

7500531

NO OBJECTION TO RELEASE

NSC/S

DOJ REVIEWED 17-Mar-2011: UNCLASSIFIED

This item can be closed out.

In response to the Feb 19, 1975
memo from Bushen to

Scowcroft we prepared
another memorandum.

This subsequent action
is now NSC 7501125.

The final action reference
should be "See 7501125
for final action".

Steve

THE WHITE HOUSE

WASHINGTON

February 19, 1975

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: PHILIP W. BUCHEN *P.W.B.*
SUBJECT: Legal Assistance Under the
Amended Freedom of
Information Act

Your memorandum poses a number of questions concerning the management of your legal defense in dealing with requests for release of classified material. The answers to your numbered questions are as follows:

1. Once a request has come before a court, the Department of Justice is the appropriate representative of the Government to make all requests or other presentations. Your own draft regulations provide in Part II. C. 5 that formal approaches to courts for time extensions will be conducted by the Department of Justice. No approach other than a formal one should ever be made to a court. The NSC Staff's contact with the Department of Justice should be through White House Counsel.

2. All requests by the NSC Staff for legal opinions should be addressed to White House Counsel.

3. As noted in the answer to your first question, all representations in court will be by the Department of Justice. White House Counsel will supervise the conduct of litigation by Justice and we do not anticipate any lack of cooperation. The support required of NSC personnel will depend on the circumstances of individual cases. In general, occasional affidavits, answers to written interrogatories and possibly personal testimony may be required.

-2-

4. The Justice Department would be responsible for any litigation needed to collect fees. As to expenses, including attorney fees, that may be awarded against NSC, we are advised by OMB that no final decision has been made, but that probably such expenses will come out of your appropriation.

5. The Counsel to the President must reserve judgment as to what litigating position he believes is defensible before a court in a particular case. We do, of course, adhere to the view, already expressed by the President, that the judgment as to whether particular information is required to be protected for reasons of national defense or foreign policy is an executive function, and that judicial review should be limited to the propriety of the decision to classify in any given case.

Thank you for the draft of your regulations under the Freedom of Information Act. We will want to review them in detail after public comments have been received on these and other regulations applicable to the Executive Office of the President.


MEMORANDUM

0531

THE WHITE HOUSE
WASHINGTON

February 13, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN

FROM: BRENT SCOWCROFT 

SUBJECT: Amended Freedom of Information Act

The amended Freedom of Information Act becomes effective on February 19, 1975. It will have a major impact on the NSC Staff since, on complaint, a federal district court shall determine de novo whether a request for the release of classified NSC material was properly denied. This raises a number of problems, indicated below, to which I would like to draw your attention.

1. Under the Act, a court can, upon request by an agency, grant a time extension for responding to a request for release of classified material. If the NSC Staff should wish to make such a request, who should be charged with actually approaching the Court?

2. To whom should the NSC Staff approach for a legal opinion as to whether a final denial of a request for classified material will be sustained if the matter is taken to a court? The Staff will want to have such a legal opinion prior to making a final decision on a request.

3. Related to the above is the question of who will represent the NSC Staff in a court action. The best candidate is, of course, the Department of Justice. But if that Department determines that it will not accept a particular case (Justice currently holds the view that it will defend only those FOI Act cases it judges to be acceptable), what recourse is left to the NSC Staff? In addition, what would be the nature of the support the NSC Staff would likely be required to provide legal counsel?

4. If the NSC Staff loses a court appeal, who will pay the litigant's lawyer and court fees as required by the Act? How will the NSC Staff go about collecting unpaid fees for search and duplication as

- 2 -

5. Should the NSC Staff be the final authority on the release of classified "Presidential or White House" material relating to "national defense or foreign policy" matters. It is our judgment that it should. (This matter is currently under consideration by Mr. Dudley Chapman of your office in connection with the NSC Staff's review of draft regulations submitted by the National Archives and Records Service.)

The above listing is not meant to be all inclusive. It consists only of those major problem areas which appear to us to require immediate resolution. We would appreciate being made aware of any others which occur to you.

All available material relating to the above questions -- including the initial guidance on the Act received from the Department of Justice -- has been provided to Mr. Dudley Chapman of your office. Attached is a copy of the most recent draft of the proposed NSC Staff procedure for responding to Freedom of Information Act requests for classified material.

Thank you for your assistance in this matter. Please let me know if you need any additional information from us.

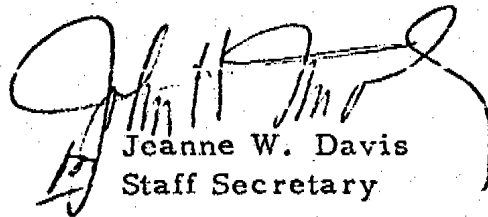
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

February 13, 1975

Dear Mr. Emery:

I would appreciate the expeditious publication in the Federal Register of the attached proposed National Security Council regulation. This is in compliance with the amended Freedom of Information Act, Public Law 93-502 and should be published prior to February 19, 1975.

Sincerely,



Jeanne W. Davis
Staff Secretary

Mr. Fred J. Emery
Director, Office of the Federal Register
National Archives and Records Service
8th Street and Pennsylvania Avenue, N. W.
Washington, D. C. 20408

Ann Watts
1100 L St NW
8401

MEMORANDUM

NATIONAL SECURITY COUNCIL

January 25, 1975

MEMORANDUM FOR GENERAL SCOWCROFT

FROM:

Jeanne W. Davis
Clinton E. Granger

SUBJECT:

Proposed NSC Staff Procedure for
Responding to Requests for Classified
Material Under the Amended Freedom
of Information Act

Attached for your review at Tab A is the proposed NSC Staff Procedure for responding to requests for classified NSC and Presidential material under the amended Freedom of Information Act. The law specifies that each agency's procedures be published in the Federal Register on or before February 19th, the date when the amendments to the Act become effective. In addition we must provide our procedures to the Congress by March 1, 1975. Part III, concerning fees, will appear shortly in the Federal Register for public comment -- prior to final publication in the procedure -- as required by the Act.

Under the Act separate officials must be designated to authorize initial and appeal decisions on requests for classified material. We propose that the NSC Staff Secretary be assigned responsibility for approving initial replies. Either you or Secretary Kissinger (as "head of agency") would then have responsibility for approving replies to appeals. We recommend that you assume this responsibility.

The amended Freedom of Information Act will have a significant impact on the declassification provisions of Executive Order 11652. (Tabs C and D) In particular, the amended Act:

-- Allows the public to request the release of documents irrespective of age (the E. O. limits requests to documents over ten years old);

-- Reduces the time allowed for answering initial requests (from 30 to 60 days down to 10 to 20 days) and appeals (from 30 days to 20 days);

-- Makes no provisions for appeal review of agency negative decisions on requests by the Interagency Classification Review Committee (ICRC) but instead allows requestors, upon agency denial of an appeal, to raise the matter in a federal district court.

An ICRC working group, on which the NSC Staff is represented, is currently examining possible amendments to the E. O. which may be appropriate in view of the above. Specific recommendations approved by the ICRC should be forwarded for NSC review in the near future.

The Office of the White House Counsel and Department of Justice have reviewed and approved the proposed Staff Procedure. They have, however, failed to respond to several legal questions we had addressed to them, commenting that they would prefer to await specific court cases. We believe some of our questions should be considered now, and have included a memorandum from you to Mr. Buchen soliciting his help.

These new requirements will have a significant impact on the work of the NSC staff. We have agreed informally with OMB to a sixty-day trial period during which we will attempt to comply with the new requirements by changes in internal procedures within our present staff. We have, however, put OMB on notice that we may have to ask for additional personnel spaces and money to meet these requirements. We will come to you with specific recommendations after a legitimate trial period.

RECOMMENDATION:

1) That you agree to the designation of Mr. Kissinger, or yourself acting in his name, as the officer responsible for considering appeals.

Approve  Prefer _____

2) That you approve the draft Staff Procedure at Tab A.

Approve  As amended _____

3) That you sign the memorandum to Mr. Buchen at Tab B asking that certain legal questions be considered urgently and that we be given guidance on them.

NSC STAFF PROCEDURE NO. 50

FREEDOM OF INFORMATION ACT REQUESTS FOR CLASSIFIED DOCUMENTS

--PROCESSING, FEES, REPORTS, APPLICABLE MATERIAL, DECLASSIFICATION
CRITERIA, PARTIAL RELEASE

PART I. INTRODUCTION

A. The Amended Freedom of Information Act. The amended Freedom of Information Act, Public Law 93-502, provides expanded opportunities for the public to secure the release of classified material under the control of, or of primary interest to, the NSC Staff. The amended Act sets more restrictive time periods within which requests must be processed, modifies the criteria upon which denials of such requests can be based, and permits appeals to district courts of denials of requests. As a result of these changes, modified procedures are required from those followed in the case of requests for the release of classified material over ten years old made under Executive Order 11652. This staff procedure is intended to guide the NSC Staff's response to requests for classified material under the amended Freedom of Information Act.

B. Purpose of Amended Act. The underlying purpose of the amended Freedom of Information Act is to insure that the public is informed to the fullest extent possible about governmental policies and actions, consistent with the requirement to protect certain categories of sensitive information. In the case of classified material, the Act is intended to protect the public against the improper classification of information, particularly to conceal inefficiency or administrative error or to prevent embarrassment to a person or department. These goals are fully consistent with the provisions of Executive Order 11652 and the implementing NSC Directive of May 17, 1972, which regulate and control the protection and management of national security information. The provisions of these documents relating to the criteria, authority and procedures for classifying and safeguarding national security material remain unaffected.

C. Effective Date. The amended Freedom of Information Act is effective February 19, 1975. This staff procedure shall become effective on that date. It is subject to revision upon review by the Interagency Classification Review Committee.

PART II. PROCESSING REQUESTS FOR CLASSIFIED MATERIAL

A. Receipt of Requests.

1. Request for classified documents under the FOI Act should be addressed to:

National Security Council
ATTN: Staff Secretary
Old Executive Office Building
Washington, D. C. 20506

Oral requests received by the Staff Secretary or other members of the NSC Staff will be rejected and the requestor informed that his request should be made in writing and directed to the Staff Secretary.

2. All time limits are based on the date of receipt by the NSC Staff of a request. Consequently, this "key date" must in all cases be accurately recorded.

3. If a request is misdirected to the NSC Staff, the requestor will be promptly notified in writing.

4. Requests for declassification of material forwarded by National Archives and Records Service (or other Agencies) should be submitted with three copies of the requested material attached.

B. Initial Processing.

1. Requested material will be rapidly gathered (when not received with the request), screened, and disseminated to appropriate reviewing officers.

a. Initial dissemination of material to reviewing officers will be made by the Secretariat, with review by the Staff Secretary.

b. Material to be reviewed will be disseminated utilizing "highly visible" and clearly distinguishable orange folders.

c. Deadline for submitting recommendations will be indicated in all cases and must be adhered to.

2. Dissemination of material to other Agencies for comment will be made by the Staff Secretary to responsible officials of these Agencies.

3. Strict accounting of status and location of all material disseminated will be maintained by the Secretariat.

C. Requests for Time Extensions.

1. Requestors will be promptly notified by the Staff Secretary of a time extension (indicating the new date by which a determination will be dispatched) due to the following three "unusual circumstances":

a. need to search for or collect records from field facilities or other establishments separate from the office of request;

b. need to search for, collect and examine voluminous amounts of records;

c. need to consult with other agencies because of their having substantial subject-matter interests

2. Time extensions will not exceed ten working days in the aggregate, either solely in the initial or the review stage, or divided between them.

3. The Staff Secretary will authorize all time extensions.

4. Prior to requesting a court authorized time extension, requestors will be contacted by the Staff Secretary in an attempt to arrange informal agreement on a time extension (any verbal agreement will be quickly formalized in writing).

5. The Staff Secretary will authorize all requests to courts for time extensions based on "exceptional circumstances" and "due diligence". Formal approaches to courts for time extensions will be conducted by the Department of Justice.

D. Initial Review Period.

1. A total of ten working days is available for submitting an initial response to requests.

a. Time period allowed reviewing officers will be the maximum period consistent with time required for administrative processing and final review of recommendations and preparation of reply by Staff Secretary.

b. Reviewing officers will be periodically reminded of approaching due dates in order to insure recommendations are received in a timely manner.

2. Primary reviewing officers will delegate reviewing authority in the event they are unavailable to conduct reviews.

E. Initial Reply to Request.

1. The Staff Secretary will review the recommendations of primary reviewing officers and approve initial replies.
2. An initial response will always be made even if processing has not been completed.
3. If processing has not been completed but an interim negative reply has been dispatched, processing will continue.
4. Accurate record of replies will be maintained by Secretariat.
5. If a negative or partial denial response is dispatched, requestor will be notified of his right to appeal.
6. If some or all material is approved for release, the Staff Secretary will insure it is expeditiously dispatched to the requestor or grant authority to NARS or other Agency to release the material.

F. Processing of Appeals to "Head of Agency".

1. Replies to appeals will be approved by the Assistant to the President for National Security Affairs, or the Deputy Assistant acting in the name of the Assistant to the President.
2. The Staff Secretary will be responsible for preparing material required by the above appeal review officer in making a final determination.
 - a. Views of primary reviewing officers will again be solicited.
 - b. Opinion of Office of the White House Counsel and/or Department of Justice on legal ramifications will be solicited.
3. Staff Secretary will insure replies to appeals are dispatched within 20 working days of receipt or before exhaustion of time of an authorized time

G. Appeals to Federal District Courts.

1. Staff Secretary will coordinate the NSC Staff's support (to include background data, affidavits, etc.) to USG lawyers defending against court appeals for denied NSC classified documents.

2. If court judgment is against USG, Staff Secretary will arrange release of documents to litigant.

PART III. SCHEDULE OF FEES AND METHOD OF PAYMENT FOR SERVICES RENDERED.

A. Fees Schedule.

1. Fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended:

a. Search for records -- \$5.00 per hour when the search is conducted by a clerical employee. \$8.00 per hour when the search is conducted by a professional employee. No charge for searches of less than 1 hour.

b. Duplication of records -- Records will be duplicated at a rate of \$.25 per page for all copying of 4 pages or more. There is no charge for duplicating documents of 3 or less pages or the first three pages of documents of greater length.

c. Other -- When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Staff Secretary is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or commur

2. If records requested under the Act are stored elsewhere than the headquarters of the National Security Council Staff at Washington, D.C., the special costs of returning such records to the headquarters for review will be added to the search costs. Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the NSC Staff determines that a record which has been requested, but which is exempt from disclosure under the Act, is to be withheld. Processing of a request for records will not be undertaken until a requestor has paid in full for search and duplication charges for any previous document request under the Act.

3. Where it is anticipated that the fees chargeable under this section will amount to more than \$25, and the requestor has not indicated in advance his willingness to pay fees as high as are anticipated, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed \$25, an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requestor to consult with knowledgeable NSC Staff personnel -- designated by the Staff Secretary -- in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requestor. Dispatch of such a notice or request shall suspend the running of the period for response by the NSC Staff until a reply is received from the requestor.

4. Fees must be paid in full prior to issuance of requested copies.

B. Fee Payments.

1. Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasury of the United States and mailed to the Staff Secretary, National Security Council, Washington, D. C.

2. A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

3. The Staff Secretary, National Security Council, may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when it is deemed to be in either the interest of the NSC Staff or of the general public.

PART IV. REPORTS

A. Quarterly Index of Publications.

1. The NSC Staff is required to publish and distribute to the public on a quarterly basis an index of the following material promulgated after July 4, 1967:

a. Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

b. Those statements of policy and interpretations which have been adopted and are not published in the Federal Register; and

c. Administrative staff manuals and instructions to staff that affect a member of the public.

2. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent against a party other than an agency only if:

a. It has been indexed and either made available or published as provided by the Act; or

b. The party has actual and timely notice of the terms thereof.

3. The legislative history of this requirement indicated that only material having "precedential significance" are to be included in the Index.

4. Matters specifically excluded from release under the Freedom of Information Act are not required to be included in the Index. In the case of the NSC Staff, this particularly includes matters that are:

a. Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order (see section E, below);

b. Related solely to the internal personnel rules and practices of an agency;

c. Specifically exempted from disclosure by statute (see Part VII, below);

d. Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

e. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

5. Because of the considerations outlined under sections 3. and 4. , above, it is anticipated that the NSC Staff will normally have little or nothing to report in its quarterly index.

B. Annual Report to Congress.

1. On or before March 1st of each calendar year, a report of the NSC Staff's

of Information Act will be submitted to the Speaker of the House of Representatives and the President of the Senate.

2. The above report will include:

a. The number of determinations made by the NSC Staff not to comply with requests for records made to it under the Act and the reasons for each such determination;

b. The number of appeals made by persons under the Act, the results of such appeals, and the reason for the action by the NSC Staff upon each appeal that results in a denial of information;

c. The names and titles or positions of each person responsible for the denial of records requested under the Act, and the number of instances of participation for each;

d. The results of each (Civil Service Commission) proceeding conducted pursuant to the Act, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

e. A copy of every rule made by the NSC Staff regarding the Act;

f. A copy of the fee schedule and the total amount of fees collected by the NSC Staff for making records available under the Act; and

g. Such other information as indicates efforts by the NSC Staff to administer fully the Act. (This should include, to the extent possible, data on the costs to the NSC Staff of administering the Act.)

3. The NSC Staff, based in part on the information compiled for its

request -- assistance to the Department of Justice in the preparation of its annual report (also due each March 1st) to Congress concerning judicial cases arising under the provisions of the Act.

PART V. APPLICABLE MATERIAL.

A. Primary Review by NSC Staff.

1. The NSC Staff will have primary and authoritative review responsibility for Freedom of Information Act requests for the following types of classified material.

a. Material originally classified by a properly authorized member of the NSC Staff and maintained under its control;

b. Material produced for and processed by the NSC Staff even if not originally classified by an authorized member of the Staff;

c. Material classified by a President, his White House Staff, the NSC Staff on his behalf, or special committee or commission appointed by him and which the Archivist of the United States has in his custody at any archival depository, including a Presidential Library, and which is concerned with "national defense or foreign policy" matters of "primary subject-matter interest" to the NSC Staff;

d. Verbatim or extensively paraphrased NSC material appearing in documents originally classified by another agency.

2. Requests received by other agencies for the material described above should be forwarded to the NSC Staff for action.

B. Recommendations to Other Agencies.

The NSC Staff will, at the request of another agency, make recommendations on the release of material concerning "national defense or foreign policy" originally classified by another agency but which is of significant subject-matter interest of the NSC Staff.

PART VI. DECLASSIFICATION CRITERIA.

A. Criteria for Denying a Request for Release of Classified Material.

1. The amended Freedom of Information Act does not apply to matters that are:

a. Specifically authorized under criteria established by an Executive Order (E.O. 11652) to be kept secret in the interest of national defense or foreign policy;

b. Are in fact properly classified pursuant to (both procedural and substantive criteria contained in) such Executive Order;

c. Or, are specifically exempted from disclosure by statute.

B. Procedural Criteria under E.O. 11652.

1. The material must have been classified by a properly authorized individual;

2. The material must have been properly marked. For documents prepared after the effective date of Executive Order 11652 (June 1, 1972), this must especially include its classification, whether it is subject to or exempt from the General Declassification Schedule, and the highest level individual that authorized classification in each case. Documents prepared prior to June 1, 1972, must have been properly marked pursuant to the rules of the appropriate Executive Order then applicable.

C. Substantive Criteria Under E.O. 11652 for Material Under Ten Years

Old.

1. Material must be classified "solely on the basis of national security considerations. In no case (may material be classified) in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security."

2. To be classified Top Secret, it must reasonably be expected that unauthorized disclosure of the material would "cause exceptionally grave damage to the national security." Examples are:

- a. Armed hostilities against the United States or its allies;
- b. Disruption of foreign relations vitally affecting the national security;
- c. The compromise of vital national defense plans or complex cryptologic and communications intelligence systems;
- d. The revelation of sensitive intelligence operations; and
- e. The disclosure of scientific or technological developments vital to the national security.

3. To be classified Secret, it must reasonably be expected that unauthorized disclosure of the material would "cause serious damage to the national security." Examples are:

- a. Disruption of foreign relations significantly affecting the national security;

b. Significant impairment of a program or policy directly related to the national security;

c. Revelation of significant military plans or intelligence operations; and

d. Compromise of significant scientific or technological developments relating to national security.

4. To be classified Confidential, it must be reasonably expected that unauthorized disclosure of the material would "cause damage to the national security."

5. Examples of material exempt from release because it is classified pursuant to a statute are:

(1) Restricted Data (42 U.S.C. 2162);

(2) Communication information (18 U.S.C. 798);

(3) Material relating to intelligence sources and methods (50 U.S.C. 403(d)(3) and (9)).

D. Substantive Criteria under E.O. 11652 for Material Over Ten Years

Old.

1. Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence;

2. Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods;

3. Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security;

4. Classified information or material the disclosure of which would place a person in immediate jeopardy.

PART VII. PARTIAL RELEASE.

A. Release of "Reasonably Segregable Portion" of Requested Classified Material.

1. The amended Freedom of Information Act requires that "any reasonably segregable portion of a record shall be provided...after deletion of the portions which are exempt."

2. Determination of which portion(s) of classified material are to be released, and what portion(s) are to remain classified, will be made on the basis of the criteria outlined in Part VI, above.

B. Downgrading of Classified Material Reviewed Under the FOI Act.

1. Classified material reviewed for release under the Freedom of Information Act which no longer meets the criteria established for its original classification should be recommended for downgrading to a lower classification if appropriate.

2. Downgraded material which retains a classification will be exempted from release.

NSC STAFF PROCEDURE NO. 50

FREEDOM OF INFORMATION ACT REQUESTS FOR CLASSIFIED DOCUMENTS

--PROCESSING, FEES, REPORTS, APPLICABLE MATERIAL, DECLASSIFICATION

CRITERIA, PARTIAL RELEASE

PART I. INTRODUCTION

A. The Amended Freedom of Information Act. The amended Freedom of Information Act -- Public Law 93-502 (5 U.S.C. 552) provided, and to the extent, it is applicable to the National Security Council Staff -- provides expanded opportunities for the public to secure the release of classified material under the control of, or of primary interest to, the NSC Staff. The amended Act sets more restrictive time periods within which requests must be processed, modifies the criteria upon which denials of such requests can be based, and permits appeals to district courts of denials of requests. As a result of these changes, modified procedures are required from those followed in the case of requests for the release of classified material over ten years old made under Executive Order 11652. This staff procedure is intended to guide the NSC Staff's response to requests for classified material under the amended Freedom of Information Act, insofar as it is applicable.

B. Purpose of Amended Act. The underlying purpose of the amended Freedom of Information Act is to insure that the public is informed to the fullest extent possible about governmental policies and actions, consistent with the requirement to protect certain categories of sensitive information. In the case of classified material, the Act is intended to protect the public against the improper classification of information, particularly to conceal inefficiency or administrative error or to prevent embarrassment to a person or department. These goals are fully consistent with the provisions of Executive Order 11652 and the implementing NSC Directive of May 17, 1972, which regulate and control the protection and management of national security information. The provisions of these documents relating to the criteria, authority and procedures for classifying and safeguarding national security material remain unaffected by the amended Act.