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DOE/SO-70-0013 (Deleted Version)

**Thirteenth 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>3-11-04</u> | DETERMINATION (OR DDC NUMBER) |
| AUTHORITY: <input type="checkbox"/> ABC <input type="checkbox"/> ADD <input type="checkbox"/> ADD | 1. CLASSIFICATION RETAINED |
| NAME: <u>J. Stal Bass</u> | 2. CLASSIFICATION CHANGED TO: _____ |
| 2nd REVIEW - DATE: <u>3-11-04</u> | 3. CONTAINS NO DOE CLASSIFIED INFO |
| AUTHORITY: <u>ADD</u> | 4. ODD/DPRATE WITH: _____ |
| NAME: <u>John</u> | 5. CLASSIFICATION CANCELLED |
| | 6. CLASSIFIED INFO DELETED |
| | 7. OTHER (SPECIFY) <u>DOES NOT CONTAIN UCN</u> |



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

November 2003

Classified By: John D. Lazor
Director
Office of Classified and Controlled
Information Review
Office of Security
Derived From: CG-SS-4, 9/12/00
Declassify on: xt

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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 1.27 million additional pages of publicly available records accessioned by the National Archives and Records Administration (NARA), the Department discovered an additional 109 documents containing 175 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 |
|---|---------------------------------|----------------------------------|--------------------|---------------------|
| 1,266,000 | 109 | 1,929 | 84 | 91 |

The identified documents are in collections belonging to the Department of State and Department of Defense (Army and Navy). The documents were inadvertently declassified and made available to the public during the years from 1995 to 1997 by the Department of State, the Department of Defense (Navy), 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- efficiency of nuclear materials- boosting systems- initiator design- test information revealing RD- naval nuclear propulsion information- radiological warfare | <ul style="list-style-type: none">- stockpile quantities- storage locations- storage capacities or quantities authorized- yield- test information or results - not revealing RD |

A significant portion of the documents (103 out of 109) 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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NARA, the Department of State, and the Department of Defense have been advised the specific documents contain RD and FRD. The 109 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. 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 nearly 2000 individuals from other agencies to recognize RD and FRD information. This includes 212 individuals from the Department of State, 84 from the Department of Navy, and 151 from NARA. Additionally, 203 individuals have attended refresher courses.

The training of other agency reviewers continues to reduce the rate at which Restricted Data and Formerly Restricted Data are inadvertently declassified. During this quarter, DOE performed quality control overcheck examinations on 45 newly declassified collections (over 450,000 pages). Of the 45 collections, 40 were error free and 4 had only one document declassified in error. This can be compared to 109 documents found in 1,266,000 pages for this report. The documents are saved from inadvertent release and protected in accordance with DOE requirements. The departments 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 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/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 19/ Deleted (Navy) | Deleted (Navy) | 9 | 1963 | 7 of 9 | 11 | 7 | RD: - Naval nuclear propulsion information FRD: - Storage locations - Yields |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 15 | 1952 | 15 of 15 | 15 | 12 | RD: - Naval nuclear propulsion information FRD: - Stockpile quantities - Storage locations - Storage capacities or quantities authorized |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 6 | 1955 | 6 of 6 | 2 | 6 | RD: - Naval nuclear propulsion information FRD: - Storage locations - Yields |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 7 | 1961 | 7 of 7 | 6 | 2 | RD: - Naval nuclear propulsion information FRD: - Storage locations |

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|---|---|--|---|--|--------------------------------|---------------------------------|--|
| RG 19/ Deleted (Navy) | Deleted (Navy) | 2 | 1955 | 2 of 2 | 1 | 1 | RD: - Naval nuclear propulsion information FRD: - Storage locations |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 1 | 1945-1965 | 1 of 1 | 1 | 1 | RD: - Naval nuclear propulsion information FRD: - Stockpile quantities - Storage capacities or quantities authorized |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 3 | 1953-1959 | 3 of 3 | 0 | 7 | FRD: - Stockpile quantities - Storage capacities or quantities authorized |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 3 | 1958-1959 | 3 of 3 | 7 | 0 | RD: - Naval nuclear propulsion information |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 1 | 1961 | 1 of 1 | 0 | 1 | FRD: - Yields |
| RG 19/ Deleted (Navy) | Deleted (Navy) | 1 | 1960 | 1 of 1 | 16 | 0 | RD: - Naval nuclear propulsion information |

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|---|---|--|---|--|--------------------------------|---------------------------------|--|
| RG 59/ Deleted (DOS) | Deleted (DOS) | 4 | 1967-1968 | 4 of 4 | 0 | 4 | FRD: - Storage locations |
| RG 319/ Deleted (Army) | Deleted (NARA) | 33 | 1955 | 33 of 33 | 18 | 15 | RD: - Mass or dimensions of fissile materials, pits or nuclear assembly systems - Test information revealing RD - Efficiency of utilization of nuclear materials- - Radiological warfare FRD: - Yields - Weapon effects test information not revealing RD |
| RG 319/ Deleted (Army) | Deleted (NARA) | 5 | 1952-1954 | 5 of 5 | 3 | 2 | RD: - Boosting systems information FRD: - Stockpile quantities - Storage locations |
| RG 319/ Deleted (Army) | Deleted (NARA) | 2 | 1963 | 2 of 2 | 0 | 3 | FRD: - Stockpile quantities - Storage locations |
| RG 335/ Deleted (Army) | Deleted (NARA) | 9 | 1965-1966 | 6 of 9 | 0 | 20 | FRD: - Stockpile quantities - Storage locations - Storage capacities or quantities authorized - Yields |

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|---|---|--|---|--|--------------------------------|---------------------------------|--|
| RG 338/ Deleted (Army) | Deleted (See Note) ⁷ | 8 | 1953-1955 | 7 of 8 | 4 | 10 | RD: - Mass or dimensions of fissile materials, pits or nuclear assembly systems - Initiator design information FRD: - Stockpile quantities - Storage locations - Storage capacities or quantities authorized |
| Totals | | 109 | 1945-1968 | 103 of 109 | 84 | 91 | |

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.

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) NARA is currently working to confirm the date of declassification and agency.