



OFFICE OF INSPECTOR GENERAL

U.S. Department of Energy

INSPECTION REPORT

DOE-OIG-22-25

January 2022

**ALLEGATION OF UNAUTHORIZED
DERIVATIVE CLASSIFIER REVIEWING
DOCUMENTS**



Department of Energy
Washington, DC 20585

January 27, 2022

MEMORANDUM FOR THE MANAGER, LOS ALAMOS FIELD OFFICE

SUBJECT: Inspection Report on Allegation of Unauthorized Derivative Classifier Reviewing Documents

The attached report discusses our review of an allegation regarding an individual who signed a document as a derivative classifier/reviewing official without the proper authority. This report contains four recommendations that, if fully implemented, should help ensure that only authorized derivative classifiers/reviewing officials conduct classification reviews. Management fully concurred with our recommendations.

We conducted this inspection from July 2021 through November 2021 in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation*. We appreciated the cooperation and assistance received during this inspection.

A handwritten signature in black ink, appearing to read "Anthony Cruz".

Anthony Cruz
Assistant Inspector General
for Inspections, Intelligence Oversight,
and Special Projects
Office of Inspector General

cc: Deputy Secretary
Chief of Staff



Department of Energy Office of Inspector General

Allegation of Unauthorized Derivative Classifier Reviewing Documents (DOE-OIG-22-25)

WHY THE OIG PERFORMED THIS REVIEW

The Department of Energy's Office of Inspector General Hotline received an anonymous complaint that a Triad National Security, LLC employee (herein referred to as "Employee") at Los Alamos National Laboratory (LANL) was impersonating a derivative classifier/reviewing official (DC/RO) for over a year. The complainant provided an example where the Employee conducted a classification review and marked a document as Unclassified Controlled Nuclear Information in February 2020.

We initiated this inspection to determine whether the alleged Triad National Security, LLC Employee at LANL was authorized to review and mark documents as a DC/RO.

What Did the OIG Find?

We substantiated the allegation that an Employee at LANL reviewed and marked documents as a DC/RO even though the Employee was not an authorized DC/RO. In discussions with LANL officials, we found that LANL was aware of the allegation and had conducted a security investigation, a Human Resources-Employee Relations investigation, and an extent-of-condition review. At the conclusion of the Human Resources-Employee Relations investigation, LANL found that the Employee violated LANL P204-3, *Classification of Matter*, Section 3.2, *Derivative Classifiers*, when the Employee acted as a DC/RO without the required training or authorization. LANL has taken corrective action.

While LANL was aware of the allegation and took corrective action, we attributed this incident to unofficial derivative classifier lists, weaknesses in the annual security training course, insufficient staffing in the Classification Office at LANL, and an inadequate testing universe during classification decision reviews.

What Is the Impact?

While there was no unauthorized dissemination of information associated with this allegation, unauthorized dissemination of information could occur in the future if proper controls are not implemented.

What Is the Path Forward?

To address the issues identified in this report, we have made four recommendations that, if fully implemented, should help ensure that only authorized DC/ROs conduct classification reviews.

BACKGROUND

Classification is the act or process by which information, documents, or material are determined to require protection in the interest of national security under the Atomic Energy Act, Title 10 Code of Federal Regulations 1045, *Nuclear Classification and Declassification*, or Executive Order 13526, *Classified National Security Information*. Department of Energy Order 475.2B, *Identifying Classified Information*, establishes the program to identify information classified under the Atomic Energy Act or Executive Order 13526 so that it can be protected against unauthorized dissemination. Documents and material must be classified, declassified, downgraded, or upgraded only by individuals with appropriate authorities. A derivative classifier (DC) is an individual authorized to confirm that an unmarked document or material is unclassified or determine that it is classified as allowed by the description of authority. A DC must be nominated, trained, and appointed in writing by the Classification Officer.

Additionally, Department Order 471.1B, *Identification and Protection of Unclassified Controlled Nuclear Information*, establishes the program to identify and protect Unclassified Controlled Nuclear Information (UCNI). A reviewing official (RO) is an individual authorized to determine whether a document or material contains UCNI only in the specific subject areas and jurisdiction covered by the authority description. A RO must be nominated, trained, and appointed in writing.

Los Alamos National Laboratory Procedure P204–3, *Classification of Matter*, defines the requirements for classifying documents and material. It states that newly generated or existing unmarked material in classified subject areas must be reviewed by a DC. Also, only DCs are permitted to conduct classification reviews. P204–3 explains where to find the list of DCs and a link to the classification website.

On June 30, 2021, the Department’s Office of Inspector General received an anonymous complaint that a Triad National Security, LLC employee (herein referred to as “Employee”) at Los Alamos National Laboratory (LANL) was impersonating a DC/RO for over a year. The complainant provided an example where the Employee conducted a classification review and marked a document UCNI in February 2020. We initiated this inspection to determine whether the alleged Triad National Security, LLC Employee at LANL was authorized to review and mark documents as a DC/RO.

UNAUTHORIZED DC/RO REVIEWING DOCUMENTS

We substantiated the allegation that the Employee reviewed and marked documents as a DC/RO even though the Employee was not an authorized DC/RO. In discussions with LANL officials, we found that LANL was aware of the allegation and had conducted a security investigation, a Human Resources-Employee Relations (HR-ER) investigation, and an extent-of-condition review. LANL’s Security Incident Team was notified that the Employee had performed a classification review of a document, but it had been discovered that the Employee was not trained or certified to be a DC/RO. At the conclusion of the HR-ER investigation, LANL found that the Employee violated LANL P204–3, Section 3.2, *Derivative Classifiers*, when the

Employee acted as a DC/RO without the training or authorization. LANL has taken corrective action.

In discussions with LANL officials, we were told that the extent-of-condition review was conducted to determine how many documents the Employee reviewed and marked for classification purposes. This extent-of-condition review discovered four additional documents that the Employee reviewed and marked in addition to the one associated with the allegation. According to LANL, all five documents received a second review by an authorized DC/RO and were determined to be properly reviewed and marked by the Employee.

LANL maintained an official list of authorized DC/ROs on its internal site, but the Employee's name was not on the list. In statements given to LANL during the HR-ER investigation, the Employee explained that a manager showed them an unofficial list of DC/ROs with the Employee's name on it. The Employee stated that this led them to think that they were an authorized DC/RO. Additionally, the Employee stated that the training course titled *Email Derivative Classifier* certified the Employee as a DC/RO. The HR-ER investigation was unable to locate a document listing the Employee as a DC/RO and found that the *Email Derivative Classifier* course only authorized individuals to derivatively classify e-mails.

CONTRIBUTING FACTORS

While LANL was aware of the allegation and took corrective action, we attributed this incident to unofficial DC/RO lists, weaknesses in the annual security training course, insufficient staffing in the Classification Office at LANL, and an inadequate testing universe during classification decision reviews.

Unofficial DC/RO Lists

In discussions with LANL officials, we were told that unofficial, manually created DC/RO lists existed with individual organizations. This occurred because the individual organizations thought they could maintain the list better than the Classification Office. After the allegation occurred, a LANL official sent an e-mail to the Employee's division that instructed employees to access a new tool to search for a DC/RO by organization through the LANL website, implying not to use the unofficial lists.

According to a LANL official, as of October 2020, the DC/RO list on the official website had not been updated for 9 months. This was a concern because DC/ROs often change due to training expiration or being moved to a new organization within LANL. The Employee brought this to the attention of the Classification Office. An official from the Classification Office explained that the website the Employee was looking at was part of the old system, and that the new system updates instantly. Per the Classification Office, the new system was implemented because issues were encountered with the list being incorrect. The new system allows the Classification Office to detect job assignment changes. Since the old system was unable to detect job assignment changes, the Classification Office relied upon notifications from the DC/ROs. In November 2020, it was discovered that LANL P204-3 and the LANL DC/RO Handbook links were directing to the old website. The Classification Office stated that both

policies were updated in December 2020.

LANL has two systems with controls to prevent an unauthorized DC/RO from reviewing a document, the Review and Approval System for Technical Information, also known as RASSTI¹, and the Review Only System, also known as ROSY². According to the Classification Office, these systems have a list of available DC/ROs for selection when requesting a document review. Internal only documents that are not going public do not have to go through the online system process. Therefore, the control in place to ensure that authorized DC/ROs are selected only applies to documents submitted through either system. Documents that are not submitted through either system have the potential to be reviewed and marked by an unauthorized DC/RO.

Weaknesses in Annual Security Training

We identified weaknesses within LANL's training course. While the Annual Security Refresher Briefing explains where to find a list of approved DC/ROs, it does not test the student's knowledge of the DC/RO request process. In statements made to LANL, the Employee explained that they would go straight to the test because there was not enough time to go through the material. In bypassing the course material, a student would not learn necessary information regarding the DC/RO request process.

Staffing Concerns in LANL's Classification Office

Department Order 471.1B states that it is the responsibility of the managers of field elements to ensure that the necessary resources (e.g., funding and personnel) are provided to fulfill the requirements contained in the Order. Additionally, Department Order 475.2B states that sufficient staffing must be provided for implementation and oversight of the contractor's classification program.

The Classification Office at LANL has historically been inadequately staffed. In 2017, the Department's Office of Classification conducted an evaluation of LANL's Classification and UCNI Programs. A deficiency was found that LANL did not have a sufficient number of classification analysts or administrative support to train and track the number of DC/ROs or e-mail DCs under its purview. Per a 2019 Defense Nuclear Security evaluation of the LANL Classification Program—LANL's UCNI Program was also reviewed—this deficiency was still open. A survey was conducted during the 2019 Defense Nuclear Security assessment and a recurring theme in the questionnaire responses revealed that the LANL Classification Office was overworked and understaffed. Additionally, the report states that there was insufficient staffing for running the Classification Program at the level required.

According to LANL officials, changes were implemented to hiring practices in order to attract qualified staff. Laboratory management reclassified the Classification Analyst position from professional staff to technical staff in July 2021. LANL explained that the Classification Office had received more applicants and new hires from experienced scientists and engineers after this

¹ RASSTI is a system used to process formal documents pertaining to scientific and technical information intended for public release.

² ROSY is a system used to process documents not intended for public or external release.

reclassification, enabling the Classification Officer to hire mid- to late-career subject matter experts. Additionally, in August 2021, the Department's Office of Classification's evaluation of LANL's Classification and UCNI Programs found that LANL met the requirement for having sufficient staff to administer the classification and UCNI programs and had an adequate number of classification and UCNI officials. Based on this evaluation, it appears that the staffing issue within the Classification Office at LANL has improved.

Inadequate Target Population in Classification Decision Reviews

Department Order 475.2B requires that classification decision reviews be conducted annually. Classification decision reviews must assess that original and DC decisions are: (1) accurate; (2) decisions are made by classification officials acting within granted authorities; and (3) classification markings are correct. According to the LANL Classification Office, the target population for classification decision reviews do not include all internal-only documents such as the documents that were reviewed and marked by the Employee. Unless an internal-only document is sent through the RASSTI system or the publications database³, it does not have a chance of being selected for review. As discussed earlier, there are controls in the RASSTI system to ensure that only authorized DC/ROs review and mark documents. This means there is a very low risk that the RASSTI documents are reviewed and marked by unauthorized individuals. There is a higher risk that internal-only documents are reviewed and marked by unauthorized individuals because there are no controls to ensure that only authorized DC/ROs conduct classification reviews.

IMPACT

While the HR-ER investigation and extent-of-condition review determined that there was no unauthorized dissemination of information associated with this allegation, unauthorized dissemination of information could occur in the future if proper controls are not implemented. Documents that are reviewed and marked by individuals who have not been appointed as DC/ROs can result in the unauthorized dissemination of classified information.

RECOMMENDATIONS

We recommend that the Manager, Los Alamos Field Office, direct Triad National Security, LLC to:

1. Ensure that all employees know where to find the official DC/RO list that is accurate and continuously updated.
2. Ensure that unofficial DC/RO lists are discontinued.
3. Update all training relevant to the derivative classification and UCNI review process by adding test questions on how to obtain an authorized DC/RO and removing the ability to skip to the end of the training.

³ The publications database at LANL maintains classified documents.

4. Review internal-only documents periodically to ensure that only authorized DC/ROs reviewed and marked those documents.

MANAGEMENT RESPONSE

Management fully concurred with our recommendations and provided corrective actions taken and in process that will be completed no later than September 30, 2022. According to the National Nuclear Security Administration, while the issues identified in the report were isolated to an individual, it took the reported allegation seriously and was pleased that our review validated the corrective actions already taken in response to LANL's security investigation, Human Resources-Employee Relations investigation, and extent-of-condition review.

Management comments are included in Appendix 2.

INSPECTOR COMMENTS

Management's comments and corrective actions are responsive to our recommendations.

Appendix 1: Objective, Scope, and Methodology

OBJECTIVE

We initiated this inspection to determine whether the alleged Triad National Security, LLC employee at Los Alamos National Laboratory was authorized to review and mark documents as a derivative classifier/reviewing official.

SCOPE

The inspection was performed from July 2021 through November 2021 at Los Alamos National Laboratory in Los Alamos, New Mexico. Our scope included a review of Triad National Security, LLC documents associated with the allegation. The inspection was conducted under Office of Inspector General project number S21AL022.

METHODOLOGY

To accomplish our inspection objective, we:

- Reviewed Department of Energy directives and contractor policies and procedures;
- Reviewed classification program assessment reports conducted by the contractor and the Department;
- Interviewed personnel from Los Alamos National Laboratory and Los Alamos Field Office;
- Reviewed the Human Resources-Employee Relations investigation report regarding the allegation along with supporting documentation to determine how long the alleged incident occurred; and
- Held discussions with contractor officials who conducted the extent-of-condition review to determine whether there was any unauthorized dissemination of information.

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* (December 2020) as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions.

Management officials waived an exit conference on January 21, 2022.

Appendix 2: Management Comments




Department of Energy
Under Secretary for Nuclear Security
Administrator, National Nuclear Security Administration
Washington, DC 20585



January 18, 2022

MEMORANDUM FOR TERI L. DONALDSON
INSPECTOR GENERAL

FROM:

JILL HRUBY 

SUBJECT:

Response to the Office of Inspector General Draft Report *Allegation of Unauthorized Derivative Classifier Reviewing Documents* (S21AL022)

Thank you for the opportunity to review and comment on the subject draft report. NNSA appreciates the inspectors' independent review of the facts and circumstances surrounding the reported allegation. While the issues identified in the OIG report were isolated to an individual who erroneously believed he was a derivative classifier, we take the reported allegation seriously and are pleased that the OIG review validated the corrective actions already taken in response to LANL's internal security investigation, Human Resources investigation, and extent of condition review.

The recommendations in the report are consistent with actions taken and in process, and detailed responses are included in the attached management decision. If you have any questions regarding this response, please contact Mr. Dean Childs, Director, Audits and Internal Affairs, at (301) 903-1341.

Attachment

NATIONAL NUCLEAR SECURITY ADMINISTRATION
Management Decision

Allegation of Unauthorized Derivative Classifier Reviewing Documents (S21AL022)

The Office of Inspector General (OIG) recommended that the Manager, Los Alamos Field Office, direct Triad National Security, LLC to:

Recommendation 1: Ensure that all employees know where to find the official DC/RO list that is accurate and continuously updated.

Management Response: Concur. The laboratory distributed an announcement via email clarifying that the LANL Office of Classification maintains the ONLY officially sanctioned list of currently authorized Derivative Classifiers (DCs) and Unclassified Controlled Nuclear Information (UCNI) Reviewing Officials (ROs). The announcement provided a link to the list and strongly encouraged employees to use the appropriate system to ensure that their work products are reviewed by currently authorized DCs and ROs. The announcement explicitly stated that the Office of Classification does not sanction unofficial lists of DCs and ROs that may be maintained outside of that office. NNSA considers this recommendation closed based on actions taken.

Recommendation 2: Ensure that unofficial DC/RO lists are discontinued.

Management Response: Concur. NNSA considers this recommendation closed based on actions to address recommendation 1.

Recommendation 3: Update all training relevant to the derivative classification and UCNI review process by adding test questions on how to obtain an authorized DC/RO and removing the ability to skip to the end of the training.

Management Response: Concur. The issue identified in the report resulted from the use of unofficial DC/RO lists. To prevent this situation from occurring again, the Annual Security Refresher training has been updated with design elements that will prevent users from jumping to the end of the course to receive credit. Additionally, discussions are underway to include a test question in the training to test the user's knowledge on how to identify an authorized DC/RO. The estimated completion date for this action is June 30, 2022.

Recommendation 4: Review internal-only documents periodically to ensure that only authorized DC/ROs marked those documents.

Management Response: Concur. The laboratory's Review Only System (ROSY) currently includes reviews of selected internal-only documents that are in potentially classified or UCNI

Appendix 2: Management Comments

Attachment

subject areas and are not intended for dissemination outside the Laboratory. Based on the issues presented in this report, LANL's Office of Classification is obtaining information on DC and RO decisions captured in other systems for potential inclusion in the annual classification decision review, as appropriate. The next annual Classification Decision Review, to include this expanded sampling, will be completed no later than September 30, 2022.

FEEDBACK

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