referral, or appropriate delay of all 25-year-old or older permanent historically valuable classified records in your agency's possession.

² For purposes of tracking and reporting the amount of records declassified by the executive branch over the next four years, ISOO requests that the estimates be in either cubic feet or pages. The following example conversion tables may be helpful in calculating estimates:

1 Cubic ft. = 2,500 pages
 1 Safe drawer = 3 cubic ft. = 7,500 pages
 1 Federal Records Center Box = 1 cubic ft.
 1 Archives Box = 1/3 cubic ft. = Approx. 833 pages
 1 Roll = 2,600 pages

5. Include a description of the total cost estimate to implement your agency's declassification plan to meet the December 31, 2006 requirement. Include in this estimate the total dollars, identifying cost estimates for such items as security clearances, training, physical security requirements and contracts; and the number and cost of full-time equivalents (FTE). Break down this total by fiscal year, including actual resources for 2004, planned resources for 2005, and anticipated resources for 2006. Include your agency's strategy to address any funding or resource shortfalls to meet the requirements of the plan. (ISOO Directive 1, §2001.81)

D. Other Factors

- None 1. Describe any interagency cooperative efforts or innovative approaches that will facilitate the declassification, exemption, referral, or appropriate delay, by December 31, 2006, of all 25-year-old or older permanent historically valuable classified records in your agency's possession.
- None 2. Describe your agency plans to update, develop, use, and share declassification guides. (ISOO Directive 1, §2001.32 (a) & (d))
- None 3. Provide a description of your agency's plan to delegate declassification authority to other agencies either through the sharing of declassification guides, or through any existing or newly executed procedural agreement(s) between the head of another agency and your agency head. (E.O. 12958, as amended, §3.2 (c))
- OK 4. Describe any current or planned training initiatives, both internal and external, to aid in the identification of your agency's equities and any other agencies' equities contained in your classified records.
- OK 5. Describe any external factors that may affect your ability to declassify, exempt, refer, or appropriately delay, by December 31, 2006, all 25-year-old or older permanent historically valuable classified records in your agency's possession.
- done 6. Discuss the status of implementation of approved file series exemptions, as well as general information regarding any additional exemptions your agency anticipates requesting.
- none 7. Describe any current or future, plans, if any, to re-review records. The description must include volume, reason for re-review, and anticipated results.