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DOE/HS-90-0023 (Deleted Version)

**Twenty-Third Report on Inadvertent Releases of Restricted Data  
and Formerly Restricted Data under Executive Order 12958 (U)**

Report to:

The Committee on Armed Services of the Senate  
The Committee on Armed Services of the House of Representatives  
The Assistant to the President for National Security Affairs

Deleted Version

DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW	
1st REVIEW - DATE: <u>11-29-06</u>	DETERMINATION (CIRCLE NUMBERS)
AUTHORITY: <input type="checkbox"/> AOC <input checked="" type="checkbox"/> ADC <input type="checkbox"/> ADD	1. CLASSIFICATION RETAINED
NAME: <u>Anton E. Baker</u>	2. CLASSIFICATION CHANGED TO: _____
2ND REVIEW - DATE: <u>11-29-06</u>	3. CONTAINS NO DOE CLASSIFIED INFO.
AUTHORITY: ADD	4. COORDINATE WITH: _____
NAME: <u>Roy W. Lee</u>	5. CLASSIFICATION CANCELED
	6. CLASSIFIED INFO BRACKETED
	7. OTHER (SPECIFY): <u>DOES NOT CONTAIN UCNI</u>



**U.S. Department of Energy  
Office of Classification  
Office of Health, Safety and Security  
Germantown, Maryland 20874**

November 2006

Classified By: Greg Gannon  
Office of Classification  
Derived From: CG-SS-4, 9/12/00  
Declassify on: Declassify when the  
information compromised is declassified

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The National Defense Authorization Act for Fiscal Year 1999 (Public Law (P.L.) 105-261) requires that the Secretary of Energy notify the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, and the Assistant to the President for National Security Affairs of inadvertent releases of Restricted Data (RD) and Formerly Restricted Data (FRD) associated with records declassified under section 3.4 of Executive Order 12958.

As a result of the Department of Energy (DOE) examination of 719,040 additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 38 documents containing 38 pages of RD and FRD which were inadvertently released:

Additional Pages Examined Since Last Report	Number of Documents with RD/FRD	Number of Pages in the Documents	Number of Pages RD	Number of Pages FRD
719,040	38	51	9	29

The identified documents are in collections belonging to the Department of Justice and the Department of the Army. The 38 documents were inadvertently declassified and made available to the public in **DELETED** by NARA.

No classified documents of the DOE or its predecessor organizations were inadvertently released.

The documents inadvertently released contained the following types of RD and FRD information:

RD	FRD
<ul style="list-style-type: none"><li>- Mass or dimensions of fissile materials</li><li>- Initiators/ neutron generators</li><li>- Thermonuclear weapon design</li><li>- Nuclear weapon materials</li><li>- Naval nuclear propulsion information</li></ul>	<ul style="list-style-type: none"><li>- Stockpile quantities</li><li>- Storage locations</li><li>- Costs of weapons and components</li><li>- Nuclear weapon yields</li><li>- Performance limitations of weapons</li><li>- Utilization of nuclear weapons, plans and information</li></ul>

Improper markings in 34 of the 38 documents for classification level (e.g., Secret), classification category (e.g., RD), and/or automatic classification level downgrading occurred when the documents were originated or later during the documents' lifetime. The improper marking of the documents for classification level, classification category, and/or downgrading may have contributed to the inadvertent release of documents.

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The Department of Justice, the Department of the Army and NARA have been afforded an opportunity to review their specific documents containing the RD and FRD information. The 38 documents have been withdrawn from public access and protected in accordance with DOE requirements.

The inadvertently released nuclear weapons design information (RD) detailed in this report concerns the early generations of nuclear weapons that this country developed in the 1950s and 1960s. Potential adversaries, emerging proliferant nations and terrorist groups aggressively target U.S. nuclear weapon information. Information regarding older nuclear weapons is of significant value since it is often technically less sophisticated. These designs would be most readily used by a would-be nuclear proliferant to obtain its first nuclear weapon.

The inadvertently released nuclear weapons utilization information (FRD) detailed in this report could assist potential adversaries in assessing the strength of the U.S. nuclear arsenal. Additionally, inadvertently released information on deployments of nuclear weapons outside the United States may violate international agreements and harm diplomatic ties with foreign host nations.

The inadvertently released naval nuclear propulsion information (also RD) addressed in this report could assist adversaries in the development of nuclear propulsion systems for their submarines and surface ships.

The training of other agency reviewers continues to reduce the rate at which Restricted Data and Formerly Restricted Data are improperly declassified.

DOE and NARA are working to better integrate their efforts to more quickly identify and safeguard documents potentially containing RD and FRD. All records that may contain RD and FRD are removed from public access. Details of the specific inadvertent releases are contained in the attached classified appendix.

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**APPENDIX: SUMMARY OF FINDINGS (U) (DELETED VERSION)**

<b>RG/EO<sup>1</sup> (Dept)<sup>2</sup></b>	<b>Year Declassified (Department)<sup>3</sup></b>	<b>Number of Documents containing RD/FRD<sup>4</sup></b>	<b>Origination Dates of the Documents<sup>5</sup></b>	<b>Number of Documents w/ Inappropriate Markings<sup>6</sup></b>	<b>No. of Pages RD</b>	<b>No. of Pages FRD</b>	<b>RD/FRD Information Inadvertently Made Publicly Available</b>
<b>RG 60 DELETED (DOJ)</b>	<b>DELETED (NARA)</b>	37	1952-1970	33 of 37	9	28	RD: - Mass or dimensions of fissile material - Initiators/neutron generators - Thermonuclear weapon design - Nuclear weapon materials - Naval nuclear propulsion information  FRD - Nuclear weapon stockpile quantities - Nuclear weapon storage locations - Costs of weapons or components - Nuclear weapon yield - Performance limitations of nuclear weapons - Utilization of nuclear weapons, plans and information
<b>RG 349 DELETED (Army)</b>	<b>DELETED (NARA)</b>	1	1958	1 of 1	0	1	FRD: - Nuclear weapon yield
	<b>Number of pages in findings</b>	<b>Number of Documents containing RD/FRD</b>	<b>Origination Dates of the Documents</b>	<b>Number of Documents w/ Inappropriate Markings</b>	<b>No. of Pages RD</b>	<b>No. of Pages FRD</b>	
Totals	51	38	1952-1970	34 of 38	9	29	

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**APPENDIX: SUMMARY OF FINDINGS (U) (DELETED VERSION)**

- 1 (U) RG/EO = Record Group/Executive Order Plan Number of the file series found to contain RD and/or FRD.
- 2 (U) Dept = Executive Branch Department or Agency that submitted the file series to the National Archives and Records Administration (NARA);  
DOJ: Department of Justice; Army: Department of the Army.
- 3 (U) Year Declassified (Department) = Year the file series was declassified and the department/agency that conducted the declassification.
- 4 (U) Number of Documents containing RD/FRD = Number of documents found to contain RD and/or FRD per current classification guidance in accordance with the Atomic Energy Act of 1954, as amended.
- 5 (U) Origination Dates of the Documents = Period of time over which the documents were originated.
- 6 (U) Number of Documents w/ Inappropriate Markings = Number of documents containing RD/FRD found to have inappropriate classification, declassification, and/or downgrading markings. This includes inadequately marked documents that had routing/transmittal/endorsement cover sheets with inappropriate markings.

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