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DOE/SO-10-0015 (Deleted Version)

**Fifteenth 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

1st REVIEW DATE: <u>12-9-04</u>	1 CLASSIFICATION RETAINED
AUTHORITY: <input type="checkbox"/> AOC <input checked="" type="checkbox"/> ADC <input type="checkbox"/> ADD	
NAME: <u>Michael Binder</u>	
2ND REVIEW DATE: <u>12-9-04</u>	4. COORDINATE WITH _____
AUTHORITY: ADD	② CLASSIFICATION CANCELED
NAME: <u>Roy W. Lee</u>	③ CLASSIFIED INFO BRACKETED
	④ OTHER (SPECIFY): <u>DOES NOT CONTAIN DCNI</u>



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

October 2004

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Information Control
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Office of Security
Derived From: CG-SS-4, 9/12/00
Declassify on: x4

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 1.36 million additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 315 documents containing 584 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
1,364,920	315	11,025	1126	458

The identified documents are in collections belonging to the Department of State, the Department of Defense, the Department of the Air Force, the Department of the Army, and the Department of the Navy. The documents were inadvertently declassified and made available to the public during the years from 1995 to 1999 by these departments 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- efficiency of nuclear materials- high explosive design- thermonuclear weapon design or function- weapon outputs or performance- other weapon design information- weapon materials allocation and production- naval nuclear propulsion information- radiological warfare	<ul style="list-style-type: none">- stockpile quantities- storage locations- storage capacities- weapon costs- weapon yield- delivery system limitations- delivery system accuracy- heights of burst- yield selection capability- test information not revealing RD- weapon hardening and vulnerability- nuclear safety not revealing RD- use control/PAL not revealing RD- utilization of nuclear weapons

A significant portion of the documents (288 out of 315) 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.

The Department of State, the Department of Defense, the Department of the Air Force, the Department of the Army, the Department of the Navy, and NARA have been afforded an opportunity to review their specific documents containing the RD and FRD information. The 315 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 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.

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.

In accordance with P.L. 105-261, the DOE to date has trained 2106 individuals from other agencies to recognize RD and FRD information. This includes 212 from the Department of State, 64 from the Department of Defense, 105 from the Department of the Air Force, 241 from the Department of the Army, 84 from the Department of the Navy, and 151 from NARA. Additionally, 204 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 23 newly declassified collections (over 1,660,680 pages). Of the 23 collections, 21 contained no improperly declassified documents. The remaining two collections contained a total of two improperly declassified RD documents and one improperly declassified FRD document. This can be compared to 315 documents found in 1,364,920 pages for this report. The three 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.

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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.

UNCLASSIFIED

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 00 Deleted (Army)	Deleted (NARA)	4	1958-60	3 of 4	22	30	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems - Other nuclear weapon design, function, material uses or configuration FRD: - Stockpile quantities - Storage locations - Yield - Nuclear test information or results
RG 19 Deleted (Navy)	Deleted (Navy)	23	1959	23 of 23	15	38	RD: - Efficiency of nuclear materials or yield-to-weight information - Outputs or performance of nuclear weapons or devices (incl. Individual device or stage yield) - Naval nuclear propulsion information FRD: - Stockpile quantities - Storage locations - Nuclear weapon storage capacities or quantities authorized - Yield - Weapon delivery system accuracy
RG 19 Deleted (Navy)	Deleted (Navy)	9	1964	9 of 9	6	7	RD: - Other nuclear weapon design, function, material uses or configuration - Naval nuclear propulsion information FRD: - Stockpile quantities - Storage locations

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RG 19 Deleted (Navy)	Deleted (Navy)	10	1954	10 of 10	6	14	RD: - Naval nuclear propulsion information FRD: - Nuclear weapon storage capacities or quantities authorized
RG 59 Deleted (DOS)	Deleted (DOS)	46	1962-65	46 of 46	58	52	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems - Efficiency of nuclear materials or yield-to-weight information - Outputs or performance of nuclear weapons or devices (incl. Individual device or stage yield) - Nuclear weapon materials FRD: - Stockpile quantities - Storage locations - Costs of weapons or components - Yield - Weapon delivery system accuracy - Use control/PAL; nuclear command/control; or emergency disable - Utilization of weapons, including foreign utilization
RG 168 Deleted (Army)	Deleted (NARA)	1	1959	1 of 1	0	3	FRD: - Stockpile quantities - Yield

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RG 319 Deleted (Army)	Deleted (NARA)	38	1950-59	32 of 38	7	33	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems - High explosives for nuclear weapons/devices – mass, design, or operation - Radiological warfare FRD: - Stockpile quantities - Storage locations - Nuclear weapon information concerning quality or reliability - Nuclear safety or safing systems
RG 319 Deleted (Army)	Deleted (NARA)	18	1955	8 of 18	4	15	RD: - Thermonuclear weapon design or function - Radiological warfare FRD: - Storage locations - Yield - Nuclear test information or results - Hardening, vulnerability countermeasures, and survivability of nuclear weapons

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RG 330 Deleted (DoD)	Deleted (DoD/NARA)	33	1959	31 of 33	2	57	RD: - Mass or dimensions of fissile materials, pits, or nuclear assembly systems - Outputs or performance of nuclear weapons or devices (incl. Individual device or stage yield) - Other nuclear weapon design, function, material uses or configuration FRD: - Storage locations - Yield - Utilization of nuclear weapons, including foreign utilization
RG 330 Deleted (DoD)	Deleted (NARA)	97	1961-64	94 of 97	3	150	RD: - Nuclear weapon materials FRD: - Stockpile quantities - Storage locations - Yield - Weapon delivery system accuracy - Nuclear test information or results - Utilization of nuclear weapons, including foreign utilization
RG 340 Deleted (Air Force)	Deleted (Air Force) ⁷	4	1955	4 of 4	0	12	FRD: - Storage locations - Yield - Weapon delivery system accuracy
RG 59 Deleted (DOS)	Deleted (DOS)	7	1964-66	7 of 7	0	13	FRD: - Stockpile quantities - Storage locations - Costs of weapons or components

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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 319 Deleted (Army)	Deleted (NARA)	5	1966-67	1 of 5	3	11	RD: - Outputs or performance of nuclear weapons or devices (incl. Individual device or stage yield) - Other nuclear weapon design, function, material uses or configuration FRD: - Stockpile quantities - Yield - Performance capability/operational limitations of weapon systems - Weapon height/depth of burst - Yield selection capability in a specified nuclear weapon
RG 59 Deleted (DOS)	Deleted (DOS)	8	1967-69	8 of 8	0	10	FRD: - Stockpile quantities - Storage locations - Yield
RG 59 Deleted (DOS)	Deleted (DOS)	2	1967-69	1 of 2	0	2	FRD: - Stockpile quantities - Storage locations - Utilization of weapons, including foreign utilization
RG 59 Deleted (DOS)	Deleted (DOS)	7	1967	7 of 7	0	8	FRD: - Storage locations
RG 59 Deleted (DOS)	Deleted (DOS)	1	1968	1 of 1	0	1	FRD: - Yield
RG 59 Deleted (DOS)	Deleted (DOS)	2	1968-69	2 of 2	0	2	FRD: - Storage locations

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	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 RD	No. of Pages FRD	
Totals	11,025	315	1950-1969	288	126	458	

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); DoD: Department of Defense; DOE: Department of Energy; DOS: Department of State; Army: Department of the Army; Air Force: Department of the Air Force; Navy: Department of the Navy

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.

7 (U) In 1997, DOE performed a survey (not comprehensive page-by-page audit) of this Air Force collection to assess the risk associated with blanket declassification under E.O. 12958. The RD and FRD information identified by DOE was withdrawn and protected by NARA. This risk assessment survey directly contributed to the passage of PL 105-261, Section 3161 (Kyl-Lott Amendment).
