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DOE/SO-10.2-0016 (Deleted Version)

**Sixteenth 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>4-5-05</u>	DETERMINATION (CIRCLE NUMBER(S))
AUTHORITY: <input type="checkbox"/> ADD <input checked="" type="checkbox"/> X <input type="checkbox"/> ADG <input type="checkbox"/> ADD	1. CLASSIFICATION RETAINED
NAME: <u>Michael Binder</u>	2. CLASSIFICATION CHANGED TO _____
2ND REVIEW - DATE: <u>4-5-05</u>	3. CONTAINS NO USE CLASSIFIED INFO.
AUTHORITY: <input type="checkbox"/> ADD	4. COORDINATE WITH _____
NAME: <u>Roy W. Lee</u>	5. <input checked="" type="radio"/> CLASSIFICATION CANCELED
	6. CLASSIFIED INFO BRACKETED
	7. <input checked="" type="radio"/> OTHER (SPECIFY): <u>DOES NOT CONTAIN UCNI</u>



**U.S. Department of Energy
Office of Classification and Information
Control
Office of Security
Germantown, Maryland 20874**

February 2005

Classified By: Paul Fletcher Whitworth
Office of Classification and
Information Control
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 1.07 million additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 130 documents containing 311 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
1,065, 960	130	6,400	36	275

The identified documents are in collections belonging to the Department of the Army. The documents were inadvertently declassified and made available to the public during the years from 1995 to 1998 by the Department of the Army and 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">- mass or dimensions of fissile materials- nuclear weapon tampers- detonation systems- weapon outputs or performance- other weapon design information- radiological warfare- nuclear weapon design details concerning reliability, operability and vulnerability	<ul style="list-style-type: none">- stockpile quantities- storage locations- weapon costs- weapon yield- test information not revealing RD- performance, capability, operational limits of nuclear weapon systems

A portion of the documents (78 out of 130) was 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 documents.

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The Department of the Army, and NARA have been afforded an opportunity to review their specific documents containing the RD and FRD information. The 130 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 1970s. 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 U.S. may violate international agreements and harm diplomatic ties with foreign host nations.

In accordance with P.L. 105-261, the DOE to date has trained 2130 individuals from other agencies to recognize RD and FRD information. This includes 215 from the Department of State, 64 from the Department of Defense, 116 from the Department of the Air Force, 241 from the Department of the Army, 84 from the Department of the Navy, and 153 from NARA. Additionally, 251 reviewers have attended refresher courses.

The training of other agency reviewers continues to reduce the rate at which Restricted Data and Formerly Restricted Data are improperly declassified. During this quarter, DOE performed quality control overcheck examinations on 30 newly declassified collections (over 1,258,320 pages). Of the 30 collections, 25 contained no improperly declassified documents. The remaining five collections contained a total of 16 improperly declassified RD/FRD documents. This can be compared to 130 documents found in 1,065,960 pages for this report. The 16 documents have been saved from inadvertent release and protected in accordance with DOE requirements. The departments that performed the improper declassifications have been informed of the errors.

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)

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 260 Deleted (Army)	Deleted (NARA)	30	1970-72	28 of 30	0	58	FRD: - Storage locations
RG 319 Deleted (Army)	Deleted (NARA)	1	1951	1 of 1	0	1	FRD: - Storage locations
RG 319 Deleted (Army)	Deleted (NARA)	72	1959-60	28 of 72	24	142	RD: - Nuclear weapon tampers - Detonation systems - Nuclear weapon design details concerning reliability, operability, vulnerability, or survivability - Other nuclear weapon design, function, material uses or configuration - Radiological warfare FRD: - Stockpile quantities - Storage locations - Nuclear weapon yield

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

RG/EO¹ (Dept)²	Year Declassified (Department)³	Number of Documents containing RD/FRD⁴	Origination Dates of the Documents⁵	Number of Documents w/ Inappropriate Markings⁶	No. of Pages RD	No. of Pages FRD	RD/FRD Information Inadvertently Made Publicly Available
RG 319 Deleted (Army)	Deleted (NARA)	25	1953-63	19 of 25	12	69	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems - Outputs or performance of nuclear weapons or devices - Other nuclear weapon design, function, material uses or configurations FRD: - Stockpile quantities - Storage locations - Unit costs of complete weapons and/or nuclear components - Nuclear weapon yield - Performance/capability/operational limitations of nuclear weapon systems - Nuclear test information or results
RG 338 Deleted (Army)	Deleted (NARA)	2	1960	2 of 2	0	5	FRD: - Storage locations
RG/EO¹ (Dept)²	Number of pages in documents	Number of Documents containing RD/FRD⁴	Origination Dates of the Documents⁵	Number of Documents w/ Inappropriate Markings⁶	No. of Pages RD	No. of Pages FRD	
Totals	6400	130	1951-72	78	36	275	

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

- 1 (U) RG/EC = 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);
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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