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DOE/SO-70-0011 (Deleted Version)

**Eleventh 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

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DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW	
1 st REVIEW DATE <u>9/11/2003</u>	DETERMINATION TO RC L# NUMBER(S)
AUTHORITY <input type="checkbox"/> ADG <input checked="" type="checkbox"/> ADG <input type="checkbox"/> ADG	1. CLASSIFICATION RETAINED
NAME <u>RSB</u>	2. CLASSIFICATION CHANGED TO _____
2 ND REVIEW DATE _____	3. CONTAINS NO DOE CLASSIFIED INFO
AUTHORITY ADG	4. COORDINATE WITH _____
NAME _____	5. CLASSIFICATION CANCELED
	6. CLASSIFIED INFO BRACKETED
	7. OTHER (SPECIFY) <u>DOES NOT</u> <u>CONTAIN UCN!</u>



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

May 2003

Classified By: John D. Laxer
Director
Office of Classified and Controlled
Information Review
Office of Security
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 1.318 million additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 224 documents containing 683 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
1,318,000	224	8240	331	352

The identified documents are in collections belonging to the Department of State, the Department of Defense (Army, Navy, and Joint Staff), and the Executive Office of the President/Office of Management and Budget. The documents were inadvertently declassified and made available to the public during the years from 1995 to 2000 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- outputs or performance of nuclear weapons or devices- efficiency of nuclear materials or yield-to-weight information- thermonuclear weapon design or function- nuclear weapon materials - costs, allocations to the weapons program, or production rates/quantities- fusion weapon research- naval nuclear propulsion information	<ul style="list-style-type: none">- stockpile quantities- storage locations and capacities- yield- yield selection capability in a specified nuclear weapon- performance/capability/operational limitations of nuclear weapon systems- delivery system accuracy- costs of weapons or components

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A significant portion of the documents (213 of the 224) 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, Department of Defense, the Army, the Navy, Joint Chiefs of Staff, and the Federal Emergency Management Agency have been advised the specific documents contain RD and FRD. The 224 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 1,930 individuals from other agencies to recognize RD and FRD information. This includes 202 individuals from the Department of State, 74 from the Department of Navy, 26 from the Department of Defense Joint Staff and 151 from NARA. Additionally, 202 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 991,000 newly declassified pages, we found 141 documents containing RD/FRD that had been declassified in error. 139 of those errors occurred in a single collection associated with the Nixon Presidential Library, scheduled for public release in 2003, and this appears to be a singular occurrence. (This can be compared to 224 erroneously declassified documents found in 1,318,000 pages for this report.)

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The documents found during our quality control sampling are saved from inadvertent release and are protected in accordance with DOE requirements. The agencies that performed the incorrect 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 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 19/ Deleted (Navy)	Deleted (Navy)	11	1961	10 of 11	3	17	RD: - Fusion weapon research FRD: - Stockpile quantities - Storage locations - Costs of weapons or components - Yield - Nuclear weapon delivery system accuracy
RG 19/ Deleted (Navy)	Deleted ⁷ (Navy - review for Navy equities) Deleted (NARA - surveyed and declassified)	1	1951	1 of 1	1	0	RD: - Naval nuclear propulsion information
RG 19/ Deleted (Navy)	Deleted (Navy)	16	1953-1963	16 of 16	52	0	RD: - Naval nuclear propulsion information
RG 19/ Deleted (Navy)	Deleted (Navy)	49	1955-1961	48 of 49	216	0	RD: - Naval nuclear propulsion information
RG 19/ Deleted (Navy)	Deleted (Navy)	7	1960-1964	7 of 7	0	8	FRD: - Storage capacities or allocations

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RG 19/ Deleted (Navy)	Deleted (Navy)	1	1959	1 of 1	5	0	RD: - Naval nuclear propulsion information
RG 19/ Deleted (Navy)	Deleted (Navy)	1	1952	1 of 1	18	0	RD: - Naval nuclear propulsion information
RG 51/ Deleted (EOP/OMB)	Deleted (NARA)	2	1963	2 of 2	0	5	FRD: - Stockpile quantities - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	3	1964-1966	1 of 3	4	0	RD: - Outputs or performance of nuclear weapons or devices (incl. individual device or stage yields) - Nuclear weapon materials (costs, allocations to weapons program, or production rates/quantities)
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1963	0 of 1	0	1	FRD: - Storage locations

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RG: 59/ Deleted (DOS)	Deleted (DOS)	18	1957-1961	18 of 18	3	21	RD: - Nuclear weapon materials (costs, allocations to weapons program, or production rates/quantities) - Efficiency of nuclear materials or yield-to-weight information - Other nuclear weapon design, function, material uses or configuration FRD: - Yields - Stockpile quantities - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	2	1968-1969	2 of 2	0	3	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1967-1969	1 of 1	0	1	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1970	1 of 1	0	2	FRD: - Stockpile quantities
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1971	1 of 1	0	1	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1971	1 of 1	0	2	FRD: - Yields
RG: 59/ Deleted (DOS)	Deleted (DOS)	3	1970-1971	3 of 3	0	8	FRD: - Storage locations

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RG: 59/ Deleted (DOS)	Deleted (DOS)	4	1971-1972	4 of 4	0	4	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	2	1973	2 of 2	0	2	FRD: - Stockpile quantities
RG: 59/ Deleted (DOS)	Deleted (DOS)	15	1970-1972	15 of 15	0	18	FRD: - Weapon delivery system accuracy
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1971	1 of 1	0	1	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1971	1 of 1	0	3	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1970	1 of 1	0	1	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	2	1971	1 of 2	0	2	FRD: - Yields
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1971	1 of 1	0	2	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	4	1972-1973	4 of 4	0	5	FRD: - Storage locations

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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)	1	1971	1 of 1	0	1	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	5	1971-1973	5 of 5	0	5	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	2	1971-1973	2 of 2	0	2	FRD: - Storage locations
RG: 59/ Deleted (DOS)	Deleted (DOS)	1	1970	1 of 1	0	1	FRD: - Storage locations
RG 59/ Deleted (DOS)	Deleted (DOS)	1	1974	1 of 1	0	2	FRD: - Storage locations
RG: 143/ Deleted (Navy)	Deleted (NARA)	12	1959-1965	11 of 12	0	45	FRD: - Storage locations - Costs of weapons or components - Nuclear weapon delivery system accuracy
RG: 156/ Deleted (Army)	Deleted (NARA)	1	1960	1 of 1	0	1	FRD: - Storage locations
RG: 159/ Deleted (Army)	Deleted (NARA)	1	1967	0 of 1	0	8	FRD: - Storage locations
RG: 159/ Deleted (Army)	Deleted (NARA)	2	1968	2 of 2	0	2	FRD: - Storage locations

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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: 168/ Deleted (Army)	Deleted (NARA)	4	1961	4 of 4	0	7	FRD: - Storage locations - Stockpile quantities
RG: 218/ Deleted (JCS)	Deleted (JCS)	2	1964	2 of 2	0	5	FRD: - Storage locations
RG: 218/ Deleted (JCS)	Deleted (JCS)	8	1968-1971	8 of 8	0	51	FRD: - Storage locations - Stockpile quantities
RG: 218/ Deleted (JCS)	Deleted (JCS)	2	1970	2 of 2	0	7	FRD: - Storage locations
RG: 319/ Deleted (Army)	Deleted (NARA)	2	1972-1973	2 of 2	0	3	FRD: - Storage location
RG: 319/ Deleted (Army)	Deleted (NARA)	1	1967	1 of 1	1	0	RD: - Other nuclear weapon design, function, material uses or configurations, or nuclear test information
RG: 319/ Deleted (Army)	Deleted (NARA)	7	1966-1968	6 of 7	0	17	FRD: - Storage locations
RG: 319/ Deleted (Army)	Deleted (NARA)	13	1969	12 of 13	0	43	FRD: - Storage locations - Stockpile quantities - Yields - Nuclear weapon delivery system accuracy
RG: 319/ Deleted (Army)	Deleted (NARA)	1	1962	0 of 1	0	2	FRD: - Storage locations - Stockpile quantities

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RG: 396/ Deleted (FEMA)	Deleted (NARA)	7	1962	7 of 7	28	42	RD: - Thermonuclear weapon design or function - Efficiency of nuclear materials or yield-to-weight information FRD: - Stockpile quantities - Yields
RG: 396/ Deleted (FEMA)	Deleted (NARA)	1	1954	1 of 1	0	1	FRD: - Yields - Nuclear weapon delivery system accuracy
	Totals	224		213 of 224	331	352	

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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; Navy: Department of the Navy; JCS: Department of Defense, Joint Staff;
EOP/OMB: Executive Office of the President (Office of Management and Budget).

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.

⁷ ~~(S)~~ The records in this collection were initially reviewed by the Navy for its equities only. In **Deleted** NARA surveyed these records for other agency equities and did not revisit Navy documents. The document with the finding was a Navy document.

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