



**Department of Energy**  
Washington, DC 20585

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August 29, 1994

Via Facsimile

Mr. Daniel Guttman  
Executive Director  
Advisory Committee on Human  
Radiation Experiments  
1726 M Street, NW - Suite 600  
Washington, DC 20036

Dear Dan,

In response to your letter of August 15, 1994 regarding the files of the AEC Division of Intelligence, I am enclosing a report prepared by my staff on the search conducted to date which includes copies contemporaneous regulations governing document destruction. As you will note, the evidence indicates that many, if not all, of these files were destroyed. While we intend to pursue further inquiry, including efforts to determine whether any pertinent records might have been preserved at the national laboratories, the chance of locating more than fragments of the files of the Intelligence Division do not appear promising.

We are, of course, available to discuss the search in more detail with you or your staff.

Very truly yours,

Eilyn H. Weiss  
Special Counsel and Director  
Office of Human Radiation Experiments

Enclosure

cc: Tara O'Toole

# DESTRUCTION OF THE U.S. ATOMIC ENERGY COMMISSION

## DIVISION OF INTELLIGENCE FILES

Report by the Office of Human Radiation Experiments

August 26, 1994

### Summary

The Office of Human Radiation Experiments has attempted to locate the files of the U. S. Atomic Energy Commission (AEC) division of intelligence. It has interviewed people thought to be knowledgeable about the files and has followed the interviews with physical inspections of records stored in various locations. The following appears to be the case:

1. The AEC division of intelligence files were largely destroyed in the 1977-1981 period, although some files were destroyed in the 1972-1974 period. Some file fragments surviving the 1977-1981 file purge may have been destroyed in the 1988-1989 period.
2. Some fragments of the office files may have survived the three purges, but attempts to locate them have been unsuccessful.
3. Departmental records-keeping regulations permitted the disposal of records which which would have described part of what was destroyed. Thus, there is now no written record of the destruction of the AEC division of intelligence files.

### The AEC Division of Intelligence

In 1947 the AEC organized a division of intelligence to keep the agency abreast of developments in foreign atomic energy programs. Its most important early mission was to help to build a system to detect foreign nuclear weapons tests. The unit's mission expanded into accumulating data about other aspects of foreign atomic energy programs.

The unit was small, probably consisting of four professionals and four administrative personnel in 1971. The division created office files which included copies of memoranda, letters, official AEC decision and information papers, National Intelligence Estimates, and agency intelligence reports. The division also amassed subject files pertaining to agency intelligence activities and country files containing documentation pertaining to foreign atomic energy activities. Much of the documentation in the files was created by other agencies, including the Central Intelligence Agency and the Defense Intelligence Agency. Most documents placed in the files were created between 1947 and 1971. The office files contained documents classified at all levels, from Top

Secret to Confidential, as well as unclassified documents. As late as 1977 the office files consisted of approximately 50 to 100 linear feet of materials stored in a vault in the Department of Energy's Germantown building.

The AEC abolished the division of intelligence in 1971 and transferred its functions to the division of international security affairs. Along with intelligence functions, the division of international security affairs assumed program responsibility for agency mutual defense activities, export and import control matters, and disarmament functions. The division of international security affairs also assumed control of the AEC division of intelligence office files.

#### Destruction of the AEC Division of Intelligence Files

Shortly, after the division of intelligence was abolished, the destruction of older materials in its files began. This first file "purge" continued until at least May 1974. Destruction was probably confined to documents dated prior to 1964. Documents at all classification levels, however, were destroyed. It is not clear how many documents were destroyed, but reportedly they filled at least two trash carts.

The AEC division of intelligence files, however, survived this first "purge" as a body of records.

1977 Congress established the Department of Energy. The division of international security affairs and surviving AEC division of intelligence files became a part of the new agency. In 1978 the division of international security affairs was transferred to the Department's James Forrestal headquarters building in downtown Washington. The AEC division of intelligence files, meanwhile, had remained in storage in a vault in the Department's Germantown, Maryland building. The division of international security affairs was not given extensive vault storage space in the Forrestal building. The division, therefore, began a second "purge" of the AEC division of intelligence files, destroying most surviving files between 1978 and 1981. A few fragments of the office files may have been moved to the Forrestal building and a few others may have been scattered among division of international security affairs records which were placed in storage in the records holding area in the Germantown building.

DOE Order 1324.2, Records Disposition, the Departmental regulations which governed the disposition of records such as those in the AEC division of intelligence files, gave program offices considerable latitude in records retention. Program offices might determine that files containing documentation such as that in the AEC division of intelligence files were eligible for permanent retention. Conversely, they might determine that such files were only eligible for retention for a finite period. [See Attachment 1, checked items.] It is not clear, however, whether these regulations were followed when the AEC division of intelligence files were destroyed.

The office of international security affairs did ask the Department's History Division whether the AEC division of intelligence files were of historical value. The History Division examined them, stated that most were, and asked that those files of historical value be transferred to the History Division. The office of international security affairs, however, did not transfer any of them to the History Division.

In 1988 the Department implemented regulations which required offices to inventory documents classified at the Secret level which reposed in office files. Many offices, however, destroyed Secret documents rather than assuming the burden of inventorying them. Surviving fragments of the AEC division of intelligence files may also have been destroyed during this third "purge."

#### The Office of Human Radiation Experiments Investigation

On December 23, 1993, Secretary of Energy Hazel O'Leary asked all Departmental offices, including the office of nonproliferation and national security, the unit which manages agency intelligence functions, to perform a file search for documentation pertinent to human radiation experiments. Although the office searched its files in response to the Secretary's directive, it did not specifically search for the AEC division of intelligence files as a body of records.

The AEC division of intelligence files, therefore, did not become the subject of a specific records search until May 1994, when the Advisory Committee on Human Radiation Experiments expressed a special interest in locating them. The Office of Human Radiation Experiments began its investigation in response to this advisory committee interest.

The Office of Human Radiation Experiments then made its first inquiries about the AEC division of intelligence files to the office of nonproliferation and national security. The office of nonproliferation and national security replied that it could not locate the AEC division of intelligence files.

The Office of Human Radiation Experiments then provided the office of nonproliferation and national security with a general description of AEC division of intelligence files which were extant in 1978 and requested another search. The office of nonproliferation and national security staff performed a physical inspection of the office of intelligence office space, interviewed people likely to have knowledge about the AEC division of intelligence files, and ordered searches of records held in storage in the Germantown building records holding area and in the federal records center in Suitland, Maryland. As a result of these efforts, the office of nonproliferation and national security thought that the AEC division of intelligence files might have been placed in storage in the Germantown records holding area.

Simultaneously, the Office of Human Radiation Experiments had conducted a search of all of the 17,813 cubic feet of Departmental records stored in the records holding area in the Germantown building, in the records holding area in the H Street building, and in the Washington National Records Center at Suitland, Maryland. The search was made to locate records pertinent to human radiation experiments as well as to locate the AEC division of intelligence files. The search, however, located no AEC division of intelligence files.

On June 30, 1994, two members of the Office of Human Radiation Experiments staff conducted a walk-through inspection of the Department's office of energy intelligence, office of threat assessment, and office of counterintelligence suites in the basement of the Forrester building. During the inspection, they examined the holdings of the office of energy intelligence reference

library, the largest document holding area in the suites. The inspection failed to locate the AEC division of intelligence files.

During the walk-through inspection, the staff members interviewed employees of the offices of energy intelligence, threat assessment, and counterintelligence. The employees included Ms. Barbara A. Moyers, who had been the administrative officer for the division of international security affairs in the 1978-1981 period; Mr. John Hart, who was director of the intelligence security division of the office of energy intelligence; Mr. Lee Martin, a staff member of the office of energy intelligence who had served in the AEC division of intelligence; and Mr. Robert O'Brien, who was director of the office of threat assessment. Because of her duties, which included oversight over file retention and destruction, Ms. Moyers had the greatest knowledge about the disposition of the AEC division of intelligence files.

Ms. Moyers stated that most of the AEC division of intelligence files were destroyed in Germantown in the 1978-1981 period. Ms. Moyers stated that, in accordance with Departmental regulations for destruction of classified documents, destruction certificates were completed for Secret and Top Secret documents which were destroyed.<sup>1</sup> In accordance with DOE Order 1324.2, however, these certificates of destruction were later destroyed. [Offices had to keep such certificates only two years. Afterward, Departmental regulations permitted their routine destruction. See Attachment 2, checked items.] Therefore, the office of nonproliferation and national security could not produce partial written proof that AEC division of intelligence files were destroyed in 1978-1981.

Ms. Moyers did not think, however, that all AEC division of intelligence files were destroyed in the 1978-1981 period. She maintained that some portions were placed in storage in the Department's records holding area in its Germantown building. She thought that a few files may have been transferred to Department of Energy laboratories. Such files probably contained materials pertaining to work done for other agencies.

Ms. Moyers identified Randy Huffer, Anna Bondarenko, Steve Slaughter, and Colonel W. K. Benson as people who should be interviewed about the disposition of the AEC division of intelligence files. Mr. Huffer had charge of the division of international security affairs mail room from circa 1979 to circa 1982. Along with Ms. Bondarenko, he carried out the physical destruction of AEC division of intelligence files. Mr. Slaughter worked as a mail clerk in the AEC division of intelligence records vault. Colonel Benson, an intelligence analyst, made some decisions about what documentation should be destroyed.

Mr. Martin, Mr. O'Brien, and Mr. Hart were not directly involved in the destruction of the AEC division of intelligence files. Neither Mr. Martin nor Mr. O'Brien knew where to look for them. Mr. Hart added that the intelligence functions of the office of international security affairs had

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<sup>1</sup>The Department does not require any written record of the destruction of unclassified documents or of documents classified at the Confidential level.

nearly been abolished in the 1978-1981 period. He thought the near abolition combined with the move out of Germantown space encouraged the destruction of records.

On July 21, 1994, the Office of Human Radiation Experiments located Colonel Benson, who has retired, in Gaithersburg, Maryland and interviewed him by telephone. Col. Benson did not know what had happened to the AEC division of intelligence files. He said that he played no role in their destruction.

On July 22, 1994, the Office of Human Radiation Experiments interviewed Ms. Anna Bondarenko. She recalled destroying "tons of files," an estimated 85 to 90 percent of the AEC division of intelligence files which had survived until the 1978-1981 period. She thought that some AEC division of intelligence files were sent to the Forrestal building. She did not think that any classified document receipts were prepared to document this transfer. She stated that Randy Huffer works at Fort Detrick, Maryland and provided the post personnel telephone number for locating him. She thought that Col. Benson and W. Gerald Gibson, who works for the Department of Energy, made decisions about what should be destroyed.

On August 23, 1994, the Office of Human Radiation Experiments interviewed Mr. Steve Slaughter and Mr. Gerald Gibson. Mr. Slaughter provided information about destruction of AEC division of intelligence files in the 1972-1974 period. In 1974, however, he moved out of the mail room to another position in the office international security affairs. Mr. Gibson suggested places to look for the AEC division of intelligence files and maintained that he did not make decisions about what to destroy. Like Ms. Bondarenko and Mr. Slaughter, he suggested others who might be interviewed about the destruction of the AEC division of intelligence files.

On August 23 and 24, 1994, a staff member of the Office of Human Radiation Experiments physically inspected records stored in the records holding area of the Department's Germantown building to search for fragments of the AEC division of intelligence files. He examined six collections of records and portions of a seventh. All had been placed in storage by the office of international security affairs and are currently in the custody of the office of nonproliferation and national security. He found no fragments of the AEC division of intelligence files.

On August 25, 1994, the Office of Human Radiation Experiments learned that the office of security affairs does not retain documentation which would show those AEC division of intelligence Top Secret documents which were destroyed in the 1978-1981 period.

#### Future Actions

The Office of Human Radiation Experiments will do the following to complete its investigation:

1. Attempt to locate any AEC division of intelligence files which may have been transferred to Departmental laboratories.

2. Interview any other personnel directly involved in the destruction of the AEC division of intelligence files. Mr. Randy Huffer is one, but further investigation might indicate others.

3. Compile a list of directors and deputy directors of the division of international security affairs and interview those who managed the division when the AEC division of intelligence files were destroyed.

4. Complete the physical review of the seventh collection of division of international security affairs records (approximately 90 cubic feet) stored in the Germantown records holding area.

# U.S. Department of Energy

Washington, D.C.

## ORDER

DOE 1324.2

5-28-80

SUBJECT: RECORDS DISPOSITION

**PURPOSE.** To assign responsibilities and authorities and to prescribe policies, procedures, standards, and guidelines for the orderly disposition of records of the Department of Energy (DOE) and its operating and onsite service contractors.

2. **CANCELLATION.** DOE 1324.1, RECORDS DISPOSITION, 7-10-78.

3. **SCOPE.** The provisions of this Order apply to all elements of DOE and DOE operating and onsite service contractors and subcontractors. With respect to these contractors, the records disposition policies, procedures, standards, and guidelines apply to all records created, collected, or maintained using Government funds, unless by contract provision the Government does not have the right to assume custody or control of the records.

4. **REFERENCES.**

- a. Federal Property Management Regulation (FPMR) § 101-11.403, which prescribes that each Federal agency shall compile, and maintain on a current basis, a records control schedule for all major groups of records in its custody having importance in terms of content, bulk, or space and equipment occupied.
- b. General Services Administration (GSA)-National Archives and Records Service (NARS) Records Management Handbook, "Disposition of Federal Records," Federal Stock No. 7610-01-055-8704, which discusses the nature of an effective records disposition program. Copies of the handbook have been distributed to officials having records management responsibilities.
- c. DOE and contractor organizations shall comply with the applicable security requirements for transmitting, storing, or disposing of classified records. The directive series number is 5632 for the issuance of specific standards, procedures, and requirements for the protection of classified matter.
- d. Federal Property Management Regulations § 101-11.410-2 and GSA-NARS Records Management Handbook, "Federal Records Centers," Federal Stock No. 7610-298-6904, which provide instructions and requirements for making optimum use of the Federal Records Center system.

DISTRIBUTION:  
All Departmental Elements

INITIATED BY:  
Office of Organization and

DOE 1324.2  
5-28-80

Attachment IV-1  
Page 157

DOE RECORDS SCHEDULE 16

DESCRIPTION OF RECORDS

S FILES (Standardization and Control).

Form files containing data showing the inception and scope of the form, the program or administrative purpose served by the form, and the related procedures instituted, revised, superseded, or cancelled.

Working papers, background materials, requisitions, specifications, processing data, and control records.

RESPONSE FILES. General subject response files, consisting of letters, memos, messages, studies, reports, and other data documenting or implementing plans, policies, procedures, assignments, opinions, and decisions relating to DOE program and staff activities, or pertaining to internal administration or operations.

Files documenting the development of plans and policies pertaining to the mission, program, or functions for which the concerned division, office, field office, laboratory, or contractor has primary responsibility; opinions and decisions of an important policy or precedent nature; and summary reports and data reflecting its overall accomplishments. (These files will generally be found in the offices of principal staff of Headquarters offices and divisions, field organizations, laboratories, and contractors.)

Files of an operational nature documenting implementation of the clearly established mission, programs, policies, and procedures for which the division,

RETENTION PERIOD

10 years after form is discontinued, superseded, or cancelled.

Until related form is discontinued, superseded, or cancelled.

Permanent.

15 years.

DOE RECORDS SCHEDULE 16

ITEM NO. DESCRIPTION OF RECORDS

RETENTION PERIOD

office, field office, laboratory, or contractor has primary responsibility, provided that the documentation in a. is preserved.

6 years.

c. Files documenting transactions of a routine character, generally recurring of particular transactions of a mission, program, or activity, and which essentially are summarized or duplicated in records described in b. above, maintained at a higher organizational level.

2 years.

d. Files pertaining to internal administration and operations, and informational copies of correspondence, forms, publications, reports, and other issuances relating to temporary needs and routine nonmission or nonprogramming responsibilities.

3 months.

e. Acknowledgments and transmittals of inquiries and requests that have been referred elsewhere for reply; routing requests for information and replies thereto; anonymous letters, letters of commendation, complaint, criticism, and suggestions and replies thereto, exclusive of those leading to investigative or administrative action and those incorporated in individual personnel files.

3 years.

6. RECORDS HOLDINGS FILES. Statistical reports of agency records holdings required by the General Services Administration, including feeder reports from all offices and data on the volume of records disposed of by destruction or transfer.

1 year after the year in which the project is closed.

7. PROJECT CONTROL FILES. Memoranda, reports, and other records documenting assignments, progress, and completion of projects.

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DISTRIBUTION:  
All Departmental Elements  
Federal Energy Regulatory Commission (Info)

INITIATED BY:  
Office of Organization and  
Management Systems

DOE RECORDS SCHEDULE 1B

- | <u>ITEM NO.</u> | <u>DESCRIPTION OF RECORDS</u>                                                                                                                                                                                                                                                                                                      | <u>RETENTION PERIOD</u> |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|                 | <u>CLASSIFIED INFORMATION ACCOUNTING AND CONTROL RECORDS</u>                                                                                                                                                                                                                                                                       |                         |
| 1.              | Records accumulating from measures taken to protect classified information from unauthorized disclosure in accordance with Executive Order 10501, other executive orders, or statutory or regulatory requirements.                                                                                                                 |                         |
| 2.              | (RESERVED)                                                                                                                                                                                                                                                                                                                         |                         |
| 3.              | <u>DOCUMENT RECEIPT FILES.</u> Classified document receipts, relating to the receipt and issue of classified documents.                                                                                                                                                                                                            | 2 years.                |
| 4.              | <u>DESTRUCTION CERTIFICATES.</u> Classified documents destruction certificates relating to the destruction of classified documents.                                                                                                                                                                                                | 2 years.                |
| 5.              | <u>CLASSIFIED DOCUMENT INVENTORY FILES.</u> Forms, ledgers, or registers used to show identity, internal routing, and final disposition made of classified documents, but exclusive of classified document receipts and destruction certificates and documents relating to Top Secret material covered elsewhere in this schedule. | 2 years.                |

DOE RECORDS SCHEDULE 1B

- | <u>ITEM NO.</u> | <u>DESCRIPTION OF RECORDS</u>                                                                                                                                                                                                                                                                                                                                                                                                          | <u>RETENTION PERIOD</u>                                                 |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
|                 | <u>FACILITIES SECURITY AND PROTECTIVE SERVICES RECORDS</u>                                                                                                                                                                                                                                                                                                                                                                             |                                                                         |
| 8.              | <u>CLASSIFIED DOCUMENT CONTAINER SECURITY FILES.</u> Forms or lists used to record safe and padlock combinations, names of individuals knowing combinations, and comparable data used to control access into classified document containers.                                                                                                                                                                                           | Until superseded by a new form or list, or upon turn-in of containers.  |
| 9.              | (RESERVED)                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                         |
| 10.             | <u>SURVEY AND INSPECTION FILES (GOVERNMENT-OWNED FACILITIES).</u> Reports of surveys and inspections of Government-owned facilities conducted to ensure adequacy of protective and preventive measures taken against hazards of fire, explosion, and accidents, and to safeguard information and facilities against sabotage and unauthorized entry.                                                                                   | 3 years, or 3 years after termination of facility, whichever is sooner. |
| 11.             | <u>SURVEY AND INSPECTION FILES (PRIVATELY OWNED FACILITIES).</u> Reports of surveys and inspections of privately owned facilities assigned security cognizance by Government agencies, and related papers.                                                                                                                                                                                                                             | 4 years, or 3 years after termination of facility, whichever is sooner. |
| 12.             | <u>INVESTIGATIVE FILES</u> accumulating from investigations of fires, explosions, and accidents, consisting of retained copies of reports and related papers when the original reports are submitted for review and filing in other agencies or organizational elements; and reports and related papers concerning occurrences of such a minor nature that they are settled locally without referral to other organizational elements. | 2 years.                                                                |

- |    |                                                                                                                                                                 |                                                                                   |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 6. | <u>TOP SECRET ACCOUNTING AND CONTROL FILES.</u>                                                                                                                 |                                                                                   |
| a. | Registers maintained at control points to indicate accountability over Top Secret documents, reflecting the receipt, dispatch, or destruction of the documents. | 5 years after documents shown on forms are downgraded, transferred, or destroyed. |
| b. | Forms accompanying documents to ensure continuing control, showing names of persons handling the documents, intra-office routing, and comparable data.          | Until related document is downgraded, transferred, or destroyed.                  |
| 7. | <u>ACCESS REQUEST FILES.</u> Requests and authorizations for individuals to have access to classified files.                                                    | 2 years after authorization expires.                                              |