RD Annual Report 07 1-17-08

Restricted Data Annual Report

Table of Contents

Introduction

1. Reporting Requirement
2. Reporting Period
3. Report Point of Contact

Part A Program Management During Reporting Period

1. Activities of the Openness Advisory Panel
2. Suggestions or Complaints Received
3. Procedural Exemptions Granted

Part B Identification of Restricted Data (RD) and Formerly Restricted Data Information (FRD) During Reporting Period

1. Classification of RD and FRD in Previously Declassified Subject Areas
2. RD/FRD Classification Determinations That Depart from Presumptions in 1045.15
3. RD/FRD Declassification Determinations That Depart from Presumptions in 1045.15
4. Declassification Proposals Received
5. *Federal Register* Notices of Privately Generated RD

Part C Generation and Review of Documents Containing RD and FRD During Reporting Period

1. RD Management Officials Appointed
2. Training Materials Currently Available
3. Reviews of Other Agencies Conducted
4. RD Management Officials Meeting
5. Classification Guidance Developed
6. Classification Challenges Received
7. Mandatory Declassification and Freedom of Information Act Review Requests and Appeals
8. Systematic Declassification Review Activities

Restricted Data Annual Report

Introduction

1. Reporting Requirement.

The Department of Energy's Restricted Data Annual Report is required by 10 CFR Part 1045, *Nuclear Classification and Declassification*, section 1045.19(b), which states that the Director of Classification "shall prepare a report on an annual basis on the implementation of this part."

In Parts A, B and C of this report, sections corresponding to the specific requirements in the regulations are identified in brackets.

2. Reporting Period.

This report covers the period of January 1, 2005, to September 30, 2007.

3. Report Point of Contact.

This report was prepared by the Office of Quality Management in the Office of Classification. If you have any questions concerning the contents of this report, please contact Emily Puhl at (301) 903-9048.

1. Activities of the Openness Advisory Panel. [§1045.6]

The Openness Advisory Panel (OAP) was disbanded during Secretary Abraham's tenure. The Secretary of Energy Advisory Board, under which the OAP functioned, was disbanded by Secretary Bodman in May 2006.

2. Suggestions or Complaints Received. [§1045.7]

No suggestions or complaints concerning the implementation of the RD Program were received during the reporting period.

3. Procedural Exemptions Granted. [§1045.8]

No procedural exemptions from requirements in 10 CFR part 1045 were granted during the reporting period.

1. Classification of RD and FRD in Previously Declassified Subject Areas. [§1045.18]

No information in a previously declassified subject area was classified as RD during the reporting period.

2. RD/FRD Classification Determinations That Depart from Presumptions in 1045.15. [§1045.19]

No RD/FRD classification determinations departed from the presumptions in 1045.15 during the reporting period.

3. RD/FRD Declassification Determinations That Depart from Presumptions in 1045.15. [§1045.19]

The following declassification determinations departed from the presumptions in 1045.15 during the reporting period:

- Gas Centrifuge:
  - Aluminum alloy and temper used in USEC, Inc. American centrifuge program was declassified on 3/27/06.
  - Length of column assembly support rod and identification and specification of lubricating oil used with the USEC, Inc. gas centrifuge was declassified on 6/13/06.
  - Unfinished rotor winding mandrel outer diameter and exact rotor tube length for the USEC, Inc. gas centrifuge was declassified on 3/8/07.
- Radiological Warfare: Select program information concerning Radiological Warfare developed between 1948 and 1954 was declassified on 8/18/06.
- W88: The following statement was declassified on 8/18/06: "That the People's Republic of China (PRC) obtained some Restricted Data information on the W88, and perhaps complete W88 design."
- Thermal Cycling Absorption Process: All remaining classified information was declassified on 3/6/07.
- Equations of State (EOS): EOS of transplutonic metal and compounds was declassified on 3/8/07.
- Test Associations [information previously Formerly Restricted Data (FRD)]
  - Swordfish as proof test for the W44 was declassified on 3/14/07.
  - Cannikin as proof test for the W71 was declassified on 3/14/07.

4. Declassification Proposals Received. [§1045.20]

No declassification proposals were received from the public during the reporting period.

5. *Federal Register* Notices of Privately Generated RD. [§1045.21]

No notices of privately generated RD were published in the *Federal Register* during the reporting period.

1. RD Management Officials Appointed. [§1045.33]

The following RD Management Officials were appointed during the reporting period:

Rob Bledsoe, National Archives and Records Administration
Harry Cooper, Central Intelligence Agency
Louis Giles, National Security Agency
John Steinbeiss, Air Force Declassification Office

2. Training Materials Currently Available. [§1045.35(b)]

The following training materials are currently available for RD Management Officials, RD Classifiers, and individuals who have access to RD and FRD.

Item	Intended Audience
RD Management Official Orientation Materials (Notebook)	RD Management Officials
Handbook for Restricted Data Management Officials	RD Management Officials
RD Classifier Course (CD)	RD Classifiers
Recognizing Restricted Data and Formerly Restricted Data Information (30 minute VHS tape)	Persons with access to RD/FRD and RD Classifiers
RD/FRD Recognition and Records Processing Seminar (1 1/2 hour videotape - soon to be DVD)*	Persons with access to RD/FRD and RD Classifiers
Classification of Nuclear Weapons-Related Information (Power Point Presentation)	Persons with access to RD/FRD
Subject Area Indicators and Key Word List for Restricted Data and Formerly Restricted Data (booklet and CD)	Persons with access to RD/FRD
Protecting the Nation's Nuclear Information (brochure)	Persons with access to RD/FRD

3. Reviews of Other Agencies Conducted. [§1045.36(a)]

DOE conducted reviews of the RD programs at the following agencies:

Defense Threat Reduction Agency	July 7, 2005
Air Force	July 8, 2005
National Security Council	August 16, 2005
Department of Homeland Security	May 15, 2007
Federal Bureau of Investigation	September 13, 2007
Army	September 18, 2007
Department of Justice	September 26, 2007

4. RD Management Officials Meeting. [§1045.36(b)]

No meeting took place during the reporting period.

5. Classification Guidance Developed. [§1045.37]

The following classification guidance was developed during the reporting period:

- DHS/DOE Classification and UCNI Guide for Nuclear/Radiological Incident Emergency Response and Consequence Management, CG-NRI-1, 10/12/06
- DOE Classification Guide for Improvised Nuclear Devices, CG-IND-1, 10/26/06
- DOE Classification Guide for Proliferant Enrichment Technology, CG-PET-1, 7/5/07
- DOE Classification Guide for Plasma Separation Process, CG-PSP-1, 7/5/07
- Joint Doe/NRC/DOT/DHS Classification and Sensitive Unclassified Information Guide for the Transportation of Radioactive Waste to Yucca Mountain, CG-RWT-1, 8/10/07

6. Classification Challenges Received. [§1045.39]

One classification challenge was received during the reporting period.

7. Mandatory Declassification and Freedom of Information Act Review Requests and Appeals. [§1045.42]

Mandatory Declassification Reviews*

The Department received 243 requests for documents (totaling 11,860 pages) under the Mandatory Declassification Review (MDR) provisions of Executive Order 12958, as amended, "Classified National Security Information," during the reporting period. The Office of Document Reviews completed 319 reviews (totaling 14,069 pages) during the reporting period. The majority of review requests were referred from other agencies.

7. Mandatory Declassification and Freedom of Information Act Review Requests and Appeals. [§1045.42] (continued)

MDR Appeals**

The Department received 5 appeals (totaling 785 pages) concerning documents previously requested under the MDR provisions of E.O. 12958. The Office of Quality Management completed 4 appeal reviews (totaling 771 pages) during the reporting period.

Freedom of Information Act (FOIA) Reviews*

The Department received 141 requests for documents (totaling 18,344 pages) under the FOIA during the reporting period. The Office of Document Reviews completed 251 reviews (totaling 36,085 pages) during the reporting period. The majority of review requests were referred from other agencies.

FOIA Appeals**

The Department received 11 appeals (totaling 1,063 pages) concerning documents previously requested under the FOIA. The Office of Quality Management completed 14 appeal reviews (totaling 1,552 pages) during the reporting period.

*The reporting period for FOIA and MDR review data is September 1, 2006, to September 30, 2007.
**The reporting period for FOIA and MDR appeal review data is January 1, 2006, to September 30, 2007.

8. Systematic Declassification Review Activities. [§1045.43]

Review activities under the Systematic Declassification Review provisions of E.O. 12958 continued during the reporting period. These reviews were conducted at the following facilities:

East Tennessee Technology Park
Lawrence Livermore National Laboratory
NNSA Service Center
National Security Technologies, LLC
Oak Ridge Office
Office of Scientific and Technical Information
Paducah Gaseous Diffusion Plant
Portsmouth Gaseous Diffusion Plant
Sandia Site Office
Stoller-Navarro Joint Venture