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DOE/SO-70-0007 (Deleted Version)

**Seventh Report on Inadvertent Releases of Restricted Data and  
Formerly Restricted Data under Executive Order 12958  
Deleted Version (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

	DETERMINATION (CIRCLE NUMBER(S))
1st REVIEW - DATE: <u>10/22/2002</u>	<input type="checkbox"/> 1 CLASSIFICATION RETAINED
AUTHORITY: AOC <input checked="" type="checkbox"/> ADC <input type="checkbox"/> ADD <input type="checkbox"/>	<input type="checkbox"/> 2 CLASSIFICATION CHANGED TO _____
NAME: <u>S. Welch</u>	<input type="checkbox"/> 3 CONTAINS NO DOE CLASSIFIED INFO
2ND REVIEW - DATE: <u>10/22/2002</u>	<input type="checkbox"/> 4 COORDINATE WITH _____
AUTHORITY: ADD <input checked="" type="checkbox"/>	<input type="checkbox"/> 5 CLASSIFICATION CANCELED
NAME: <u>AS De</u>	<input type="checkbox"/> 6 CLASSIFIED INFO BRACKETED
	<input checked="" type="checkbox"/> 7 OTHER (SPECIFY) <u>WITH DELETIONS</u>

**DOES NOT CONTAIN UCNI**



**U.S. Department of Energy  
Office of Classified and Controlled  
Information Review  
Germantown, Maryland 20874**

May 2002

Classified By: Jeffrey A. Zarkin  
Acting Director  
Office of Classified and Controlled  
Information Review  
Derived From: CG-SS-4, 9/12/00  
Declassify on: \_\_\_\_\_ x4

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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's (DOE's) examination of approximately two million additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 47 documents containing 94 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
2 million	47	1016	6	88

The identified documents are in collections belonging to the Department of State and the Department of Defense (Army, Navy, Air Force, Joint Staff, and Office of the Secretary of Defense). The documents were inadvertently declassified and made available to the public during the years from 1996 to 2000 by the Department of State, the Department of Defense, and NARA.

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

The documents contained RD and FRD information, including:

RD	FRD
<ul style="list-style-type: none"><li>- efficiency of nuclear materials or yield-to-weight information</li><li>- thermonuclear weapon design or function</li><li>- outputs or performance of nuclear weapons or devices</li></ul>	<ul style="list-style-type: none"><li>- stockpile quantities or production/retirement rates</li><li>- storage locations</li><li>- costs of weapons or components - excluding nuclear materials costs</li><li>- yield</li><li>- delivery system accuracy</li><li>- height/depth of burst</li><li>- test information or results</li><li>- utilization of nuclear weapons, including military plans, operational and targeting information, or foreign utilization information</li></ul>

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A significant portion of the documents (40 of the 47) were improperly marked for classification level (e.g., Secret), classification category (e.g., RD), and/or automatic classification level downgrading. The improper markings occurred when the documents were originated, or at a later time during the lifetime of the documents. The improper marking of the documents for classification level, classification category and/or downgrading may have contributed to the inadvertent release of the documents.

NARA, the Department of State, and the Department of Defense have been advised the specific documents contain RD and FRD. The 47 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 a nuclear weapon that this country developed in the 1960s. Potential adversaries, emerging proliferant nations and terrorist groups aggressively target U.S. nuclear weapon design information.

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

DOE will be conducting an assessment of the damage to national security resulting from the inadvertent release of RD and FRD addressed in this report.

In accordance with P.L. 105-261, DOE has trained 1720 individuals from other agencies to recognize RD and FRD information. This includes 167 individuals from the Department of State, 73 from the Department of the Air Force, 26 from the Department of Defense Joint Staff and 78 from NARA. Additional training has been scheduled this year including refresher training.

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 or 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>
RG 24/ <b>Deleted</b> (Navy)	<b>Deleted</b> (NARA)	3	1963	3 of 3	0	9	FRD: - Nuclear weapon stockpile quantities - Nuclear weapon storage locations - Costs of weapons or components - excluding nuclear material costs - Nuclear weapon delivery system accuracy

<sup>1</sup> (U) RG/EO = Record Group/Executive Order Plan Number of the file series found to contain RD and/or FRD

<sup>2</sup> (U) Dept = Executive Branch Department or Agency that submitted the file series to the National Archives and Records Administration (NARA);  
DOS: Department of State; Army: Department of the Army; Navy: Department of the Navy;  
Air Force: Department of the Air Force; OSD: Department of Defense, Office of the Secretary of Defense;  
JCS: Department of Defense, Joint Chiefs of Staff (Joint Staff).

<sup>3</sup> (U) Year Declassified (Department) = Year the file series was declassified and the department/agency that conducted the declassification

<sup>4</sup> (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.

<sup>5</sup> (U) Origination Dates of the Documents = Period of time over which the documents were originated.

<sup>6</sup> (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 adequately marked documents that had routing/transmittal/endorsement cover sheets with inappropriate markings.

**APPENDIX: SUMMARY OF FINDINGS (U) (Deleted Version)**

<b>RG/EO (Dept)</b>	<b>Year Declassified (Department)</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>	<b>RD/FRD Information Inadvertently Made Publicly Available</b>
RG 59/ <b>Deleted</b> (DOS)	<b>Deleted</b> (DOS)	13	1969 - 1972	9 of 13	6	22	RD: - Efficiency of nuclear materials or yield-to-weight information - Thermonuclear weapon design or function - Outputs or performance of nuclear weapons or devices  FRD: - Nuclear weapon stockpile quantities or production/retirement rate - Nuclear weapon storage locations - Nuclear weapon yield - Nuclear test information or results
RG 59 (43)/ <b>Deleted</b> (DOS)	<b>Deleted</b> (DOS)	1	1961	1 of 1	0	1	FRD: - Nuclear weapon storage locations
RG 59/ <b>Deleted</b> (DOS)	<b>Deleted</b> (DOS)	6	1967 - 1968	6 of 6	0	12	FRD: - Nuclear weapon storage locations

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RG 59/ <b>Deleted</b> (DOS)	<b>Deleted</b> (DOS)	8	1970 - 1972	8 of 8	0	11	FRD: - Nuclear weapon storage locations
RG 59/ <b>Deleted</b> (DOS)	<b>Deleted</b> <sup>7</sup> (DOS)	1	1964	1 of 1	0	1	FRD: - Nuclear weapon storage locations
RG 218/ <b>Deleted</b> (JCS)	<b>Deleted</b> (JCS)	1	1973	1 of 1	0	9	FRD: - Utilization of nuclear weapons, including military plans, operational and targeting information, or foreign utilization information
RG 159/ <b>Deleted</b> (Army)	<b>Deleted</b> (NARA)	1	1966	0 of 1	0	3	FRD: - Nuclear weapon storage locations
RG 168/ <b>Deleted</b> (Army)	<b>Deleted</b> (NARA)	1	1967	1 of 1	0	2	FRD: - Nuclear weapon stockpile quantities or production/retirement rate - Nuclear weapon storage locations

<sup>7</sup> (U) Department of State began declassification in 1998 prior to requirement for page-by-page review by trained personnel.

**APPENDIX: SUMMARY OF FINDINGS (U) (Deleted Version)**

<b>RG/EO (Dept)</b>	<b>Year Declassified (Department)</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>	<b>RD/FRD Information Inadvertently Made Publicly Available</b>
RG 330/ <b>Deleted</b> (OSD)	<b>Deleted</b> (NARA)	2	1954 - 1956	2 of 2	0	2	FRD: - Nuclear weapon yield - Nuclear height/depth of burst
RG 341/ <b>Deleted</b> (Air Force)	<b>Deleted</b> (NARA/Air Force) <sup>8</sup>	4	1955	2 of 4	0	5	FRD: - Nuclear weapon storage locations - Nuclear weapon yield - Nuclear weapon delivery system accuracy
RG 341/ <b>Deleted</b> (Air Force)	<b>Deleted</b> (NARA)	6	1960 - 1961	6 of 6	0	11	FRD: - Nuclear weapon stockpile quantities or production/retirement rate - Nuclear weapon storage locations - Nuclear weapon yield - Nuclear weapon delivery system accuracy
	Total	47	1954 - 1973	40 of 47	6	88	

<sup>8</sup> (U) Two documents declassified by NARA, one document by the Air Force. One document tabbed by the Air Force (referral to DOE) left in box by NARA.