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DOE/SO-70-0010 (Deleted Version)

**Tenth 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

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DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW	
1st REVIEW - DATE: <u>6/27/2003</u>	DETERMINATION (CIRCLE RESPONSE)
AUTHORITY: <input type="checkbox"/> ADG <input checked="" type="checkbox"/> ADQ <input type="checkbox"/> ADD	1. CLASSIFICATION RETAINED
NAME: <u>HA...</u>	2. CLASSIFICATION CHANGED TO: _____
2ND REVIEW - DATE: <u>6/27/2003</u>	3. CONTAINS NO DOE CLASSIFIED INFO.
AUTHORITY: _____	4. COORDINATE WITH: _____
NAME: _____	5. CLASSIFICATION CANCELED
	6. CLASSIFIED INFO BRACKETED
	7. OTHER (SPECIFY): <u>DOES NOT CONTAIN UENT</u>



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

February 2003

Classified By: John P. Lazor
Director
Office of Classified and Controlled
Information Review
Office of Security
Derived From: CG-SS-4, 9/13/00
Declassify on: _____

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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 860,000 additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 90 documents containing 261 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
860,000	90	4830	30	231

The identified documents are in collections belonging to the Department of State (including the Arms Control and Disarmament Agency), the Department of Defense (Army, Navy, Air Force, and Joint Staff), and the Central Intelligence Agency. The documents were inadvertently declassified and made available to the public during the years from 1995 to 1998 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">- mass or dimensions of fissile materials, pits, or nuclear assembly systems- efficiency of nuclear materials or yield-to-weight information- nuclear weapon tampers - mass, materials, design, or performance- boosting systems - operation, contribution to weapon system performance, or design- thermonuclear weapon design or function- naval nuclear propulsion information	<ul style="list-style-type: none">- stockpile quantities- storage locations and capacities- yield- performance/capability/operational limitations of nuclear weapon systems- delivery system accuracy- yield selection capability in a specified nuclear weapon- use control/PAL; nuclear command/control; or emergency disable

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A significant portion of the documents (73 of the 90) 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, Central Intelligence Agency, and the Department of Defense have been advised the specific documents contain RD and FRD. The 90 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 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.

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.

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 1,916 individuals from other agencies to recognize RD and FRD information. This includes 196 individuals from the Department of State, 73 from the Department of Navy, 26 from the Department of Defense Joint Staff and 137 from NARA. Additionally, 181 individuals have attended refresher courses.

The training of other agency reviewers has significantly reduced the errors made in declassifying documents. During this quarter, DOE quality control sampling of 1,255,440 newly declassified pages, we found three documents containing RD/FRD that had been declassified in error. (This can be compared to ninety (90) documents found in 860,000 pages for this report.) The documents are saved from inadvertent release and protected in accordance with DOE

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requirements. The department that performed the incorrect declassification has been informed of the error.

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)

RG/EO ¹ (Dept) ²	Year Declassified (Department) ³	Number of Documents containing RD/FRD ⁴	Origination Dates of the Documents ⁵	Number of Documents w/ Inappropriate Markings ⁶	No. of Pages RD	No. of Pages FRD	RD/FRD Information Inadvertently Made Publicly Available
RG 59/ Deleted (DOS)	Deleted (DOS)	6	1965 - 1966	6 of 6	0	7	FRD: - Stockpile quantities - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	5	1963	5 of 5	0	7	FRD: - Stockpile quantities - Storage locations -Yield

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);
DOS: Department of State; Army: Department of the Army; Air Force: Department of the Air Force; Navy: Department of the Navy;
JCS: Department of Defense, Joint Staff; ACDA: Arms Control and Disarmament Agency; CIA: Central Intelligence Agency.

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 adequately marked documents that had routing/transmittal/endorsement cover sheets with inappropriate markings.

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RG/EO (Dept)	Year Declassified (Department)	Number of Documents containing RD/FRD	Origination Dates of the Documents	Number of Documents w/ Inappropriate Markings	No. of Pages RD	No. of Pages FRD	RD/FRD Information Inadvertently Made Publicly Available
RG 59/ Deleted (DOS)	Deleted (DOS)	3	1966 - 1967	3 of 3	0	4	FRD: - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	5	1966 - 1968	5 of 5	0	5	FRD: - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	3	1967 - 1968	3 of 3	1	3	RD: - Outputs or performance of nuclear weapons or devices (incl. individual device or stage yields) FRD: - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	1	1969	1 of 1	0	3	FRD: - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	1	1967	1 of 1	0	2	FRD: - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	2	1970	2 of 2	0	2	FRD: - Storage locations

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RG 84/ Deleted (DOS)	Deleted (DOS)	1	1960	1 of 1	1	0	RD: - Naval nuclear propulsion information
RG 156/ Deleted (Army)	Deleted (NARA)	1	1958	1 of 1	1	0	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems
RG: 156/ Deleted (Army)	Deleted (NARA)	11	1952 - 1957	8 of 11	6	14	RD: - Thermonuclear weapon design or function - Outputs or performance of nuclear weapons or devices (incl. individual device or stage yields) - Other nuclear weapon design, function, material uses or configuration FRD: - Stockpile quantities - Yield - Weapon delivery system accuracy
RG: 181/ Deleted (Navy)	Deleted (NARA)	2	1957	1 of 2	4	2	RD: - Naval nuclear propulsion information FRD: - Storage locations

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RG: 218/ Deleted (JCS)	Deleted (JCS)	8	1975	7 of 8	0	16	FRD: - Stockpile quantities - Storage locations - Yield - Weapon delivery system accuracy - Yield selection capability in a specified weapon - Use control/PAL; nuclear command/control; or emergency disable
(CIA) ⁷	Deleted (CIA)	1	1967	0 of 1	0	5	FRD: - Stockpile quantities - Yield
RG: 340/ Deleted (Air Force)	Deleted (Air Force)	5	1964	5 of 5	0	11	FRD: - Stockpile quantities - Storage locations - Yield - Performance/capability/operational limitations of weapon systems - Weapon delivery system accuracy

⁷(U) Files were declassified at CIA under an EO 12958 redaction review and were discovered and reported by CIA to DOE.

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RG: 383/ Deleted (ACDA)	Deleted (ACDA/ NARA) ⁸	11	1952 - 1980	11 of 11	9	25	RD: - Efficiency of nuclear materials or yield-to-weight information - Thermonuclear weapon design or function - Outputs or performance of nuclear weapons or devices (incl. individual device or stage yields) - Other nuclear weapon design, function, material uses or configuration FRD: - Stockpile quantities - Storage locations - Yield
RG: 383/ Deleted (ACDA)	Deleted (ACDA/ NARA) ⁸	2	1964 - 1968	1 of 2	1	1	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems FRD: - Weapon delivery system accuracy
RG: 389/ Deleted (Army)	Deleted (NARA)	10	1963	10 of 10	0	34	FRD: - Stockpile quantities - Storage locations

⁸(U) Records were transferred as Unclassified from ACDA to NARA. Classified information was found during NARA processing. Both ACDA and NARA were involved in the declassification process.

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RG: Various ⁹ / Deleted (Army)	Deleted (NARA)	12	1953 - 1961	2 of 12	7	90	RD: <ul style="list-style-type: none">- Mass or dimensions of fissile materials, pits, or nuclear assembly systems- Efficiency of nuclear materials or yield-to-weight information- Boosting systems - operation, contribution to weapon performance, or design- Other nuclear weapon design, function, material uses or configuration FRD: <ul style="list-style-type: none">- Stockpile quantities- Storage locations
	Totals	90	1952 - 1980	73 of 90	30	231	

⁹(U) No single Record Group number. This EOPLAN was created by NARA to account for several miscellaneous Army files.

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