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# Annual Report on the Restricted Data Program

## *Calendar Year 2000*



**Office of Nuclear & National Security Information**  
**June 2001**

## FOREWORD

I am pleased to present the Annual Report on the Restricted Data Program that covers the period from January 1, 2000, to December 31, 2000. Based on requirements in 10 CFR Part 1045, this report describes the status of the nuclear weapons-related classification and declassification program.

We at the Department of Energy (DOE) are committed to protecting information that is critical to our Nation's security. At the same time, we understand the need to keep the public informed about DOE operations. This report demonstrates that we continue to fulfill our commitment to safeguard the national security while providing the public with accurate and meaningful information about its Government.

Because effective communication is vital to sustaining both an informed citizenry and better Government, we welcome your comments on how we might improve this report in the future.

Finn K. Neilsen  
Acting Director  
Office of Nuclear and National  
Security Information  
Office of Security Affairs



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# INTRODUCTION

This report on the Restricted Data program is published by the Department of Energy (DOE) under Chapter 10, Part 1045 of the Code of Federal Regulations (Nuclear Classification and Declassification).

## National Security and Responsible Openness

Under the Atomic Energy Act of 1954, DOE manages the Government-wide system for classifying and declassifying Restricted Data and Formerly Restricted Data. In general, such information is nuclear weapons-related technical information that would be extremely valuable to other nuclear weapons states to improve their nuclear weapon capability or to potential nuclear proliferants. Therefore, the consistent and effective control of this information is vital to the national security and to prevent nuclear proliferation.

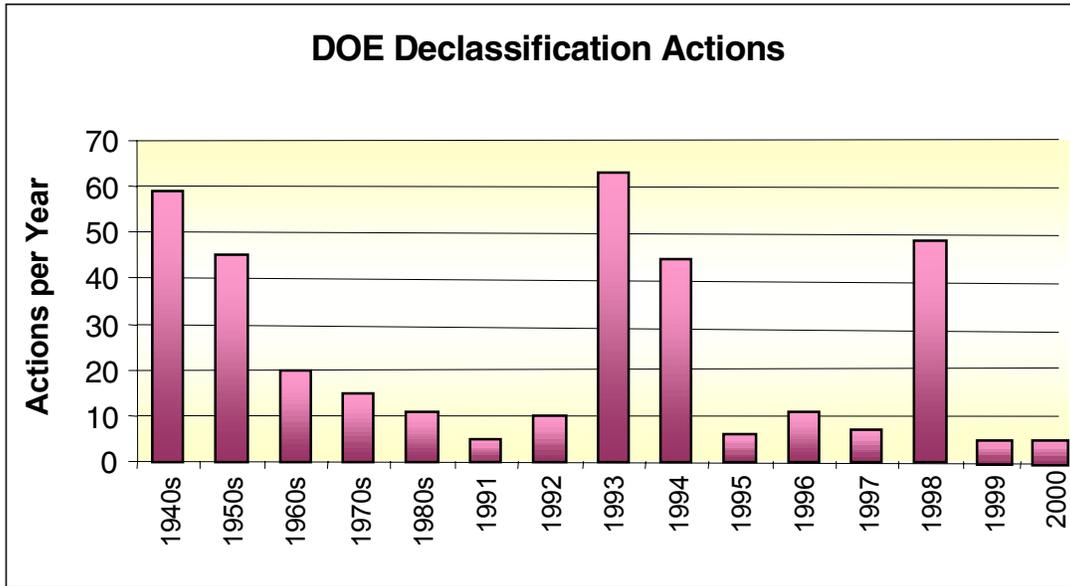
## Historical Background

America's involvement with atomic energy began during World War II when the Manhattan Project developed and produced the atomic bombs that were dropped on Japan in August 1945. On August 1, 1946, the Atomic Energy Act (AEA) established the Atomic Energy Commission to oversee the development, utilization, and control of atomic energy. This Act provided the legal basis for classifying and declassifying atomic information and created a new kind of classified information – Restricted Data. On August 30, 1954, the AEA was substantially amended, the result being the Atomic Energy Act of 1954. With numerous amendments over the years, the 1954 statute is still in effect. The definition of Restricted Data was broadened to include the design of atomic weapons and provided for the declassification of Restricted Data following a determination by the Commission that such information “. . . can be published without undue risk to the common defense and security . . . .”

Over the years, the scope of atomic energy information authorized for release to the public has increased greatly. Through the mid-1950's, information declassified emphasized basic science. During the late 1950's and 1960's, information declassified concentrated on commercial applications of atomic energy.

In the 1970's and 1980's, the Cold War inhibited declassification of much nuclear weapons-related or isotope separation information. However, the fall of the Soviet Union, fueled by an increased emphasis on openness in 1993, motivated the Department to re-evaluate its classification policies and to determine what additional information could be declassified based on the AEA's criterion of no undue risk to the common defense and security. The significant increase in information areas that were

declassified in 1998 reflects the implementation of the technical declassification recommendations of the Fundamental Classification Policy Review, the first such broad policy review since publication of the first “Declassification Guide for Responsible Reviewers” in March 1946. This first declassification guide was prepared by Dr. Richard Tolman, Dean of the Graduate School, California Institute of Technology, at the request of General Leslie Groves, the head of the Manhattan Project.



## CHAPTER I - ROLE OF CLASSIFICATION IN SUPPORTING NATIONAL SECURITY AND NONPROLIFERATION

The Office of Nuclear and National Security Information plays a key role in supporting U.S. national security and nonproliferation objectives. Classification and declassification decisions made by the Director of the Office of Nuclear and National Security Information and the Director of Security Affairs delay and inhibit the spread of weapons of mass destruction, nuclear materials, and associated technologies while maximizing the amount of information available to the public.

Restricted Data is complex, critically sensitive, technical information concerning nuclear weapons design and utilization and the production of fissile material such as uranium or plutonium. Such information would be extremely valuable to other nuclear weapon states or potential nuclear proliferants to improve or develop their nuclear weapon capabilities. It is clearly in the Nation's interest to control such essential nuclear information.

While the end of the Cold War may have diminished strategic nuclear threats, preventing nuclear proliferation remains a formidable challenge. Both nuclear and non-nuclear nations as well as terrorist groups continue to attempt to obtain nuclear materials technology and information. We must keep nuclear materials from falling into the wrong hands, and we must protect the knowledge needed to make nuclear weapons. DOE classification activities support arms control and nonproliferation activities related to Strategic Arms Reduction Treaty (START) negotiations; the Comprehensive Test Ban Treaty; the U.S./Russia transparency and irreversibility program for the disposition of excess nuclear weapons materials; the Trilateral Initiative involving the United States, Russia, and the International Atomic Energy Agency (IAEA) for safeguarding excess fissile materials; and the IAEA Strengthened Safeguards System.

These initiatives demand a high level of information exchange between the nations involved. However, the Atomic Energy Act prohibits the exchange of Restricted Data and Formerly Restricted Data with other nations unless an Agreement for Cooperation as specified in the Act has first been established. In addition, classification ensures that sensitive U.S. information is not inadvertently released by U.S. negotiators during treaty negotiations or by U.S. inspectors while preparing for treaty-related inspections and mutual reciprocal inspections. For example, prior to the conduct of treaty negotiations, information that reveals negotiation strategies or formulation of U.S. positions is evaluated for classification. The Office of Nuclear and National Security Information provides classification guidance for these initiatives and advises DOE management on how to fulfill the terms of arms control and nonproliferation treaties and agreements while protecting classified information.

### **Specific Tasks Accomplished During Reporting Period**

- ρ Participated in the DOE Task Force for the Strategic Arms Reduction Treaty III negotiations. The Office of Nuclear and National Security Information provided classification guidance and reviewed plans to allow treaty inspections and other activities to occur while protecting sensitive information.
  
- ρ Continued developing joint interagency classification guidance for nuclear test explosion monitoring by the U.S. Government.
  
- ρ Continued exploring methods for confirming the weapons origin of fissile material to be stored at the Mayak Fissile Material Storage Facility under the terms of the Processing and Packaging Implementation Agreement and the Mayak Transparency Agreement with Russia. Participated in the Fissile Material Transparency Technical Demonstration at Los Alamos National Laboratory to demonstrate how material from classified components can be measured without compromising classified design information.
  
- ρ Provided continuing support to the Trilateral Initiative among the United States, the Russian Federation, and the IAEA for placing excess fissile materials under an international verification regime. Participated in a Joint U.S./Russia/IAEA Trilateral Technical Workshop at Sandia National Laboratories to explore ways to do this while protecting classified information.
  
- ρ Participated in the DOE Working Group to assess the impact of the IAEA's Strengthened Safeguards System on DOE facilities.

## CHAPTER II - POLICIES AND PROCEDURES

### Summary of Suggestions and Complaints Received under 10 CFR 1045.7

Under 10 CFR 1045.7, anyone may submit to DOE a suggestion or complaint concerning DOE's classification and declassification policies and procedures. During 2000, DOE received no such suggestions or complaints. Anyone who has a suggestion or complaint may submit it in writing to the Office of Nuclear and National Security Information, SO-221; U. S. Department of Energy; 19901 Germantown Road; Germantown, Maryland 20874-1290.

### Revised DOE Internal-Agency Directives

The DOE Directives System is the means by which DOE policies, requirements, and responsibilities are developed and communicated throughout the Department. Directives apply to DOE elements, including National Nuclear Security Administration (NNSA) elements, and to DOE contractors to the extent set forth in their contracts. Copies of DOE directives are available on the Internet at the following address: <http://www.directives.doe.gov>.

### Identification and Protection of Unclassified Controlled Nuclear Information

On June 30, 2000, DOE issued a revised DOE Order 471.1A and a new DOE Manual 471.1-1 covering the identification and protection of Unclassified Controlled Nuclear Information (UCNI). While there were only a few substantive changes, the format was significantly changed. The previous order (DOE 471.1) was split into an order and a manual, conforming with the model required by the DOE Directives System. The revised order still contains the requirements, responsibilities, and authorities, and the new manual now contains the details on implementing those requirements.

The most significant change was abolishing the preliminary UCNI review and the associated "May Contain UCNI" stamp. This concept was often misinterpreted and overused. Other changes are as follows:

- Updates the names of positions and organizations to reflect organizational changes since the previous order was issued in 1995.
- Clarifies that an UCNI Reviewing Official must first determine whether the information being reviewed is widely disseminated (e.g., found in a library or on the Internet) before making an UCNI determination based on guidance. This is not a new requirement – just a change in emphasis.
- Adds a new line to the UCNI stamp: "Guidance Used \_\_\_\_\_."

- Adds an optional “Dissemination Controlled” caveat that allows program offices to control dissemination or reproduction requirements on UCNI documents.

### **Directives Management Document for Establishing an Official Use Only Program**

During 2000, the Office of Nuclear and National Security Information began the process of issuing a DOE directive that would establish a Department-wide program for identifying, marking, and protecting documents containing Official Use Only information to ensure that such documents are provided only to those persons who need the information to perform their jobs. The first step in this process is developing and coordinating a Directive Management Document (DMD) to solicit information to determine the need for and scope of such a directive. The DMD for the OUO directive was coordinated through the Field Management Council on November 16, 2000, with comments due on November 28, 2000. All comments were resolved and the draft Order is expected to be circulated for formal coordination throughout the Department in 2001.

### **Preventing the Inadvertent Release of Restricted Data and Formerly Restricted Data Information**

The Special Historical Records Review Plan, dated January 13, 1999, was revised on March 1, 2000, to incorporate changes required by the passage of section 3149 of Public Law 106-65 in 1999. This Plan was originally prepared in response to Congress passing section 3161 of Public Law 105-261. This statute directed the Secretary of Energy and the Archivist of the United States to develop a plan to protect against the inadvertent release of records containing Restricted Data or Formerly Restricted Data during the automatic declassification of records under section 3.4 of Executive Order 12958, “Classified National Security Information.” The Plan, dated January 13, 1999, effective January 28, 1999, was developed by DOE and the National Archives and Records Administration (NARA) with help from the Departments of Defense and State, the Central Intelligence Agency, and the Information Security Oversight Office. However, the scope of section 3161 only covered those file series that had not yet been reviewed by the other agencies so any Restricted Data or Formerly Restricted Data in file series already declassified was still vulnerable.

Congress resolved this problem by passing section 3149 of Public Law 106-65 in 1999 which expanded the scope of section 3161 to include “. . . all records subject to Executive Order No. 12958 that were determined before the date of the enactment of that Act to be suitable for declassification.” The revised Plan includes a section for reviewing file series that are (1) already processed and publicly available and (2) still being processed by NARA. Records already available to the public remain available while DOE conducts a quality control review of the records to ensure they contain no Restricted Data or Formerly Restricted Data information. If records containing Restricted Data or Formerly Restricted Data are found, only those records are

withdrawn and protected. Records being processed by NARA and not yet publicly available must also receive a DOE quality control review prior to becoming publicly available. These in-process records, and those records already publicly available, are DOE's top review priority.

This Plan also requires the Secretary of Energy to submit the following two reports to the Assistant to the President for National Security Affairs, the Senate Committee on Armed Services, and the House Committee on National Security: (1) The results of Quality Assurance Reviews conducted by DOE that evaluate an agency's compliance with the Plan requirements and (2) any releases of Restricted Data or Formerly Restricted Data contained in documents declassified under the Executive order.

The first report on Quality Assurance Reviews was prepared in 2000 and covered reviews conducted of the following four agencies from June through December 1999: the Federal Emergency Management Agency, the Department of the Army, the National Aeronautics and Space Administration, and the National Security Council. These agencies were found to be conscientious in their efforts to protect Restricted Data and Formerly Restricted Data from inadvertent release and were cooperative in responding to questions. Where needed, the QAR team recommended actions to be taken to bring each agency into full compliance with Plan requirements.

In February 2000, DOE submitted the second report concerning inadvertent releases of Restricted Data and Formerly Restricted Data contained in documents declassified under the Executive order. DOE examined 52 million pages of documents belonging to other Government agencies and identified 25 documents (about 560 pages) that contained about 40 pages of Restricted Data and Formerly Restricted Data that were inadvertently released. Examples of the Restricted Data information revealed included:

- tamper material
- nuclear device weight
- cost of fissile materials
- fission/fusion ratio
- nuclear weapon detonation simultaneity requirements
- materials in a nuclear assembly system



## CHAPTER III - CLASSIFICATION AND DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA

### Fundamental Classification Policy Review

In February 1995, the Department of Energy initiated the interagency Fundamental Classification Policy Review (FCPR) to carry out the first comprehensive review of U.S. Government classification policies for nuclear weapons-related information since the Tolman Report of 1946. While much information had been declassified over the years, past declassification policy had resulted primarily from a series of ad hoc declassification actions generally responding to specific operational needs of the nuclear weapons complex. In addition, this review was needed to take into account the end of the Cold War.

The FCPR was chaired by Dr. Albert Narath, then President, Energy and Environment Sector, Lockheed Martin Corporation, and involved more than 80 senior-level professionals from the DOE complex and the Department of Defense (DoD).

### **Recommendations of the FCPR**

The primary focus of the FCPR was a detailed review of specific, nuclear weapons-related technologies to determine what must remain classified and what could be publicly released. It rigorously applied risk assessments which focused on such questions as whether the disclosure of the information would materially assist potential nuclear proliferators, terrorists, or nuclear weapons states.

The results of the FCPR are summarized in the unclassified version of the Report of the Fundamental Policy Review Group issued by DOE in December 1997 (text available on OpenNet Home Page at: <http://www.doe.gov/opennet>).

### HIGHLIGHTS OF CONCLUSIONS BY AREA

**Safeguards and Security** – A performance-based approach allowing site-specific guidance based on risk assessment provides more balanced protection for classified or sensitive information and material and DOE facilities.

**Nuclear Weapon Science, Technology, Design, Weaponization, and Testing** – Information needed to gain or advance a nuclear weapon capability should continue to be carefully protected.

**Nuclear Materials Production** – Much of the technology associated with the production of fissionable material is now widely available and only a few items still warrant protection (e.g., key features of uranium enrichment technology).

***Nuclear Weapon, Special Nuclear Material, and Tritium Inventories*** – With the exception of tritium, the U.S. surplus of special nuclear material is so large that classification of inventory values is no longer warranted and estimates of amounts of special nuclear material in specific weapons that might be derived from plant averages and feed streams are of little consequence.

***Military Reactors*** – Information associated with the discontinued Army Nuclear Power Program should be declassified.

***Disposition of FCPR's Technical Declassification Recommendations***

The status of the FCPR recommendations approved since the completion of the study at the end of 2000 was as follows:

- Declassifications completely implemented. . . . . 45
  - New guidance approved; guide revisions in publication process. . . . . 18
  - Interagency review continuing. . . . . 5
  - Items canceled/removed. . . . . 4
- Total. . 72\*

\* This number was erroneously listed as 73 in last year's Annual Report.

**Summary of Declassification Actions from the FCPR  
Approved for Implementation in 2000**

<u>Information Declassified</u>	<u>Justification</u>
<b><i>Declassify the association of plutonium-only pits with designated weapons.</i></b>	Does not provide detailed scientific or technical information that would significantly assist another nuclear nation or would-be proliferator to develop or improve a nuclear weapon. Approved June 2000.
<b><i>Declassify information relating to scientific principles of x-ray shielding that do not reveal specific weapon vulnerabilities.</i></b>	Much of this information is so well known that private firms advertise expertise in radiation hardening technology on the Internet. Approved September 2000.

### Information Declassified

***Declassify the presence of enriched uranium, any assay, in unspecified weapon secondaries, without elaboration.***

### Justification

Does not provide detailed scientific or technical information that would significantly assist another nuclear nation or would-be proliferator to develop or improve a nuclear weapon. Approved December 2000.

For those interested in the history of nuclear-related declassification decisions, on January 1, 2001, DOE published "Restricted Data Declassification Decisions - 1946 to the Present (RDD-7)." This report may be requested by writing to the Office of Nuclear and National Security Information, SO-221; U. S. Department of Energy; 19901 Germantown Road; Germantown, MD 20874-1290. (The text is available on the OpenNet Home Page at: <http://www.doe.gov/opennet>.)

## **Summary of Other Declassification Actions Approved for Implementation in 2000**

### Information Declassified

***The fact that the Trinity test device and Fat Man had 32 detonators with each detonator having two bridge wires that independently initiated the same point.***

***The fact that the mass of plutonium in the Trinity device and Fat Man was about 13 ½ pounds (6 kilograms).***

***Declassified the location of 99 experiments that involved the use of a combination of fissile materials and high explosives which took place between 1954 and 1968 in Areas 6 and 27 of the Nevada Test Site. None of these experiments produced a nuclear yield.***

### Justification

Allows Trinity photos and device mockup displays to be returned to public display. Also allows video tapes and other items removed from the Atomic museum to be returned. Approved April 2000.

Allows the U.S. Government to confirm the information in General Grove's memorandum, dated July 16, 1945, which was released to the media at that time. Approved April 2000.

Does not provide detailed scientific or technical information that would significantly assist another nuclear nation or would-be proliferator to develop or improve a nuclear weapon. Approved September 2000.

## Classification Information Upgrades

In December 2000, certain key nuclear weapon information was upgraded from Confidential to Secret by the Director, Office of Nuclear and National Security Information. This upgrade was recommended by the Fundamental Classification Policy Review (FCPR) and is consistent with the recommendation of a second inter-agency policy review. This second review rejected the FCPR recommendation to upgrade certain Confidential and Secret nuclear weapon design information to Top Secret as being too expensive when comparing the benefit to the national security to the expected increase in security costs. Instead, the second inter-agency policy group recommended that a small subset of nuclear weapon information identified for upgrading by the FCPR be controlled under a more restrictive need-to-know system.

## Departure from Classification or Declassification Presumptions

Under 10 CFR 1045.19a, DOE must be able to justify Restricted Data or Formerly Restricted Data classification or declassification determinations that depart from the presumptions in 10 CFR 1045.15. During the period covered by this report, the first two declassifications listed under the "Summary of Declassifications from the FCPR Approved for Implementation in 2000" did depart from these presumptions. The justification for these determinations is provided. All of the remaining classification and declassification determinations were consistent with the presumptions in 10 CFR 1045.15.

## Classification Guidance

Classification guides contain detailed information for classifiers and declassifiers to use to determine whether specific information is classified.

DOE issued new classification guides in the following areas during the reporting period:

- C Counterintelligence
- High energy propellant development
- Non-US reactor conversion studies
- Nuclear materials production
- Safeguards and security

Existing classification guides in the following areas were revised during the reporting period due to changes in classification policy:

- Advanced methods for the separation of fissile isotopes
- Arms control negotiations
- Fissile materials disposition program
- Naval nuclear production program

- Nuclear assembly systems
- Nuclear weapons classification policy
- Nuclear weapons disassembly and reuse
- Nuclear weapon use control
- Nonproliferation of weapons information
- Separation of plutonium isotopes by the atomic vapor laser isotope separation method
- Separation of uranium isotopes by the atomic vapor laser isotope separation method
- Stockpile stewardship program
- Weapon production and military use
- Weapon science

DOE is continuing to develop and revise other classification guides and will report the results in future annual reports.



## CHAPTER IV - EDUCATION

The Office of Nuclear and National Security Information trains DOE and DOE contractor employees about how information and documents are classified and declassified. This same office also trains other-agency reviewers to recognize Restricted Data and Formerly Restricted Data that may be present in their documents. The format for the training ranges from formal classroom sessions conducted at DOE Headquarters and field sites to onsite briefings at various DOE and other Government agency field locations nationwide.

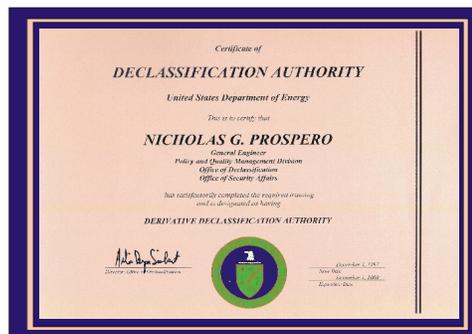
**DOE Original/Derivative Classification Authority and Derivative Declassification Authority.** To be certified and designated for a 3-year period as an original or derivative classifier or a derivative declassifier, an employee must satisfactorily complete the following:

- P Formal training (consisting of classroom sessions, ranging from a half-day to 14 weeks, depending on the employee's responsibilities);
- P A general test on knowledge of DOE policies concerning classification and declassification; and
- P A performance-based test that demonstrates the employee's understanding of the classification guides he or she will be using.

2000	20 Training Sessions Conducted	84 Classifiers/Declassifiers Certified
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**Recertification of DOE Classification/Declassification Authority.** Every 3 years, each classifier or declassifier must complete a performance-based test to be recertified.

2000	79 Classifiers/Declassifiers Recertified
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**Recognizing Restricted Data/Formerly Restricted Data and Other DOE Equities.**

One of DOE’s main responsibilities under the Special Historical Records Review Plan is to train other-agency personnel reviewing records under Executive Order 12958 to recognize Restricted Data and Formerly Restricted Data and other DOE equities. To do this, DOE conducts the following courses:

- **The Historical Records Restricted Data Reviewers Course** – a 5-day course for other-agency reviewers who review records which possibly contain Restricted Data or Formerly Restricted Data.
- P **Restricted Data/Formerly Restricted Data Recognition and Records Processing Seminar** – a one-half day seminar for all agency personnel who are reviewing records under Executive Order 12958.

<b>Course</b>	<b>Number of Courses Given</b>	<b>Number of Other-Agency Personnel Trained</b>
Historical Records Restricted Data Reviewers Course	13	138
Restricted Data/Formerly Restricted Data Recognition and Records Processing Seminar	5	132

DOE also conducted seven classes titled, “Classification of Atomic Energy Information,” as part of the Defense Security Service Information Security Manager Course and the DoD Security Specialist Course. This class discusses an agency’s responsibilities under the Atomic Energy Act and 10 CFR Part 1045. It covers recognizing Restricted Data and Formerly Restricted Data; classifying and declassifying such information; and marking, handling, and storing documents containing Restricted Data or Formerly Restricted Data.

In addition, each agency, except DoD, must designate Restricted Data Classifiers by position or name. These individuals use classification guides to derivatively classify Restricted Data and Formerly Restricted Data documents. DOE continues to develop a computer-based training program that may be used to train Restricted Data Classifiers within their agencies.

## CHAPTER V - DOCUMENT REVIEWS

### Classified Document Reviews

DOE conducts declassification reviews of classified documents for many reasons, including (1) Executive Order (E.O.) 12958 automatic declassification requirements, (2) support for current litigation, (3) Freedom of Information Act (FOIA) requests, and (4) a variety of other reasons (e.g., submissions to Congress).

The Department collects statistics on document reviews on a fiscal year basis. In FY 2000, DOE declassified or confirmed as unclassified more pages than it classified for the seventh year in a row. DOE declassified or confirmed as unclassified almost 1.8 million pages, while classifying about 600,000 pages of newly generated documents.

### FY 2000 Document Review Statistics

Program	Pages Reviewed	Pages Declassified/ Confirmed Unclassified
Executive Order 12958	664,274	591,388
Litigation	82,969	79,591
Freedom of Information Act	45,488	34,432
All Other (e.g. Congressional, Patents, Reports)	1,747,639	1,081,432
Total	2,540,370	1,786,843

Estimated Number of Pages of Newly Generated Documents Classified in 2000	~600,000
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### **Executive Order 12958**

Subject to certain exceptions, section 3.4 of E.O. 12958, as amended, requires agencies to automatically declassify by October 17, 2001, all documents containing National Security Information (NSI) that are (1) more than 25 years old and (2) have permanent historical value, *whether or not they have been reviewed*. Since Restricted Data and Formerly Restricted Data are exempt from all provisions of E.O. 12958,

including its automatic declassification provision, DOE must review all its records meeting the two criteria to ensure that no documents containing Restricted Data and Formerly Restricted Data are mismarked as containing only NSI and, therefore, inadvertently released. In FY 2000, DOE reviewed over 660,000 pages of its documents. DOE declassified or confirmed as unclassified about 89 percent of the pages reviewed. Less than one percent of the pages contained Restricted Data and Formerly Restricted Data.

### **Litigation**

In 2000, the Office of Nuclear and National Security Information supported four litigation cases. One of the cases was a criminal indictment that required the formation of a special team of reviewers to review thousands of documents.

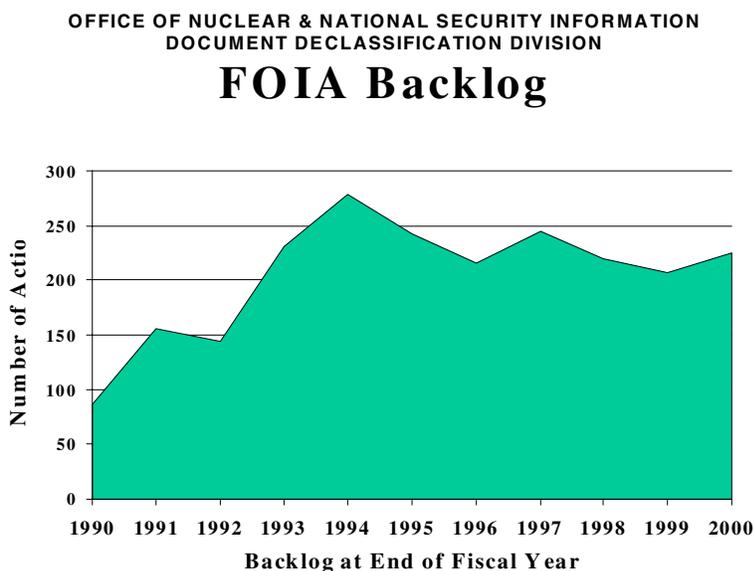
### **Freedom of Information Act**

The FOIA provides that any person has a right of access to Federal agency records, except in certain exempt areas.

In support of the FOIA in 2000, the Office of Nuclear and National Security Information::

- Received 110 new requests and responded to 92 FOIA requests for classified records.
- Declassified or confirmed as unclassified 4,708 pages.

As shown in the chart below, the FOIA backlog actually increased during 2000. This was due to a dramatic increase in the requests for reviews of “high priority” documents (e.g., documents related to high profile litigation, DOE press releases, congressional reports, etc.)



## All Other Requests

The Office of Nuclear and National Security Information conducts many other kinds of document reviews. During 2000, high priority was assigned to reviews of documents being provided to Congress (such as DOE statements for the record, transcripts, and responses to questions) and supporting investigations and litigation concerning the compromise of classified information. The review of these types of documents increased dramatically over the 1999 workload. In addition, the Office of Nuclear and National Security Information reviews secrecy orders placed on patent applications and screens new patents referred to the Department of Energy (DOE) by the Patent and Trademark Office.

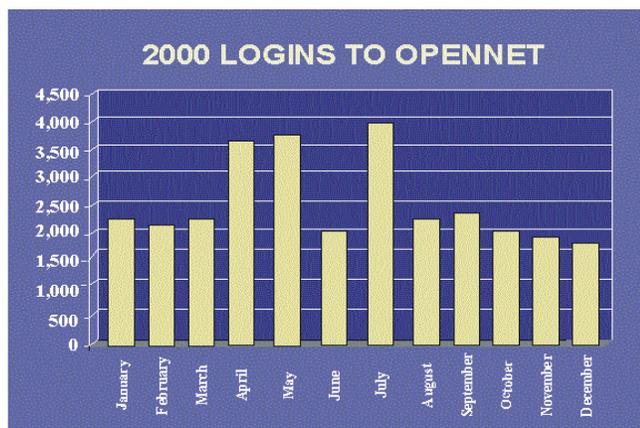
## Quality Control Reviews under Public Laws 105-261 and 106-65

As noted in Chapter II, one of DOE's main responsibilities under the Special Historical Records Review Plan is to conduct quality control reviews of records being declassified under section 3.4 of E.O. 12958 to ensure they contain no Restricted Data or Formerly Restricted Data. Such reviews involve an audit of randomly selected records in file series declassified by other agencies to determine if the records mistakenly contain any Restricted Data and Formerly Restricted Data. The number of records audited in a file series is based on its subject matter and the agency's association with nuclear weapons. In 2000, DOE examined 100 million pages of documents out of over one billion pages estimated to be eligible to receive a quality control review.

## [OpenNet \(http://www.energy.gov/opennet\)](http://www.energy.gov/opennet)

Once declassified documents are released to the public, the public needs to be informed. To do this, the Office of National Nuclear Security Information established OpenNet, an Internet site that contains a database of references to declassified documents made publicly available by Department of Energy (DOE). Topics covered include historical, technical, programmatic, environmental, and public health issues. The available information includes the title, author, location of the document, and the person to contact to obtain the document. The OpenNet database contains more than 410,000 citations to documents and 50,000 documents in full text electronic format.

The OpenNet web site also contains some "full text" resource information, including the "Restricted Data Declassification Decisions, 1946 to the Present," and documents released to the public during several press conferences.



The OpenNet Home Page can be found at either <http://www.energy.gov/opennet> or <http://www.doe.gov/opennet>. In 2000, 14,307 new records were loaded onto the OpenNet database.

### **Declassification Productivity Initiative now the Sensitive Electronic Information Detection Project**

The Declassification Productivity Initiative (DPI) developed a number of tools and technologies to assist DOE document reviewers to work more efficiently and accurately. One of the initiative's major accomplishments was the development of an expert system technology to identify DOE classified information in text documents. This system is now at a stage where further development can be most effectively accomplished by installing it in the work environment and receiving feedback from the users to drive expansion, refinements, and enhancements. For this reason, the DPI program has transitioned from a research and development effort to an implementation-testing phase.

This follow-on phase to the DPI program is called the Sensitive Electronic Information Detection (SEID) project. The start of the implementation testing began in October 2000 at the Sandia National Laboratories in Albuquerque, New Mexico. Because of continuing limitations in the accuracy of optical character recognition conversion of paper documents, this effort is focused on detecting classified information in electronic documents such as e-mail and computer archive files. This will leverage the Department's investment in this important technology by allowing its use while it is undergoing further improvement in coverage and accuracy. We continue to cooperate with other Federal agencies in this area and fully participate in the inter-agency activities focused on technology improvements to the declassification process.

## CHAPTER VI - OVERSIGHT PROGRAM

### Oversight of DOE Classification/Declassification Programs

The Office of Nuclear and National Security Information conducts oversight reviews of DOE field offices to ensure that all DOE and DOE contractor and subcontractor organizations that generate classified information and documents or material have implemented and maintain an adequate and effective classification and declassification program.

An oversight visit of each DOE field office is generally conducted every 2 years. The frequency may vary depending on the volume of classification and declassification activity and whether a facility has experienced problems previously. Each field office scheduled for an oversight visit must conduct a detailed self-assessment covering information on classification- and declassification-related activities and submit its report to the Office of Nuclear and National Security Information for review. After reviewing the self-assessment report and supporting documentation, a team of 4 to 6 individuals conducts an on-site review. Any deficiencies identified during the on-site review are documented first in a draft report that is provided to the field office at the conclusion of the visit and later in a final report.

During 2000, the Office of Nuclear and National Security Information conducted on-site reviews of the Nevada Operations Office, Oakland Operations Office, Richland Operations Office, and Savannah River Operations Office. During these visits, the teams conducted 177 interviews, reviewed about 1,600 documents consisting of about 28,000 pages, and identified 32 deficiencies in 8 program areas.

The largest number of deficiencies were found in the areas of management support and awareness, guidance, and declassification activities. The appraised field offices have addressed these deficiencies and made improvements.

### Oversight of Other-Agency Implementation of Special Historical Records Review Plan

The Special Historical Records Review Plan requires DOE, in consultation with the Information Security Oversight Office, to periodically review and evaluate how well the other agencies are complying with Plan requirements. Known as quality assurance reviews, DOE:

- C examines an agency's processes and procedures for implementing the Plan to ensure they provide for proper training and evaluation of the reviewers conducting the declassification reviews;

- examines a random sample of classification guidance used by the reviewers to ensure it is current; and
- interviews reviewers to assess how well they understand their responsibilities.

In 2000, DOE conducted quality assurance reviews of the following agencies:

- Department of Defense Joint Chiefs of Staff
- Department of State
- Department of Justice
- Department of the Navy
- Defense Advanced Research Project Agency

Deficiencies found during these reviews included the following:

- Reviewers needed training to recognize Restricted Data and Formerly Restricted Data.
- Implementation plans needed to be developed.
- Locations where documents are stored needed to be identified.
- Collections requiring a page-by-page review needed to be identified.
- Procedures for identifying exempted documents needed to be developed.

## CHAPTER VII - OPENNESS ADVISORY PANEL

The Openness Advisory Panel (OAP) was chartered in 1996 to advise the Secretary of Energy Advisory Board (SEAB) regarding the status and strategic direction of DOE's nuclear classification and declassification policies and programs. The OAP's principal goal is to enhance the credibility of DOE's classification and declassification, and responsible openness programs through rigorous, independent scrutiny of current policies and vigorous advocacy for improvements.

### ***Membership of the OAP at the End of 2000:***

Chair: Mr. Herbert H. Brown, Partner, Kirkpatrick and Lockhart, Washington, D.C.

Mr. David H. Albright, President, Institute for Science and International Security, Washington, D.C.

Ms. Margaret Carde, Community and Indian Legal Services, Inc., Santa Fe, NM

Dr. Thomas A. Cotton, Vice President, JK Research Associates, Inc., Vienna, Virginia.

Dr. Douglas M. Eardley, Professor, Institute for Theoretical Physics, University of California, Santa Barbara, California.

Dr. Page P. Miller, Director, National Coordinating Committee for the Promotion of History, Washington, D.C.

Dr. Albert Narath, Special Advisor (Retired), Lockheed Martin Corporation, Albuquerque, New Mexico.

Dr. Allen L. Sessoms, President, Queens College of the City University of New York, Flushing, New York.

Mr. Clinton A. Vince, Attorney, Vernor, Lispfert, Bernhard, McPherson, and Hand, Washington, D.C.

Mr. Troy E. Wade II, President, Wade Associates, Inc., Las Vegas, Nevada.

Ms. Ellyn R. Weiss, Partner, Foley, Hoag and Eliot, Washington, D.C.

Dr. Eric H. Willis, Counselor, DynMeridian Corporation, Alexandria, Virginia.

## OAP Report on Responsible Openness

The OAP's first duty was to study and issue a report on DOE's classification and declassification programs. The report, "Responsible Openness: An Imperative for the Department of Energy," dated August 25, 1997, stated that continuing responsible openness was imperative for DOE to carry out its major responsibilities. The report defined "responsible openness" as a set of policies by which DOE seeks to fulfill its obligations to provide the public with accurate and complete information about its activities to the maximum extent possible consistent with protection of the national security. The full text of the report is available on the OpenNet Home Page (<http://www.doe.gov/opennet>).

## OAP Efforts During the Reporting Period

May 16, 2000 - Eighth meeting of the OAP in Washington, D.C. After a 21-month hiatus, the OAP reconvened under a new chair and with two new members. The new OAP chair, Mr. Herbert Brown, introduced the newest members, Ms. Margaret Carde of Sante Fe, NM, and Mr. Clinton Vince of Washington, D.C. The reconstituted Panel was briefed on the following issues:

- C The history of DOE's Openness Initiatives.
- C The legal foundation and basis for openness.
- C Issues and challenges in classification and declassification.
- C Issues and challenges in records management.

The meeting was highlighted by a visit from Secretary Richardson who applauded the Panel's work and tasked them further to assess the state of community relations at DOE sites.

November 17, 2000 - Ninth meeting of the OAP in Washington, D.C. The Panel was briefed by members of the community relations sub-panel on their findings and recommendations. The sub-panel visited Lawrence Livermore National Laboratory, Lawrence Berkeley Laboratory, and Fernald over the summer months in response to Secretary Richardson's earlier tasking. The OAP spent the bulk of this meeting reviewing in detail the report of the sub-panel titled, "OAP Community Relations Pilot Review Report," dated November 17, 2000. The report was presented to the SEAB chairman at the December 14, 2000, meeting.

## CHAPTER VIII - PUBLIC OUTREACH

During 2000, the classification community at DOE's field sites dealt with issues affecting local citizens and actively maintained an ongoing dialogue with the public. The following are some examples of the work being done at these sites:

### Ohio Field Office

During 2000, the Miamisburg Environmental Management Project (MEMP) outreach activities involved several areas of public interaction.

- C Mound Action Committee September 2000 Meeting. At the September 8, 2000 Mound Action Committee (MAC) meeting, stakeholders were given an overview of the Large Scale Declassification Review Project (LSDR) at MEMP. The group was also given detailed handouts showing the step-by-step process of how to access abstracts of the documents available through the Internet. Each attendee was also given a packet of the available abstracts of those documents. Those attending responded favorably to having access to the abstracts and look forward to being able to request full documents in the future. Copies of the step-by-step process were also given to each member of Miamisburg City Council per their request. Minutes of this meeting can be found on MEMP's website (<http://www.doe-md.gov>).
- C Mound Museum Association. The Mound Museum Association, a private citizens' group, is attempting to establish a museum dedicated to past work done at the site. The Classification Officer is a member of the group and regularly attends the monthly meetings in an advisory support role to prevent the inadvertent compromise of classified or sensitive information that might be contained in any material submitted by potential donors.

### Nevada Operations Office

The Nevada Operations Office, through its Coordination and Information Center, continues to collect and consolidate historical documents, records, and data dealing with radioactive fallout from U.S. nuclear testing sites. The collection includes documentation on the detection and measurement of radioactive fallout and the related factors resulting from nuclear test device activities at the Nevada Test Site, Pacific Proving Grounds, and other on-continent test locations, as well as information on the health effects of radiation, and various related scientific and technical studies and reports. This collection, which consists of more than 364,000 unclassified, declassified, and redacted documents, records, and data, is available to the public through the Public Reading Facility. The bibliographic information for this collection can also be accessed through OpenNet (<http://www.energy.gov/opennet>).

The Coordination and Information Center also serves as the distribution center for the declassified nuclear weapons-related videos that are released through the Department's Film Declassification Project.

During 2000, the Coordination and Information Center received 1,374 requests for unclassified, declassified, and redacted documents; distributed 1,160 declassified nuclear weapons-related videos; copied 10,536 unclassified, declassified, and redacted documents which consisted of 213,751 pages; added 9,174 unclassified and declassified documents to its collection; and received 1,262 walk-in patrons.

### Oak Ridge Operations Office

In Oak Ridge, a "Beryllium Support Group" has been established to provide current and retired employees assistance in managing beryllium disease or beryllium sensitivity. The group is facilitated by a psychiatrist to assist the group's members in the challenges they face. Twice during CY 2000, the Classification Officer was invited to provide a briefing on the declassification of all substances at the site level. The briefing reinforced that all exposures "expressed at the site level" can be acknowledged to medical personnel. However, the details of some usages must still be protected.

The Classification Office reviewed seven diaries written by Colonel E. E. Marsden that cover the period from April 1943 through July 1947. Colonel Marsden was General Groves' executive officer, and his diaries contain significant information of historical interest. These diaries will be placed in display cases to be located in the recently renovated Manhattan Engineer District gate houses that surround the Oak Ridge site where the public may examine them.

### Richland Operations Office

The Richland Operations Office (RL) continues to be a leader in the DOE complex in the declassification and public release of large volumes of formerly classified documents. These documents concern the entire plutonium production history at the Hanford site from the 1940's through 1990. The Hanford Declassification Project is run for RL by the Pacific Northwest National Laboratory (PNNL) National Security Analysis Team (NSAT). During FY 2000, approximately 27,000 formerly classified documents containing 303,000 pages were released to the public. All declassified documents are optically scanned and made available through the "Declassified Document Retrieval System" homepage: <http://www2.hanford.gov/declass/d20pydeclass.asp>.

During FY 2000, RL began a project to review, declassify, and make available to the public some 90,000 negatives of photos that were taken at or around the Hanford site from 1943 to 1967. The photos chronicle the building of the Hanford Engineering Works as part of the Manhattan Project and provide historical insight into the early communities of Hanford, White Bluffs, Pasco and Richland. Rather than printing these negatives into conventional photos, the negatives are scanned, converted to positives,

and then stored on CDs. Almost 60 percent of the project was completed in 2000.

One complication of releasing these photos that concerned RL management was that some of the photos might contain information of religious or cultural concern to Native Americans. The Nez Perce tribe provided RL with a list of items for use in screening potentially sensitive photos. Photos that meet the listed criteria are provided to the three local Native American tribes for a 60-day review. RL withholds from public release those photos identified by the Native Americans as being sensitive to their culture. In addition, two members of the Yakama Indian Nation visited the Hanford Declassification Project and were briefed on the negative conversion project. These individuals explained the unique perspective that Native Americans have about the land that they used to roam and the various flora and fauna that sustains their life.



## PUBLIC FEEDBACK FORM

The Department of Energy is interested in receiving your comments on the Annual Report on the Restricted Data Program:

Which sections of the Report were the most informative and useful to you?

What other classification/declassification topics would you like addressed?

Was the Report well organized and easy to understand?

Which sections of the Report need improvement? In what ways?

Other comments on the Report:

Please send your comments on this form to: Office of Nuclear and National  
Security Information, SO-221  
U.S. Department of Energy  
19901 Germantown Road  
Germantown, MD 20874-1290

Optional:

From: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_



**U.S. Department of Energy**  
**Office of Nuclear & National Security Information**