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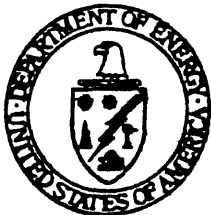
DOE/NN-52-0001

Report on Inadvertent Releases of Restricted Data and Formerly Restricted Data under Executive Order 12958 that Occurred Before October 17, 1998 (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

Inadvertent Release of Restricted Data and Formerly Restricted Data Before October 17, 1998 (U)



U.S. Department of Energy
Office of Declassification
Germantown, Maryland 20874

August 1999

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Classified By: ~~San Agustin~~
General Order: NN-523
Declassify on: TCG-NAS-2, March 1997

DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW	
1ST REVIEW-DATE: _____	DETERMINATION (CIRCLE NUMBER(S))
AUTHORITY: <input type="checkbox"/> ACC <input type="checkbox"/> ADC <input type="checkbox"/> ADD	1. CLASSIFICATION: RETAINED
NAME: _____	2. CLASSIFICATION CHANGED TO: _____
2ND REVIEW-DATE: <i>12/9/02</i>	3. CONTAINS NO DOE CLASSIFIED INFO
AUTHORITY: _____	4. COORDINATE WITH: _____
NAME: <i>W. Cimzett</i>	5. CLASSIFICATION CANCELLED
	6. CLASSIFIED INFO BRACKETED
	7. OTHER (SPECIFY): _____

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UNCLASSIFIED

EXECUTIVE SUMMARY

The National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261, section 3161; hereafter referred to as the "Act") requires the Secretary of Energy to submit a report to the Senate Committee on Armed Services, the House Committee on Armed Services, and the Assistant to the President for National Security Affairs on the inadvertent releases (compromises) of Restricted Data (RD) and Formerly Restricted Data (FRD) in Government agency records declassified under section 3.4 of Executive Order (E.O.) 12958 that occurred before October 17, 1998, the date of enactment of the Act. This executive summary provides an unclassified description of the report.

This report consolidates all the known incidents of inadvertent releases of RD/FRD in other government agency records under E.O. 12958 that occurred before the Act's enactment on October 17, 1998, including those referred to DOE by the other Federal agencies, in accordance with the Special Historical Records Review Plan submitted to Congress on February 1, 1999. A total of four distinct file series¹ and one collection of four file series containing RD/FRD that were improperly declassified and made publicly accessible are being reported. DOE audited a total of approximately 948,000 pages and identified other government agency documents consisting of approximately 14,890 pages containing RD/FRD which were inadvertently released (compromised). The following classified report describes the circumstances of the discovery, some of the specific RD/FRD found, and speaks to the usefulness of the information released.

DOE has initiated the process to conduct quality control audits of Government agencies' declassified file series under E.O. 12958 to minimize the inadvertent releases of RD/FRD. DOE audits have already prevented other agency documents of approximately 22,500 pages containing RD and FRD from being inadvertently released.

FINDINGS

- An agency file series that contained properly marked RD/FRD on (a) nuclear tests that provide insight into the level of weapon design technology in the late 1950s and early 1960s and (b) nuclear weapon systems that have either been retired or never reached production and stockpiling (see Chapter 1 for details).
- An agency file series that contained properly marked RD records revealing United States (U.S.) nuclear weapon design information from the test results of a specified nuclear test program (see Chapter 2 for details).
- An agency file series (see footnote 1) that included RD, mismarked as National Security Information, providing U.S. nuclear test results of a specified nuclear test, the military and technical basis for atmospheric testing during a specified year, and a specified nuclear device with the specified date of the underground test (see Chapter 3 for details).

¹Two of the four file series were declassified prior to the effective date of E.O. 12958. However, the file series were processed and reported in the E.O. 12958 requirement. Therefore, for factual completeness, they are included.

- An agency file series (see footnote 1) that contained properly marked RD/FRD records covering nuclear weapons utilization information such as yields of specified weapons and deployment and storage locations (see Chapter 4 for details).
- An agency collection of four file series that contained both properly and mismarked RD/FRD records covering nuclear weapons design information for increasing yields and nuclear weapon utilization information such as yields of specified weapons and deployment and storage locations (see Chapter 5 for details).

SIGNIFICANCE

From a generic perspective, it is well known that potential strategic adversaries, emerging proliferant nations and terrorist groups aggressively target U.S. nuclear weapon information and that official documents and records are often regarded as having significantly more value than other sources of information about nuclear weapons related information. Information regarding older nuclear weapons is of value since it is often technically less sophisticated. With sufficient information and materials, a proliferant could construct an old design more easily than current weaponry with a greater probability of undergoing successful detonation.

Proliferants and potential adversaries can benefit from credible authenticated information about nuclear weapons. This information can provide improvements in design confidence in untested designs, and corroboration of information obtained from intelligence sources and other inadvertently released classified information. Minor details and authoritative qualitative evaluations both contribute to technical base capability and understanding needed for successful development of nuclear weapons. Inadvertently released nuclear weapons design information (RD) can provide useful design parameters to emerging proliferant nations and to terrorist groups. Pieces of information can contribute to the effectiveness of mosaic and compilation techniques of intelligence sources.

Additionally, the nuclear weapons utilization information (FRD) could assist potential strategic adversaries in assessing the strengths and weaknesses of the U.S. nuclear arsenal. Revelations of deployment of nuclear weapons outside of the U.S. may violate international agreements and harm diplomatic ties with some nations, which could undermine our nuclear deterrent.

Even though the classified documents described in this report were declassified inadvertently, only in one case is there compelling evidence that classified information was compromised, i.e., obtained and used by a researcher. In this one case, the compromised information related to the deployment of nuclear weapons in a foreign country in the early 1950s (FRD) rather than the design or production of a nuclear weapon (see Chapter 4 for details).

CHAPTER 1

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INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY
RESTRICTED DATA UNDER EXECUTIVE ORDER 12958

1. INTRODUCTION

The National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261, section 3161; hereafter referred to as the "Act") requires the Secretary of Energy to submit a report to the Senate Committee on Armed Services, the House Committee on Armed Services, and the Assistant to the President for National Security Affairs on the inadvertent releases (compromises) of Restricted Data (RD) and Formerly Restricted Data (FRD) in Government agency records declassified under section 3.4 of Executive Order (E.O.) 12958 that occurred before October 17, 1998, the date of enactment of the Act.

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The information in these records included nuclear weapon design information an nuclear weapon utilization information, which is classified as RD/FRD by current DOE/Department of Defense guidance.

2. CONTENT

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The RD found included information from a nuclear test that provides insight into the level of weapon design technology in the late 1950s and early 1960s

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3. SIGNIFICANCE

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4. COMPROMISE

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5. ACTIONS TAKEN

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INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY
RESTRICTED DATA UNDER EXECUTIVE ORDER 12958

1. INTRODUCTION

The National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261, section 3161; hereafter referred to as the "Act") requires the Secretary of Energy to submit a report to the Senate Committee on Armed Services, the House Committee on Armed Services, and the Assistant to the Resident for National Security Affairs on the inadvertent releases (compromises) of Restricted Data (RD) and Formerly Restricted Data (FRD) in Government agency records declassified under section 3.4 of Executive Order (E.O.) 12958 that occurred before October 17, 1998, the date of enactment of the Act.

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The audit identified marked RD and FRD mismarked as National Security Information (NSI). The file series was protected as NSI prior to its declassification and presumed to be NSI and not RD. These exempted classified RD records were not withdrawn from the collection prior to the file series being made available for general public access and, thus, inadvertently released.

2. CONTENT

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3. SIGNIFICANCE

Proliferants and potential adversaries can benefit from credible authenticated information about nuclear weapons. This information can provide improvements in design confidence in untested designs to miniaturize nuclear weapons.

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4. COMPROMISE

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5. ACTIONS TAKEN

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CHAPTER 3²

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INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA UNDER EXECUTIVE ORDER 12958

1. INTRODUCTION

The National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261, section 3161; hereafter referred to as the "Act") requires the Secretary of Energy to submit a report to the Senate Committee on Armed Services, the House Committee on Armed Services, and the Assistant to the President for National Security Affairs on the inadvertent releases (compromises) of Restricted Data (RD) and Formerly Restricted Data (FRD) in Government agency records declassified under section 3.4 of Executive Order (E.O.) 12958 that occurred before October 17, 1998, the date of enactment of the Act.

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The audit found RD/FRD records improperly marked as National-Security Information (NSI) including nuclear weapon design information (RD) currently classified by DOE guidance. The FRD found, still classified by current joint DOE and Department of Defense (DOD) guidance, included nuclear weapon stockpile information and characteristics.

2. CONTENT

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²This collection was declassified prior to the effective date of E.O. 12958. However, the collection was processed and reported in the E.O. 12558 requirement. Therefore, for factual completeness, it has been included.

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3. SIGNIFICANCE

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4. COMPROMISE

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5. ACTIONS TAKEN

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~~SECRET/FRD~~
CHAPTER 4
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INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY
RESTRICTED DATA UNDER EXECUTIVE ORDER 12958

1. INTRODUCTION

The National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261, section 3161; hereafter referred to as the "Act") requires the Secretary of Energy to submit a report to the Senate Committee on Armed Services, the House Committee on Armed Services, and the Assistant to the President for National Security Affairs on the inadvertent releases (compromises) of Restricted Data (RD) and Formerly Restricted Data (FRD) in Government agency records declassified under section 3.4 of Executive Order (E.O.) 12958 that occurred before October 17, 1998, the date of enactment of the Act.

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The contents were confirmed to contain RD/FRD currently classified by joint DOE and Department of Defense (DOD) guidance including yields of specific nuclear weapons, and nuclear weapons deployment and storage locations.

2. CONTENT

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³This collection was declassified prior to the effective date of Executive Order (E.O.) 12958. However the collection was processed and reported in the E.O. 12958 requirement Therefore, for factual completeness, it has been included.

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3. SIGNIFICANCE

This nuclear weapon and utilization information identifying yields of nuclear weapons and their deployment and storage locations could assist potential adversaries in learning our strengths, our potential vulnerabilities, our overall national defense capabilities, or our war fighting capabilities. Revelations of deployment of nuclear weapons outside the U.S. may violate international agreements and harm diplomatic ties with some nations, which could undermine our national security.

4. COMPROMISE

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5. ACTIONS TAKEN

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**INADVERTENT RELEASE OF RESTRICTED DATA AND FORMERLY
RESTRICTED DATA UNDER EXECUTIVE ORDER 12958****1. INTRODUCTION**

The National Defense Authorization Act for Fiscal Year 1999 (Public, Law 105-261, section 3161; hereafter referred to as the "Act") requires the Secretary of Energy to submit a report to the Senate Committee on Armed Services, the House Committee on Armed Services, and the Assistant to the Resident for National Security Affairs on any inadvertent releases (compromises) of Restricted Data (RD) and Formerly Restricted Data (FRD) in other agency records under Executive Order 12958 that occurred before October 17, 1998, the date of enactment of the Act.

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The information in these records included nuclear weapon design information and nuclear weapon utilization information which is classified RD/FRD by current DOE/Department of Defense guidance.

2. CONTENT**DELETED**

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3. SIGNIFICANCE

The RD information could assist proliferant countries and terrorist organizations in designing, improving efficiency and identifying credible nuclear devices and design data resulting in development and/or acquirement of a nuclear weapon.

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The nuclear weapon utilization information could assist potential adversaries in learning our strengths, our potential vulnerabilities, our overall national defense capabilities, or our war fighting capabilities. Revelations of deployment of nuclear weapons outside the U.S. may violate international agreements and harm diplomatic ties with some nations which could undermine our national security.

4. COMPROMISE

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5. ACTIONS TAKEN

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