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DOE/SO-10.2-0017 (Deleted Version)

Seventeenth 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>8-18-05</u>	DETERMINATION (CIRCLE NUMBER(S))
AUTHORITY: <input type="checkbox"/> AQC <input checked="" type="checkbox"/> ADG <input type="checkbox"/> ADD	1. CLASSIFICATION RETAINED
NAME: <u>Michael Binder</u>	2. CLASSIFICATION CHANGED TO: _____
2ND REVIEW - DATE: <u>8.18.05</u>	3. CONTAINS NO DOE CLASSIFIED INFO.
AUTHORITY: ADD	4. COORDINATE WITH: _____
NAME: <u>Roy W. Lee</u>	5. CLASSIFICATION CANCELED
	6. CLASSIFIED INFO BRACKETED
	7. 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

May 2005

Classified By: Paul Fletcher-Whitworth
Office of Classification and
Information Control
Derived From: CG-SS-4, 9/12/00
Declassify on: Declassify when the
information compromised is declassified

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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 the Executive Order 12958.

As a result of the Department of Energy (DOE) examination of approximately 1.34 million additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 45 documents containing 76 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
1,338,660	45	768	11	65

The identified documents are in collection belonging to the Department of the Army and the Department of the Treasury. Thirty-eight Army documents were inadvertently declassified and made available to the public during the years from 1996 to 1997 by the Department of the Army and NARA. The remaining seven documents belonging to Treasury were copies of Department of State documents that were provided as information copies to the Department of the Treasury and were found by DOE reviewers in the Treasury collections.

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
- mass or dimensions of high explosive materials for nuclear weapons - other weapon design information	- stockpile quantities - storage locations - weapon yield

All 45 documents 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 documents.

The Department of the Army, and NARA have been afforded an opportunity to review their specific documents containing the RD and FRD information. The 45 documents have been withdrawn from public access and protected in accordance with DOE requirements. The

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Department of the Treasury has been notified but does not currently have Q-cleared personnel to review their documents.

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 United States 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 2,282 individuals from other agencies to recognize RD and FRD information. This includes 311 from the Department of State, 65 from the Department of Defense, 172 from the Department of the Air Force, 365 from the Department of the Army, 87 from the Department of the Navy, 179 from NARA and 1103 from sixteen various other federal agencies. Additionally, 254 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 58 newly declassified collections (560,550 pages). Of the 58 collections, there were no improperly declassified documents.

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.

Attachment

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APPENDIX: SUMMARY OF FINDINGS(U) (Table SECRET)

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 of RD	No. of Pages of FRD	RD/FRD Information Inadvertently Made Publicly Available
RG 56 Deleted (Treasury)	Deleted (NARA)	7	1964-67	7 of 7	0	16	FRD: - Storage locations
RG 319 Deleted (Army)	Deleted (NARA)	36	1950-55	36 of 36	11	32	RD: - High explosives -- mass, design, or operation - Other nuclear weapon design, function, material uses or configuration FRD: - Stockpile quantities - Storage locations - Nuclear weapon yield
RG 335 Deleted (Army)	Deleted (NARA)	2	1952-54	2 of 2	0	17	FRD: - Storage locations - Nuclear weapon yield

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APPENDIX: SUMMARY OF FINDINGS (U) (Table SECRET)

	Number of pages in documents	Number of Documents containing RD/FRD ⁴	Origination Dates of the Documents ⁵	Number of Documents w/ Inappropriate Markings ⁶	No. of Pages of RD	No. of Pages of FRD	
Totals	768	45	1950-67	45	11	65	

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); Treasury: Department of the Treasury; 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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