

~~SECRET/IRD~~

JAA 20013182A001

DOE/NN-52-0002

Second 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



U.S. Department of Energy
Office of Nuclear and
National Security Information
Germantown; Maryland 20874

December 1999

RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subjects the individual to administrative and Criminal Sanctions.

Classified By: ~~Roger [redacted]~~
Acting Director
Office of Nuclear and
National Security Information

DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW	
1ST REVIEW-DATE: 1/24/99	DETERMINATION (CIRCLE NUMBER(S))
AUTHORITY: 600	1. CLASSIFICATION
NAME: [redacted]	2. CLASSIFICATION CHANGED TO:
2ND REVIEW-DATE: 1/24/99	3. CONTAINS UNCLASSIFIED INFO
AUTHORITY: 600	4. CONTAINS RESTRICTED INFO
NAME: [redacted]	5. CLASSIFICATION CANCELLED
	6. CLASSIFIED INFO CRACKETED
	7. NUMBER (SPECIFY): SECRET/IRD VERSION

Deleted Version

~~SECRET/IRD~~

UNCLASSIFIED

RESTRICTED DATA AND FORMERLY RESTRICTED DATA FOUND BY COLLECTION

The National Defense Authorization Acts for Fiscal Year 1999 and 2000 (Public Laws 105-261 and 106-65), require 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) or Formerly Restricted Data (FRD) associated with records processed under Executive Order (E.O.) 12958.

As a result of the Department of Energy's (DOE's) audits of approximately 52 million pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered 25 documents containing RD and FRD which were inadvertently released. The documents total approximately 560 pages of which about 40 pages were classified. The documents were marked Secret or Confidential, except for two marked Top Secret and one which was unmarked.

The findings did not concern any records of the DOE or its predecessor organizations.

The improperly declassified 25 documents constitute significantly less than a small fraction of one percent of the total number of declassified documents audited by the Department. These 25 documents are all at least 25 years old. They contain the following types of information which could aid an adversary in obtaining a nuclear weapon of mass destruction:

- tamper material
- nuclear device weight
- cost of fissile materials
- fission/fusion ratio
- nuclear weapon detonation simultaneity requirements
- materials in a nuclear assembly system

Even though the classified documents described in the classified appendix were declassified improperly and publicly available for 1 to 4 years, there is no direct evidence that classified information was compromised, i.e., obtained and used by a researcher. The 25 documents have been withdrawn from public access and protected in accordance with DOE requirements.

Specific details regarding these inadvertent releases are contained in the classified appendix, attached.

UNCLASSIFIED

~~SECRET/FRD~~

APPENDIX

~~SECRET~~

This document was marked Top Secret (TS). This information is currently classified as Secret (S)/FRD and S/RD under current guidance in accordance with the Atomic Energy Act (AEA) of 1954, as amended:

1.1.2 Actions Taken

NARA has been advised that the specific document contains RD and FRD. The document has been remarked, withdrawn, and protected as RD and FRD in cooperation with NARA.

~~SECRET/FRD~~

DELETED

b(1)

DELETED

This document is marked Secret. This information is still classified as S/RD under current guidance in accordance with the AEA of 1954, as amended.

2.1.2 Actions Taken

NARA has been advised that the specific document contains RD. The document has been withdrawn and protected as RD and FRD in cooperation with NARA

DELETED

b(1)

One document was marked as Secret, one was marked as Confidential, and one was unmarked for classification. This information is still classified & S/FRD under current joint guidance in accordance with the AEA of 1954, as amended.

2.2.2 Actions Taken

NARA has been advised that the specific documents contain FRD. The documents have been withdrawn and protected as RD and FRD in cooperation with NARA

DELETED

b(1)

This document was marked as Secret but the paragraph was portion marked S/FRD. This information is still classified as S/FRD under current guidance in accordance with the AEA of 1954, as amended.

2.3.2 Actions Taken

NARA has been advised that the specific document contains FRD. The document has been withdrawn and protected as RD and FRD in cooperation with NARA.

~~SECRET//RD~~

b(1)

~~DELETED~~

Two documents were marked Secret and four as S/RD, but all markings were crossed out. This information is still classified as Confidential (C)/RD under current guidance in accordance with the AEA of 1954, as amended.

3.1.2 Actions Taken

NARA has been advised that the specific documents contain RD. The documents have been withdrawn and protected as RD and FRD in cooperation with NARA

~~SECRET//RD~~

~~DELETED~~

The document is marked S/RD. This information is still classified as C/FRD under current guidance in accordance with the AEA of 1954, as amended.

4.1.2 Actions Taken

b(1)

~~DELETED~~

4.2

~~DELETED~~

The documents are marked Secret and S/RD. This information is still classified as C/FRD under current guidance in accordance with the AEA of 1954, as amended.

4.2.2 Actions Taken

NARA has been advised that the specific documents contain FRD. The documents have been withdrawn and protected as RD and FRD in cooperation with NARA.

4.3

The documents are marked Secret. This information is still classified as S/FRD under current guidance in accordance with the AEA of 1954, as amended.

4.3.2 Actions Taken

~~DELETED~~

b (1)

~~SECRET/RD~~

~~SECRET/FRD~~

b(1)

However, DOE's recent examination of this record group after declassification review found significant nuclear weapon design information that would aid an adversary in obtaining a weapon of mass destruction, including:

~~DELETED~~

b(3)

Some of this information was found in a document marked as containing RD.

~~DELETED~~

b(1)

5.2 Findings

~~DELETED~~

b(3)

This information is still classified as S/RD, C/RD), and C/FRD under current guidance in accordance with the AEA of 1954, as amended.

~~SECRET/RD~~

~~SECRET//RD~~

5.3 Actions Taken

b(1)

~~DELETED~~

This advisory was made because of the known prior embedding of □ marked RD in this record group that would aid an adversary in obtaining a weapon of mass destruction, and the reviewing agency's apparent failure to recognize a □ marked RD document which is indicative of a systematic problem in the review of the record group.

~~SECRET//RD~~

b(1)

6.2 Actions Taken

This advisory was made
because of the Top Secret information found, and the failure of the reviewing
agency to recognize the marked document.

b(1)

b(1)