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U.S. Department of Energy

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Office of Inspector General

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Report on

**Public Access to Classified Reports at  
the Los Alamos Scientific Laboratory**

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March 26, 1980

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Report No. IG-105 *DOE/IG-105*

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U. S. DEPARTMENT OF ENERGY  
OFFICE OF INSPECTOR GENERAL

REPORT ON  
PUBLIC ACCESS TO  
CLASSIFIED REPORTS AT THE  
LOS ALAMOS SCIENTIFIC LABORATORY

Report No: DOE/IG-105  
~~IG-105~~

APPROVED: /s/ Thomas S. Williamson, Jr.  
Deputy Inspector General

Date: March 26, 1980

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209

## Table of Contents

	<u>Page</u>
SUMMARY .....	1
BACKGROUND.....	6
Technical Reports .....	6
Comprehensive Classification Review Program .....	7
LASL Libraries .....	10
May 1978 - Rotow's First Discovery of an Erroneously Declassified Report .....	11
RESULTS OF INVESTIGATION	
One Year Later: May 1979 - Rotow's Discovery of a Second Classified Report.....	12
Erroneous Declassification Markings on UCRL-4725 .....	19
Earlier Warnings of Erroneous Markings of Declassification .....	22
UCRL-5280 .....	25
UCRL-1 .....	27
UCRL-4725 Series .....	29
Classified Reports That Had Been in the Publicly Open Section of the LASL Library .....	32
1978 .....	32
1979 .....	39
Classification Errors During Comprehensive Review.....	41
Lawrence Livermore Laboratory (LLL).....	41
Isotype Separation Reports .....	43
Naval Reactor Reports .....	44
Helios Reports .....	44
RECOMMENDATIONS .....	45
<u>APPENDIX</u>	
Comments from the Assistant Secretary for Defense Programs	

REPORT ON PUBLIC ACCESS  
TO CLASSIFIED REPORTS AT THE  
LOS ALAMOS SCIENTIFIC LABORATORY

This report stems from a request by Senator John Glenn that the Office of Inspector General conduct an investigation of Demitri Rotow's discovery in May 1979 of a classified nuclear weapons report, UCRL-4725, on the open shelves of the public portion of the library of the Los Alamos Scientific Laboratory (LASL). The field work for this investigation took place between September 14, 1979 and November 7, 1979.

SUMMARY

The first section of this report provides background information on LASL's libraries. Notably, in April 1977 LASL established a public area of its library that contained technical reports that were unclassified or that had been declassified. The declassified reports included those that had been declassified between 1972 and 1976 as part of the former Atomic Energy Commission's Comprehensive Classification Review Program (Comprehensive Review).

In May 1978, Demitri Rotow, an uncleared person, discovered a classified nuclear weapons report on the open shelves at LASL. Mr. Rotow brought this report to the attention of LASL staff, and left the impression that he had not circulated the report to any unauthorized persons. It was later determined that this report had been mistakenly declassified during the Comprehensive Review.

A year later, in May 1979, the same Mr. Rotow returned to the publicly open section of the LASL library and discovered on the shelves a weapons report that was mistakenly marked as declassified. This report is known as UCRL-4725. This time Mr. Rotow apparently made copies of the report and distributed it to unauthorized persons.

Our investigator learned that UCRL-4725 had been erroneously marked as declassified at LASL as a result of an error in the declassification instructions that had been sent to LASL. Those instructions seem to have indicated that the entire report had been declassified when, in fact, only an excerpt of the report should have been declassified.

The next section of our report documents instances of erroneous use of declassification markings that should have put LASL on notice about the risk it was running by making previously classified technical reports available to the public on open shelves. For example, following Rotow's first discovery in 1978 of an erroneously declassified report, DOE undertook a review of declassified weapons reports at LASL as part of a response to an order that LASL move the declassified weapons reports from the unclassified section to the classified section. Within a few weeks LASL staff had pulled from the open shelves a number of reports, several relating to weapons development, which had been improperly marked as declassified. Yet, the

unclassified report collection remained open at the LASL library until after Rotow's second visit a year later when he discovered and later disseminated UCRL-4725.

Our investigator also noted that anomalies in the declassification markings of other reports in the monthly weapons report series that included UCRL-4725 were known to LASL apparently as early as 1975. Errors in the declassified markings of the entire rather than the excerpted versions of other reports in the same weapons report series had come to the attention of DOE in 1976 and again in 1977. However, no one examined the whole report series for similar mistakes in declassification.

Moreover, our investigator was advised by LASL staff that not only reports erroneously marked as declassified but also many classified reports were on the open shelves of LASL's new library during the period from April 1977 to May 1979. Those classified reports were mixed in with the unclassified reports by mistake when LASL's technical report collection was moved to the area where LASL established its open library. Some of those classified reports were found by library staff in the open shelves soon after Rotow's first visit to the library in May 1978. More classified reports were found after Rotow's second visit to the library in May 1979.



In addition, we learned that the discoveries of those classified reports on the open shelves during 1978 were not reported as security violations to DOE as they should have been.

During the Comprehensive Classification Review Program, which had started in 1972, several other categories of classified reports that had been erroneously declassified or erroneously marked as declassified were known to DOE's predecessor agencies as early as 1974. While such reports remained within secured areas of DOE facilities, there was little chance that they would be discovered by unauthorized persons. The opening of the unclassified report collection at the LASL library in April 1977, however, permitted public exposure of both erroneously declassified reports and improperly handled classified reports as well. It is not now known who may have read and copied such classified reports in the public section of the LASL library which was not closed to unauthorized persons until May 1979.

We have recommended that LASL's unclassified report collection in its new library be permanently removed to its vault for classified materials and that those persons who were responsible for LASL's failure to report to DOE the security violations involving the classified reports found on LASL's open shelves in 1978 be disciplined. We understand that such action has been started but is not yet completed.

Detailed comments on the draft version of this report were provided to us by the Assistant Secretary for Defense Programs. All but a few of those comments were incorporated into the final version of the report and the comments themselves together with their two enclosures appear in the Appendix to the report.<sup>1/</sup>

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<sup>1/</sup> Page references in comments on draft version no longer correspond to final version of the report.

BACKGROUNDTechnical Reports

The Los Alamos Scientific Laboratory (LASL) is a government-owned contractor-operated (GOCO) National Laboratory that is operated by the University of California for the Department of Energy (DOE). Formerly, LASL was operated for DOE's predecessor agencies, the Energy Research and Development Administration (ERDA) and the Atomic Energy Commission (AEC). The laboratory has been engaged since the 1940's in the design and development of nuclear weapons. Technical reports describing progress in these areas were regularly issued by LASL and other GOCO laboratories, including Lawrence Livermore Laboratory (LLL) and its predecessor, the University of California Radiation Laboratory (UCRL). These other laboratories were also involved in nuclear weapons design and development.

Government laboratories over the past thirty years have issued thousands of technical reports containing data on diverse scientific subjects. Under the Atomic Energy Act of 1954, however, all data concerning (a) design, manufacture, or utilization of atomic weapons; (b) the production of special nuclear material; or (c) the use of special nuclear material in the production of energy (with special exclusions)<sup>1/</sup> are

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<sup>1/</sup> Restricted Data do not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954.

defined as "Restricted Data" and falls within one of the three categories of classified information which also includes Formerly Restricted Data and National Security Information.

Pursuant to the Atomic Energy Act, moreover, the dissemination of Restricted Data is controlled by the government so that only properly authorized persons have access to such classified information. Thus, technical reports containing classified nuclear weapons data are Restricted Data or Formerly Restricted Data and are so marked together with their level of classification, either Confidential or Secret, when originally issued. They are stored within secured areas of DOE facilities and are accessible only to authorized persons on a "need-to-know" basis. Persons granted access authorization to all levels of Restricted Data are known as "Q-cleared."

#### Comprehensive Classification Review Program

From 1972 through 1976 AEC/ERDA performed a comprehensive review of all "AEC and AEC contractor files to assure that all documents warranted the classifications they bore."<sup>1/</sup> This program was known as the Comprehensive Classification Review Program (Comprehensive Review). A total of about 2.8 million documents was reviewed, and about one-half of them were declassified, including about 36,000 primarily technical reports. The remaining

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<sup>1/</sup> See testimony of Duane C. Sewell, Assistant Secretary for Defense Programs, presented on October 2, 1979 before the Honorable John Glenn, Chairman, Subcommittee on Energy, Nuclear Proliferation and Federal Services.

documents were memorandums, letters, notes and other informal correspondence that were either destroyed or left in files. Of those 36,000 technical reports, about 2,000 were nuclear weapons related reports. The Comprehensive Review was apparently subject to a certain amount of prescreening that eliminated the need to review certain documents.

During the Comprehensive Review, AEC/ERDA modified normal declassification policies and procedures which required two levels of review before formal research and development reports could be declassified. No second level review was regularly performed during the Comprehensive Review. Also, it should be noted that declassifications were normally carried out by AEC/ERDA and contractor classification specialists having either scientific or technical backgrounds and expertise in the area of classification. During the Comprehensive Review, however, personnel who had scientific or technical backgrounds but who lacked classification expertise declassified many documents. Some of these persons reviewed and declassified technical reports outside their areas of technical expertise.

Classified technical reports had been given wide distribution within secured government and contractor facilities involved in weapons development. Taken as a whole, those facilities are often referred to as the Weapons Complex. There existed, therefore,

not only the original reports but consecutively numbered copies of those reports in classified report libraries throughout the Weapons Complex. Each copy, of course, also showed markings of its original classification.

As technical reports were declassified during the Comprehensive Review, lists containing report titles were made by the Technical Information Center (TIC) of the AEC and distributed to all facilities holding those reports and their copies. The lists, known as Supplements to Indexes of Limited Distribution Reports, notified holders of those reports of the Changes of Classification that had been made during the review. Based upon such notices, staff at facilities having the listed technical reports physically altered the reports and their catalogue numerical reference cards. This was done by canceling their original classification markings, citing on the reports the appropriate Supplement as authority for such declassification, and marking the reports and reference cards unclassified.<sup>1/</sup> Thereafter, the declassified reports and cards were handled in the same manner as originally unclassified reports.

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<sup>1/</sup> Comments on our draft report pointed out that ". . . the description of the mechanics for declassification should include the requirement for posting the security accountability records of Secret documents to reflect the declassification action." Several weeks after our investigator had conducted his investigation we received information about library inventory records; this is discussed below at page 32 of our report.

LASL Libraries

In April 1977 a section of the LASL library, was opened to the public as a part of the National Security and Resources Study Center. On the main level of the library technical books and journals were stored on open shelves behind the card catalogues near the entrance. Microfiche, microfiche readers, and a copying machine were also available for public use. On the lower level of the library, reached by an open semicircular stairway from the main level, unclassified technical reports and journals stored on open shelves, a journal catalogue, and another copying machine were equally available to the public. Also on the lower level of the library, but physically separated from the unclassified reports and journals, was a classified repository not open to the public. This vault contained classified reports and journals, the classified report catalogue, and motion picture films (Exhibit A).

Before the opening of this new section of the library in 1977, its collection had been stored at two separate locations in the LASL Administration Building. Technical books and journals were available to the public in a library located in an unsecured area of the Administration Building. All technical reports, both classified and unclassified, and the report card catalogue, however, were stored in a vault within the secured area of the Administration Building. In the vault itself, access to

the library stacks that held both classified and unclassified technical reports interfiled together was restricted to cleared library personnel.

In 1977 when the LASL library moved from its two locations in the Administration Building to its new building, its collection was physically split into classified and unclassified materials. Thus, the earlier physical separation in the old library of books and journals from technical reports was abandoned in favor of a physical separation of unclassified from classified materials in the new library. Declassified technical reports, handled in the same manner as reports that had never been classified, were also moved to the public area on the lower level of the new library. Those declassified reports, still showing their original classification, as well as their declassified status, were then interfiled with other unclassified reports. Declassified reference cards, some pink in color and still showing their original classification, were interfiled among the white cards of the unclassified report catalogue.

May 1978 - Rotow's First Discovery of an Erroneously  
Declassified Report

On May 9, 1978, Demitri Rotow, an unclassified person, was in the public area of the new LASL library. He searched the unclassified card catalogue for technical reports, and pulled several still classified reference cards and a card for a report that had



previously been declassified. Rotow requested a copy of that report and was given the TX-7-X1 bomb report which had been declassified during the Comprehensive Review. He examined the report and notified Art Freed, Head Librarian, that it was classified information and not unclassified as marked on the report (Exhibit B). DOE later determined that the report contained nuclear weapons data and was indeed classified; it had been erroneously declassified during the Comprehensive Review.

As a result of Rotow's discovery of that misclassified nuclear weapons report in the LASL library, DOE instituted a program throughout the Weapons Complex to find all technical reports that had been marked declassified during the Comprehensive Review and that might contain weapons information and to re-review them. The unclassified and declassified technical reports area on the lower level of the LASL library, nevertheless, remained open to the public.

#### RESULTS OF INVESTIGATION

##### One Year Later: May 1979 - Rotow's Discovery of a Second Classified Report

On Monday morning, May 7, 1979 Demetri Rotow was in the LASL library again. He told Lois Godfrey, the Acting Head Librarian, that he would be searching all declassified literature. Godfrey had already notified Del Sundberg, Head of LASL's Information Services Department, of Rotow's presence. By using the card

catalogue to locate weapons related reports, Rotow and his assistant pulled reports from the open shelves and placed them on a library table. One of the technical reports was UCRL-4725, "Weapon Development During June 1956-Number 24." (See Exhibit C.) On the same day, John Russell, a member of LASL's International Technology Group, learned from Sundberg that Rotow had returned.

While in the library the next day, Tuesday, Russell saw a table with stacks of reports that he took to be Rotow's. Russell saw material on the top of one stack that interested him. After the library had been closed to the public, Russell was again in the library and looked through the material stacked on the table. He found UCRL-4725 and a photocopy of that report. Knowing the report must have been mistakenly marked as declassified because it contained classified information about the design of H-bombs, he telephoned Sundberg and described his discovery.

Sundberg asked Russell to take both the UCRL-4725 report and the copy home with him. Sundberg received the report and its copy later that evening from Russell and locked them in his office safe. He then telephoned Joseph Watts, Acting Head of LASL's Classification Section, who said he would look at the document the next morning.

On Wednesday morning Sundberg and Watts determined that the report, UCRL-4725, had been erroneously marked as declassified. Sundberg tried to reach Robert N. Thorn, LASL's Acting Director,

but he was not available at that time. Sundberg instructed Godfrey to remove all cards referring to UCRL-4725 from the card catalogue.

Early that morning Rotow had also returned to the library and discovered that UCRL-4725 was missing from the stacks of materials on his table. He and his assistant looked for it on the open shelves and then asked a library staff member for help in locating the document because, they said, they could not find the report.

Late Wednesday afternoon Sundberg brought UCRL-4725, the copy, and the Technical Information Division (TID) listing with him to a meeting with Thorn and Charles Browne, then LASL's Associate Director for Administration. Sundberg reported that he believed Rotow was the person who had found UCRL-4725. The LASL staff concluded that there had clearly been a security violation that would have to be reported to DOE. That evening Sundberg told Godfrey what had occurred and also that no one had as yet told Rotow.

On Thursday morning Browne instructed Godfrey that "the library 'would have to pull all weapon data if ever classified off the shelves and into the vault, because we cannot have confidence in the declassification procedure.'" <sup>1/</sup> It was estimated at

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<sup>1/</sup> See Exhibit C, page 8.

the time that the removal of all declassified reports would take several weeks. Soon thereafter Rotow went to Godfrey's desk and told her that UCRL-4725 was missing from his table. He asked her what had happened to it, and she said she would look into it. On several other occasions during the day Rotow asked Godfrey what had happened to the missing report.

In the meantime, LASL had notified DOE's Los Alamos Area Office, its Albuquerque Office, and its Washington Headquarters. DOE told LASL that steps were to be taken to prevent any further compromises of security.

It was decided that access to the entire lower level of the library should be controlled. Rotow was permitted, nevertheless, to stay in the lower level of the library for the remainder of that day. At about 3:30 that afternoon LASL officials told Rotow that the lower level of the library would be "closed for inventory and review" as of 5 p.m. that day. Rotow asked them if the closing of the lower level was because he had found a classified document, and they replied they had no idea. At about 4:20, J. Domenic, Chief of DOE's Security Section of the Los Alamos Area Office, spoke to Rotow and asked him for permission to make a list of all documents Rotow had photocopied; Rotow refused. Rotow mentioned the missing report to Domenic who said he knew nothing about it. Rotow and his assistant then left the library.

On Friday morning Rotow and his assistant arrived at the library at about 9:00 and found that the lower level had been closed to persons without clearance. Rotow inquired about the reasons for the closing of the library and left. That afternoon Rotow met with Browne at the LASL Administration Building. Browne told him that an improperly declassified document had been found in the unclassified report section and that he could no longer have unrestricted access to that section. Rotow asked if the document referred to was UCRL-4725, and Browne did not answer. Browne told Rotow that he could see any document after classification review, but Rotow said that such a procedure was unacceptable to him. After this discussion, Rotow left.

Our investigator spoke to John Russell, a staff member of LASL's International Technology Office, who told him that on Tuesday morning, May 8, 1979, he was in the public area of the lower level of the LASL library and saw a table by the stairwell heaped with reports. Russell said that that evening at about 5:30 he was leaving the building through the library. The library would ordinarily have been closed at that time, but cleared persons are permitted to use the library after working hours. Russell again noticed the reports piled on the table and on two or three chairs. He recalled that there were on the order of 100 or more reports.

Since it was his job to search the open literature for what might be useful to designers, Russell looked through those unclassified reports; and he was astonished to find UCRL-4725. He told our investigator he had no doubt that Rotow had already identified UCRL-4725 as sensitive. The report and a photocopy were located about four documents from the top on one pile. Russell said he had not noticed any other photocopies with those reports. He told our investigator, moreover, that no other reports on the table aroused his suspicion that they might have been erroneously declassified or erroneously marked as declassified.

Our investigator discussed with Russell the method Rotow might have used to find UCRL-4725. Russell said that he believed Rotow's testimony at a subsequent Senate hearing that he simply went to the card file in the open library, looked under "H-Bomb" and found a reference to nuclear weapons development which in turn noted 20 or 30 other references, UCRL-4725 being one of them.

It would appear that the course of action to take with Rotow, starting on Tuesday afternoon after Russell first saw "the interesting document," was a problem that created uncertainty for DOE and its contractor personnel at LASL. Rotow was not told by LASL that UCRL-4725 was classified and that the unclassified marking on the report had been an error. Sundberg told our investigator that when a security violation occurs, that fact

in itself is to be held as classified information until DOE reviews the matter with respect to damage and further dissemination. The occurrence of a security violation, he explained, must be held in confidence even from the violator himself. Our investigator asked Sundberg whether written instructions to that effect existed. He said that none existed, but such restrictions had long been understood among those working in the area of classification.

Even after DOE was notified on Wednesday of Rotow's discovery of UCRL-4725, he was not told that the report was classified. Had Rotow been informed that the document was classified, ". . . from that time on any disclosure or dissemination of its contents would have been a criminal act under the Atomic Energy Act of 1954."<sup>1/</sup> During several interviews with classification officers, our investigator was told about the unwritten rule against disclosure of a security violation, even to the person committing the violation. On the other hand, our investigator has also been told by the same classification officers and others that they believe Rotow knew all along that he had discovered a classified document.

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<sup>1/</sup>The quoted statement is taken from page 7 of the Report of the Comptroller General of the United States to the Honorable John Glenn, dated September 19, 1979. (See Exhibit VV.)

While Rotow was still being permitted free access to the unclassified report section of the library on Thursday and while he was making inquiries at LASL as to what happened to UCRL-4725 and its copy on Friday, DOE had not yet reviewed the nature of the security violation so as to make its determination. DOE could have made a determination to inform Rotow that he had discovered a classified document and was thus under criminal sanctions to restrict its dissemination. Evidently a determination was made not to tell him and hope for the best. As it turned out, Rotow did not simply return the document to the library as he had done with the bomb report the year before. It was later learned that Rotow had made copies of UCRL-4725 and sent them to various parties.

#### Erroneous Declassification Markings on UCRL-4725

During the Comprehensive Review, from 1972 to 1976, a Supplement to Indexes of Limited Distribution Reports, numbered TID-1395-S1 and dated December 31, 1973 (Exhibit D), was circulated to all facilities within the Weapons Complex as notification of changes in classification for the listed documents that had been reviewed and declassified. Report Number UCRL-4725 was listed on page 8 of that Supplement. Its title was shown as "Nuclear Rocket Propulsion (ROVER),( pages 23-29 only)." On July 30, 1975 a member of the LASL library staff had changed the Secret Restricted Data classification



markings on LASL's copy of UCRL-4725 by perforating all pages of the document and stamping its cover page. She filled in the blanks left by the stamp with the citation of the appropriate Supplement and with her signature and date.

When the copy of UCRL-4725 was removed in May 1979 from Rotow's library work table and examined by LASL staff, it was determined that it had been erroneously marked as declassified for the following reasons: the TID Supplement, a notice of declassification, had listed the report number as "UCRL-4725" whereas the listing should have shown the report number as "UCRL-4725 (Ex)" (emphasis added). The entire report had never been declassified during the Comprehensive Review. An excerpt from the report, i.e., pages 23-29 concerning the ROVER program, had been separately issued by AEC's Technical Information Center under report number: "UCRL-4725, Excerpts". Only the excerpted version had been declassified in 1973. The entire report had, however, been erroneously marked declassified at LASL in 1975.

Our investigator spoke with the library staff member who had erroneously marked as declassified the entire UCRL-4725 report. She said that she had been instructed to carry out the declassifications by working from the 1973 Supplement, TID-1395-S1, in the following manner: based upon report numbers shown in the TID listing, she pulled appropriate reference cards from the card index and corresponding reports from the library shelves.

Exhibit D1 is a copy of pages 8 and 9 from TID-1395-S1 on which that individual had made handwritten notations. Review of that Exhibit will show that at report number UCRL-4711 (Ex) she wrote "no" indicating that the report was not available. At the next listing, report number UCRL-4725, she wrote "yes-cd" which meant that she had pulled both the report and the card. She told our investigator that for each listed report to be declassified, she was supposed to pull the appropriate reference cards on all subjects. She was also instructed to mark the cards declassified by crossing out the level of classification with a red ball point pen and then writing the word "unclassified" over it. On the report itself she used a perforation punch at the bottom and top of each report. She then stamped the cover of the report and filled in the blanks to show the TID Supplement authority for declassification, her name, and the date.

The individual was shown page 8 of the library's copy of the TID Supplement and asked what the symbol "(Ex)" meant. She said she did not know then and does not know now. Our investigator asked her whether she had been instructed to verify page numbers shown in the Supplement listing against the report she was to mark declassified. She said that no one at LASL had told her about that.

She further told our investigator that she had never looked inside the reports she had marked declassified nor had she been instructed to do so. When all the reports in the

series involving UCRL-4725 had been marked declassified, she put the reports back on the shelves in the vault and filed the index cards in the unclassified white card catalogue. Since declassified reports were then handled in the same manner as reports which had never been classified, UCRL-4725 was placed on the open shelves for public access when the new part of the library opened in April 1977. Rotow discovered that report in May 1979.

As a result of that discovery, the lower level of the LASL library now remains administratively closed to uncleared persons. All declassified reports, particularly weapons data reports, are still being reviewed for erroneous declassification markings. A series of TWXs sent in May 1979 from DOE Headquarters to field facilities directed a page-by-page review of declassified reports, warned of listing errors in certain TIC Supplements, requested results of the reviews, directed that all declassified documents be handled as classified, and placed an interim moratorium on the declassification of nuclear weapons related reports (Exhibits E1, E2, E3, E4 E5). Several re-reviews of LASL's technical report collection have already taken place.

#### Earlier Warnings of Erroneous Markings of Declassification

After Rotow's first discovery of a bomb report in May 1978 all holders of classified documents in the Weapons Complex were instructed on June 29, 1978 to review reports relating to nuclear weapons that had originated from their installations

(Exhibit F). The memorandum noted that LASL had prepared lists of nuclear weapons reports by corporate author during their review. The Office of Classification told our investigator that LASL had identified such nuclear weapons reports only by titles as they appeared in the TID Supplements rather than the titles as they appeared on the reports themselves.

On July 7, 1978, moreover, DOE's Office of Classification notified LASL's Classification Officer that it was their understanding "that you will move declassified weapons reports from the unclassified section to the classified section of the library" (Exhibit G).

In furtherance of DOE's June 1978 instructions William A. Whitesell, Classification Officer at DOE's San Francisco Operations Office, sent a letter to Herman H. Teifeld, LLL's Classification Officer on August 22, 1978 (Exhibit H). That letter requested review of 49 documents dealing with nuclear weapons that LASL had found had originated at LLL. LASL staff had previously identified the UCRL series of monthly progress reports on nuclear weapons as those that might have been erroneously marked as declassified.

Pursuant to the LASL listings that identified weapons related titles, LLL sent to DOE's Office of Classification on January 9, 1979 a list of five declassified UCRL reports that they believed required upgrading (Exhibit I). Handwritten notations on the LASL listings (Exhibit H) indicate that

three of those five reports with weapons titles had been pulled off the open shelves at the LASL library within a few weeks of Rotow's discovery of the bomb report in May 1978.

DOE later determined that two of those reports, namely UCRL-5280 and UCRL-1<sup>1/</sup>, had been listed in the TID erroneously by omission of the symbol "Ex" and that the other three, namely UCRL-2 UCRL-3 and UCRL-4 (Exhibits J, K, L, respectively) had been improperly declassified in 1971 and 1973 and should have been upgraded (Exhibit 2). One of those reports, UCRL-2, was again later declassified by DOE's Office of Classification although LLL had recommended that it remain upgraded (Exhibit 3).

At the same time in May 1978, six other reports without weapons titles were pulled from the open shelves because of concern that they were reports that had been erroneously declassified.

(See Attachment to Exhibit H.) One of them has to date been determined to be declassified, namely UCRL-4.

The discovery on LASL's open shelves of those reports that had been erroneously declassified or marked as declassified occurred before the second Rotow incident at the LASL library in May 1979.

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1/ UCRL-1 is a fictitious number. To avoid the disclosure of classified information, all other technical reports hereafter discussed in this report will be identified by fictitious numbers. We will continue to refer to UCRL-4725 and UCRL-5280 by their actual numbers since that information is no longer treated as classified by DOE.

Nevertheless, the technical report collection containing declassified reports remained open to the public.

Our investigator has found, moreover, that several incidents before July 1978 concerning UCRL-5280 and UCRL-1 clearly indicated that mistakes had been made in the declassification listings of the UCRL monthly weapons report series which included UCRL-4725. Yet appropriate follow-up action was not taken, and the review in 1978 continued to focus upon titles as shown in the Supplement rather than the titles on the reports themselves.

UCRL-5280: Dan Baca, Section Leader for LASL's Classified Report Library, told our investigator that during the May 1978 review LASL staff had found UCRL-5280 on the open shelves by examining report titles in the TID Supplements. While the Supplement had listed UCRL-5280 as declassified, it showed its title as "Weapons Development During June 1958, Number 48." This was an obvious error because practically no weapons reports were properly declassifiable. Nevertheless, the entire report was found in May 1978 to have been marked declassified at LASL on July 30, 1975. The Supplement listing for UCRL-5280 had omitted the notation for excerpts in its title.

Although DOE and LASL officials were aware that UCRL-5280 existed in both entire and excerpted versions, no one at LASL or DOE, evidently, looked at even the title pages of

other reports on the shelf in the UCRL series for erroneous declassification markings resulting from similar omissions of the notation for excerpts.<sup>1/</sup> Both reports, UCRL-4725 and UCRL-5280, were stored on the same shelf in May 1978 in the LASL library. Because of its weapons title, UCRL-5280 was caught during the May 1978 LASL review but UCRL-4725, titled in the TID Supplement as "Nuclear Rocket Propulsion (ROVER)", was not looked for at that time and remained on the same open shelf of the library until its discovery by Rotow in May 1979.

DOE's July 1978 order that declassified weapons reports be moved to the classified section of the library was not effectively carried out at LASL. Since technical reports had been filed in alphanumerical order in the unclassified section of the LASL library, UCRL-5280 was on the same shelf as UCRL-4725. But, unlike UCRL-4725, UCRL-5280 was removed from the unclassified, open section of the library. It would appear, therefore, that even after DOE's later instructions, no physical inspection of the reports themselves, not even title pages, was made at that time. If such an inspection had been made, UCRL-4725 would have been found in the publicly accessible area of the library in 1978.

Del Sundberg, head of LASL's Information Services Division, told our investigator that no general review of classified reports was made in 1978. Only those reports first identified by the

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<sup>1/</sup> See pages 27 - 29 for our discussion of a similar situation relating to UCRL-1.

Supplement listing title and then pulled from the open shelves of the unclassified section were reviewed. Sundberg told our investigator that the possibility of closing the report section to the public was discussed at that time, the spring of 1978. He said his supervisor decided that review by title and card index alone was sufficient.

UCRL-1: While in the library of the Lawrence Livermore Laboratory (LLL), our investigator was shown by Marie Cushing, Supervisor of Circulation, a document from their records that concerned UCRL-1 (Exhibit M). That report was listed on page 9 of the 1973 TID Supplement as report number UCRL-1 and related to weapons. The Livermore document included a summary of a telephone conversation held on November 11, 1976 between Rose Corbin and "the librarian at the Los Alamos Scientific Laboratory." The caller had asked why UCRL-1 was the only weapons report listed as declassified in the 1973 TID Supplement while "other listings around it indicate the declassification is to be made on 'Excerpts'." Our investigator spoke to Rose Corbin about the telephone conversation. She said she believed that it was Dan Baca to whom she had spoken and that after noting his inquiry, she sent the memo over to LLL's Classification Office for review.

On Corbin's memo is a handwritten notation: "This one (UCRL-1) is SRD. E-LAWD. It was the Excerpt that should have been



declassified JWR 11/11/76." Our investigator spoke to James W. Ruff, now retired but formerly Classification Analyst at LLL, who recalled that Corbin had called him about a problem with UCRL-1. By examining both "UCRL-1" and "UCRL-1 Excerpts" Ruff saw, he told our investigator, that the entire document had been erroneously declassified at LLL on February 14, 1974 pursuant to the 1973 TID Supplement instead of "UCRL-1 Excerpts." He had "UCRL-1" reclassified SRD on November 22, 1976 (Exhibit N) and UCRL-1 Excerpts (Exhibit O) declassified on the same date.

Since a listing preceding UCRL-1 was UCRL-5280, entitled "Weapon Development During June 1958, No. 48" but without the "(Ex)", our investigator asked Ruff whether he had looked for other errors in declassification markings, particularly since the LASL caller had emphasized that other reports in the weapons development series were the excerpted versions only. Ruff replied that he had assumed "the system would notify itself." In fact UCRL-5280, i.e., the entire report, had also been erroneously marked as declassified at LLL on February 14, 1974 (Exhibit P) as well as the now notorious UCRL-4725 (Exhibit Q). Neither document, in fact, was properly reclassified to SRD at LLL until May of 1979. Both documents, however, had been protected at LLL as classified while awaiting an official upgrading notice. It would appear that at the time Ruff had the declassification errors corrected in 1976 for

both "UCRL-1" and "UCRL-1 Excerpt", no physical inspection was made at LLL or at LASL of other documents in the series.

On February 16, 1977, the Technical Information Center circulated to holders of classified documents a change notice (Exhibit R) referring to UCRL-1 and its excerpted version. Our investigator spoke with Thomas B. Abernathy, Chief of the Document Management Branch, Technical Information Center, who advised that the change notice was issued pursuant to instructions on February 11, 1977 from DOE's Office of Classification (Exhibit S). It was noted that the 1973 TID listing for UCRL-1 should have indicated that it was an excerpted version and that the symbol for excerpt had inadvertently been omitted. Again, apparently no examination was made in 1977 by either DOE's Office of Classification or by TIC of the 1973 TID Supplement which also showed other UCRL monthly weapons development reports with the symbol for excerpt omitted, including UCRL-4725.

UCRL-4725 Series: While browsing through reports shelved in the vault at LASL, our investigator pulled a batch of UCRL reports located on both sides of the empty file folder for UCRL-4725. The report itself had been sent to DOE headquarters. These other reports were all part of a series of monthly weapons reports issued by the University of California Radiation Laboratory.

In examining those reports, our investigator found that UCRL-6 had also been marked unclassified on July 30, 1975. UCRL-6 was a UCRL report listed after UCRL-4725 on page 8 of the 1973 TID Supplement (Exhibit T).

In fact, the following 14 UCRL reports, all part of the monthly weapon development series issued during the years 1957, 1958 and 1959, were also erroneously marked unclassified in the same manner: UCRL-7; UCRL-8; UCRL-9; UCRL-10; UCRL-11; UCRL-12; UCRL-13; UCRL-14; UCRL-15; UCRL-16; UCRL-17; UCRL-18; UCRL-19 and UCRL-20 (Exhibits U - HH respectively). All reports in the exhibit series, however, show black felt pen markings which obliterate the authority for, and date of, their declassification as well as the name of the person who performed the declassification. In addition, white labels stamped "SECRET" were gummed over the unclassified perforations. No other marking on the documents indicates by whom or when the corrections had been made.

Our investigator spoke to Freed, the Head Librarian, and Baca, the Section Leader for the Classified Library, about those 15 SRD reports (UCRL-6 and the 14 above). Both said that neither had made the corrections but believed that the individual who had marked them unclassified had immediately corrected her error. Our investigator then spoke to that individual and showed her the documents in question and asked whether she had made the corrections on those documents. She said she had not done so.

When our investigator reported her answer to Freed and Baca, they both said she must have forgotten about making the corrections in July 1975. Neither, however, could explain why, if that were

the case, she had not corrected UCRL-4725 which had been mistakenly marked as declassified on the same day as the other reports. Nor could they explain why that individual had not used the LASL method for corrections: a gummed label showing the words "Classification Correction, Classified \_\_\_\_\_RD." with another blank for filling in the date on which the correction was made. See, e.g., report number "Y-1" (Exhibit II).<sup>1/</sup>

Both Freed and Baca told our investigator that they believed the 15 reports starting with UCRL-6 (Ex), whose declassification markings had been obliterated, were never on the open shelves of the library. Neither could furnish, however, a date for the obliterations, nor could they explain why those reports would have been handled unlike other reports marked as declassified before being reclassified.

Exhibit D1 shows handdrawn lines bracketing some of the reports. Baca told our investigator those brackets were made by him and indicate that the included reports were not found in the public area of the library during the May 1978 review. Moreover, in December 1979, our investigator received from Freed a copy of a

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<sup>1/</sup> We have been advised in the comments on our draft report that such gummed labels were not developed until 1978, and indeed, were not intended for the purpose of correcting clerical errors in stamping.

LASL report dated October 30, 1979 which discusses those 15 reports (Exhibit JJ). Library inventory records would seem to show that the documents were treated as classified after October 1976. There was, however, no additional information to show when the erroneous declassification markings were corrected or by whom.

Classified Reports That Had Been in the Publicly Open  
Section of the LASL Library

1978: Art Freed, Head Librarian of the LASL library, told our investigator that after Rotow's discovery of the bomb report in May 1978, library staff reviewed the unclassified report collection. During that review they found about 30 reports marked classified on shelves open to the public on the lower level of the library.

The discoveries of those classified reports were made over a period of time from May to about December 1978. Freed told our investigator that he had reported at the time the finding of some of those classified reports to a member of LASL Security. He said that a handwritten list of those reports by number had been kept, but believed that the list had been thrown away. He was sure, however, that he had not provided the list of reports to LASL Security. Freed told our investigator that he did not now recall the subjects of the reports that had been found but did remember that they showed classification markings, some of which were Secret Restricted Data (SRD).

Freed further recalled that as the handwritten list of reports grew longer, he informed the same member of LASL Security on at least two or three occasions, and possibly also Delbert F. Sundberg, the head of LASL's Informational Services Department, that properly classified reports were being discovered in the open section of the library. Freed said that as classified reports were brought to him by library staff, he placed them on a stack on a table in the vault on the lower level of the library. He had begun to realize after he had notified LASL's Security about the earlier discoveries that nothing had been done about it. Freed said that perhaps he should have taken some further action himself but regrettably had not done so. Later the classified reports stacked on the vault table were simply interfiled among the other classified reports in the vault.

Our investigator asked Freed whether other persons in LASL knew about the discovery of classified reports in the public area of the library during 1978. He said he had attended a meeting in the Office of Charles Browne, then LASL's Associate Director for Administration, after Rotow's discovery of UCRL-4725 in May of 1979. He recalled that Robert Pogna, LASL's Security Officer, and possibly also Robert Krohn, LASL's Classification Officer, were also at that meeting. The discussion concerned the discovery in the public area of the library of 14 classified reports during the 1979 review of the unclassified report

collection. Freed told our investigator that at that point in the discussion he had reminded Browne that some 30 classified reports had also been discovered in the unclassified area of the library the year before.

Our investigator also interviewed Lois Godfrey, LASL's Assistant Head Librarian. While discussing measures taken at the library in the second half of 1978 to review weapons reports marked as declassified after Rotow's earlier discovery of the bomb report, she stated that they had then looked at every report on the shelf. Our investigator asked her whether any classified reports had been found during that 1978 review, and she replied that some 30 or so classified reports had been found on the open shelves and that a list of such reports had been made. She believed, but was not sure, that both the reports as they were discovered and the list had been given to Dan Baca, the Section Leader for LASL's Classified Report Library.

Our investigator spoke with Baca who confirmed that during the period May 1978 to December 1978 while reviewing the open shelves of the library for documents that may have been marked declassified in error, the library staff found classified materials that were brought to the vault. When asked how many classified documents were involved,

he replied 30 or so. He believed that those classified documents had not originated at LASL. He told our investigator that he did not recall whether he had kept an account of those documents, but he believed that no list had been made.

Baca stated that he did not discuss the discovery of those classified documents with anyone outside the library. When asked for his opinion as to how the classified documents had gotten onto the open shelves, he said that when the collection was split, some classified reports must have been mixed in with the unclassified reports. Baca further stated that among the reports found on the open shelves there were some, he was unable to recall how many, classified as Secret Restricted Data (SRD). Baca very definitely distinguished the 30 classified documents found in 1978 from the 14 classified documents that have been found on the open shelves of the library since May, 1979.<sup>1/</sup>

Our investigator spoke with Robert Pogna, LASL's Security Officer, who verified that the person to whom Freed said he reported was a member of his staff and in 1978 was the Chief of the Classified Documents Control Section. Pogna told our investigator that his staff member had never mentioned to him Freed's 1978 report

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<sup>1/</sup> See discussion on pages 39-40 for further details relating to the 14 classified documents found after May 1979.



about classified documents being found on the open shelves of the library during its review after the first Rotow discovery. He further advised our investigator that he did not recall that he had ever attended a meeting at Browne's office either in 1978 or in 1979 at which the subject of the 30 or so classified reports had been discussed. He said that if he had known about the 1978 discoveries, he would have reported them to DOE's Los Alamos Area Office (LAAO).

Our investigator also met with Browne that afternoon and told him about Freed's finding 30 or so classified documents in the libraries public area last year and reporting those facts to a member of LASL's Security staff. In addition, our investigator advised Browne that Freed said he had mentioned the matter to him during a meeting with him sometime this year after the second Rotow discovery of UCRL-4725. Browne denied having been informed at any time about those discoveries and requested a later meeting with our investigator after LASL had had time to conduct an in-house investigation of the matter.

Our investigator returned a week later to Los Alamos and met with Rosemary Harris, LASL's current Associate Director for Administration, and Robert Thorn, LASL's Deputy Director. They advised our investigator that during the preceding week LASL had started an in-house investigation concerning the

discovery of the 30 or so classified reports in the public area of the library in 1978. They said their investigators had essentially verified the information reported by our investigator the week before to Browne. The LASL investigators had confirmed that Freed had found 30 or so classified documents in the unclassified section of the library during the period from May to December 1978. Our investigator was also told that the LASL investigators had searched for Freed's list of those reports, but that they had been unable to find it and believe it may have been destroyed.

Harris also told our investigator at that meeting that Don Kerr, LASL's Director, had been kept informed of the results of their in-house investigation and that they had discussed its effect in deciding upon the future operations of the library. Harris said to our investigator that had LASL been advised of the discovery of those classified reports in the public area of its library last year, the library would have immediately shut down its unclassified report section. She told our investigator that in May 1979 after the second Rotow discovery access to all LASL technical reports had been closed to the public.

In June 1979 it had been thought at LASL that after a thorough review of the unclassified reports section, that section of the library could be again opened to the public. Harris told our investigator that LASL understood that DOE's Albuquerque

Operations Office Manager had wanted to reopen the library's unclassified reports collections (Exhibit KK). She said, however, that LASL had now definitely decided that the risk of any future discoveries of classified reports in the unclassified report section by uncleared persons was too great and that LASL had decided to protect all technical reports in a secured area as had been done before April 1977.

Harris later telephoned our investigator in Washington to advise that she had received a draft report of LASL's in-house investigation. A member of LASL's Security staff had admitted that Freed had told him about the discovery of a couple of classified documents in the public area of the library in 1978 and that he should have reported those discoveries to his supervisor in LASL. That member of LASL's Security staff also told the LASL investigators that he had never seen or, at least, did not now remember seeing a list of those documents. Harris told our investigator that LASL had concluded that properly classified documents were in fact discovered during 1978 in the public area of the library; that there had been about 30 such documents; that their classification was not known but some were SRD; and that the list of documents that Freed had kept had probably been thrown away (Exhibit LL).

Our investigator has recently received, however, a copy of a handwritten list of some 36 reports (Exhibit MM) and the same list in typed form (Exhibit NN) from the Associate Director of Administration who has described it as ". . . the list of possibly classified documents found on the open shelves by the LASL library staff during the period July 14, 1978, and December 1979 (sic)", (Exhibit OO). Baca has more recently advised our investigator that he and his assistant had made the handwritten entries on that list of some 36 reports. Freed also more recently told our investigator that he accidentally found in mid-December 1979 the handwritten list in a box located along the north wall inside the vault; the list was attached to one of the reports noted as an entry.

1979: Some 14 classified reports were found in the public area of the LASL library after May of 1979. When our investigator spoke to officials at LASL about whether the 14 classified reports found in 1979 were different from the 30 or so classified reports found in 1978 on the open shelves at LASL, the LASL officials readily agreed that the 14 classified reports discovered on the open shelves in 1979 were separate and distinct from the 30 or so classified reports found in the open in 1978.

During later discussions with DOE's Office of Classification, our investigator sought to verify whether DOE's list of the 14 classified reports found in the public area corresponded to

the 14 exposed classified reports reflected in LASL's records. Having been furnished DOE's list of 14 reports (Exhibit PP), our investigator checked the items on that list against the 14 classified reports shown in LASL's records. These records included a letter dated July 12, 1979 from LASL's Technical Information Group to DOE's Albuquerque Operations Office (Exhibit QQ) and an internal LASL memorandum dated August 3, 1979 describing certain 8 documents that were found "...on the 'open' side of the library which had (or still have) classification markings on them". (See Exhibit 4.)

Our investigator noted that 8 of the 14 documents listed in the LASL documents did not appear on the list provided to him by DOE's Office of Classification. Thus, it appears that the total number of documents with classified markings found on the open shelves after May 1979 was 22 rather than 14 (the fourteen plus the eight documents) and that DOE's Office of Classification was not fully aware of all such documents that had remained exposed to the public. Comments on our draft report advised that the presence of those eight in the open library did not constitute security infractions because they were apparently transmitted to LASL as unclassified documents though some were, no doubt, classified at one time. We were further advised that the 14 documents have since been reviewed and determined to be unclassified.

Classification Errors During the Comprehensive Review

Lawrence Livermore Laboratory (LLL): Our investigator interviewed Herman H. Teifeld, LLL's Classification Officer. Teifeld said he had participated in the preparations made at LLL in 1973 for the AEC review team scheduled under the Comprehensive Review the following year. LLL had decided to conduct a prescreening of its classified documents, and established a cutoff date of January 31, 1968. No documents issued after that date would be declassified. All documents, such as graphs, charts, and drawings were also excluded from possible declassification and review. Thus, about 40,000 LLL classified documents were prescreened for possible declassification under the Comprehensive Review.

The prescreening at LLL, our investigator was told, generated considerable skepticism as to the usefulness of the Comprehensive Review as it related to LLL's weapons related documents. The laboratory had already notified AEC's San Francisco Operations Office on July 13, 1972 (Exhibit RR) that "very few of our classified documents are not weapon related." LLL estimated that probably less than 15 percent of their weapons related documents would be declassifiable. In any case, the LLL recommendation was not accepted, and the AEC Review Team declassified many documents at LLL in 1974. That review did not include LLL reports that had been reviewed at other facilities.

Pursuant to the AEC Review Team's determinations, green or red top-stripped cards were affixed to the reviewed documents. Green cards were for declassified documents and red for those that remained classified. Teifeld told our investigator that LLL did not further change the markings on the reviewed documents that had been declassified because many mistakes in declassification were found as early as 1974. AEC's Division of Classifications was informed that LLL had found that documents, obviously classified by their titles alone, had erroneously been declassified. From LLL samplings at least 10 percent of the AEC Team's declassifications were erroneous. In one letter from LLL to the Division of Classification dated April 12, 1974 it was noticed that of 170 "declassified" documents reviewed, 91 were found to be still classified (Exhibit SS).

Teifeld said, furthermore, that after 1974 LLL simply never got around to declassifying any more of those AEC-reviewed documents and continued to handle them as classified materials by keeping them in a vault and making them available only to Q-cleared personnel.

There were, moreover, other discoveries by DOE between 1974 and May 1979 that several different types of report series had been erroneously declassified during the Comprehensive Review. Nevertheless, DOE permitted LASL to open and keep open its new library with public access to its technical report collection. Those other report series are discussed below:

Isotope Separation Reports: Our investigator learned that AEC's Division of Classifications had discovered in 1974 that a number of classified technical reports concerning isotope separation had been erroneously declassified during the Comprehensive Review at LASL in January and February of 1973. Notices of declassification had been circulated throughout the Weapons Complex by TID-1389-S1. A message from the Technical Information Center to AEC's Division of Classifications in February 1974 (Exhibit 5) listed by report number more than 100 classified technical reports that had been erroneously declassified. The Information Center instructed that they should be upgraded to their original classifications.

On March 15, 1974 the Technical Information Center circulated to facilities in the Weapons Complex a notice (Exhibit TT) that the listed documents (Exhibit 6) that had appeared in TID-1389-S1 were not declassifiable. LASL was also notified by the Division of Classifications (Exhibit 7) to upgrade any of those listed documents that they held. Our investigator was advised by DOE's Office of Classification that TID-1389-S1 had been withdrawn from circulation and that another TID was issued in its place in 1974 that omitted the erroneously declassified reports.



Naval Reactor Reports: Our investigator was further advised that Oak Ridge National Laboratory (ORNL) requested on May 25, 1978 that DOE's Office of Classification review 31 documents having questionable classifications (Exhibit 8). The Office of Classification notified ORNL on October 5, 1978 (Exhibit 9) that 16 of the 31 documents concerning naval reactors were to be upgraded to confidential restricted data (CRD).

Helios Reports: Our investigator was also advised that another group of five reports in a different UCRL series had been erroneously declassified through a TID notice of declassification (Exhibit 10). DOE's Office of Classification had on May 8, 1979 notified TIC that those five reports had been reclassified on May 2, 1979 (Exhibit 11). Accordingly, a TID notice of May/June 1979 (Exhibit 12) upgrading those five UCRL reports was issued to DOE facilities within the Weapons Complex.

By discussing these additional declassification errors, we do not mean to say that all or any of these reports actually found their way onto the publicly open shelves of LASL's library. Our point is simply that DOE was on notice that numerous declassification errors had occurred and that those errors might result in public access to classified documents in the open area of a library such as that maintained by LASL.

RECOMMENDATIONS

1) We recommended to senior officials at LASL that its unclassified report collection temporarily contained within an administratively secured area, be permanently removed to its vault. We understand that this recommendation has since been accepted. (See Exhibit UU.)

2) We also recommended to senior officials at LASL that corrective administrative action be taken against those responsible for LASL's failure to report to DOE the security violations with respect to the 30 classified reports found during 1978 in the public area of the LASL library. We understand that LASL has already acted upon this recommendation also. (See Exhibit 13.)

We plan to issue another report about the DOE's current review for proper classification of some 36,000 technical reports that had been declassified during the Comprehensive Review. Most are believed to have been properly declassified and are so marked, but pending final review at DOE's Office of Classification they are now being handled at all DOE facilities as classified reports. We know some of those reports have been on the open shelves at the LASL library, and others may also have been given public distribution after having been erroneously declassified but before having been properly reclassified.

We will, therefore, recommend that DOE complete its review of declassified reports to determine their proper classification, compile a list of all classified reports that may have been given public exposure so that damage to national security can be assessed, and furnish that assessment to the National Security Council ad hoc Nuclear Non-Proliferation Policy Committee. The corrective action now being taken by DOE will also be included in our later report about DOE's current review for proper classification of those technical reports that had been declassified during the Comprehensive Review.

**APPENDIX**

Comments on IG Report ED 80-1

"REPORT ON PUBLIC ACCESS TO CLASSIFIED REPORTS  
AT THE LOS ALAMOS SCIENTIFIC LABORATORY"

February 6, 1980

GENERAL COMMENTS

1. Throughout the report, the investigator refers to "erroneously declassified reports". Strictly speaking, it would be more correct if he referred to them as "reports erroneously marked as declassified", since the information contained in the reports per se was not in fact declassified.
2. With the passage of time, some of the data in the report has been superseded. It should be made clear that the data is accurate as of a specific date. Specific mention of this problem is made in several of the comments below.
3. In various places, the phrase "UCRL-4725 series" (or similar term) is used. In some instances it implies that UCRL may be composed of a number of 'volumes'. The fact of the matter is that LLL issued a series of monthly reports on weapon progress; each received a unique document number; and one of them was 4725. This should be clarified throughout the report.

SPECIFIC COMMENTS

1. PAGE 1, LINE 4

Reference is made to the "public library" of LASL. LASL has no "public library" in the commonly accepted meaning of the term. Only a portion of the library collection is accessible to the public, and we believe this distinction is relevant.

2. PAGE 2, PARAGRAPH 3

". . . following Rotow's first discovery of an erroneously declassified report in 1978, DOE ordered a review of all declassified weapons reports at LASL." This statement is not correct. DOE did not order a review of all declassified weapon reports at LASL during this time period (June-July 1978). LASL was asked to remove only those weapons reports which were declassified in the Comprehensive Classification Review Program (CCRP). The originators of the documents were then asked to rereview them for correct classification. The DOE understood that the method used to identify those reports was to be through the TID listings for the CCRP and on the basis of titles to identify weapon-related documents for review. This is covered in detail in a letter from Griffin to Roser dated June 29, 1978 (Exhibit F). (See also comment 24.)

3. PAGE 4, LAST PARAGRAPH

For accuracy, it should be noted that LASL is undertaking the task of moving its unclassified report collection to the vault, but that this action is not yet completed. (This comment also applies to page 42, Recommendation 1.)

4. PAGE 5, LAST PARAGRAPH

There is an implication here that all information falling within the definition cited is Restricted Data (i.e., is classified). The "special exclusions" should be spelled out as follows: "but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142". This is pertinent to comment (5) below.

5. PAGE 6, PARAGRAPH 1

It is implied that all technical reports containing nuclear weapon data are classified as Restricted Data. This is not accurate. Such reports may in fact be classified as Formerly Restricted Data, or may be unclassified.

Lines 4 and 5 should be changed to read: "Thus, technical reports containing classified nuclear weapons data are Restricted Data or Formerly Restricted Data, and are so marked together with their level of classification, Confidential, Secret or Top Secret, when originally issued."

6. PAGE 6, PARAGRAPH 2

". . . a comprehensive review of all classified documents in its files . . ."  
". No attempt was made to review all classified documents. Prescreening was done to eliminate documents prior to certain dates, documents recently classified, documents containing certain categories of information, etc.

7. PAGE 6, PARAGRAPH 3

Normal declassification policies and procedures at that time required two levels of review only for declassification of formal R&D reports. This was not a requirement for all documents.

8. PAGE 8, PARAGRAPH 1

For accuracy and completeness, the description of the mechanics for declassification should include the requirement for posting the security accountability records of Secret documents to reflect the declassification action.

9. PAGE 8, PARAGRAPH 2

For accuracy, the statement "In April 1977, a new library, the National Security and Resources Study Center . . ." should be changed to read "In April 1977, a new library, a part of the National Security and Resources Study Center . . .".

10. PAGE 9, PARAGRAPH 2, LINE 10

The phrase ". . . still showing their original classification . . ." should, for the sake of accuracy, read ". . . still showing their original classification, as well as their declassified status . . .".

11. PAGE 9, PARAGRAPH 2, LINE 12

There is a need to clarify the reference made here to "Declassified reference cards, pink in color ...". There are some catalog cards for classified reports which are indeed pink. There are also such catalog cards which are orange. Some of the latter also represent unclassified reports which were included in the weapon data index and which used that color of cards. There are a great many cards in LASL's catalogs for classified reports which are white and thus not distinguishable from other cards representing unclassified reports. We are emphasizing this seemingly minor point about colored cards to offset any impression from reading this report that one only need to look for pink, or salmon, or orange or whatever colored cards in the catalog to discover classified or formerly classified reports. Color might be a clue, but it would not yield information about all reports of potential interest.



12. PAGE 13, PARAGRAPH 1

The term "weapons data" should be deleted from the first sentence. In point of fact, the instructions were to have all reports that had ever been declassified removed from the shelves and moved to the vault, not just weapons data reports.

13. PAGE 13, PARAGRAPH 2

This should read "LASL had notified DOE's Los Alamos Area Office, its Albuquerque Office, and its Washington Headquarters."

14. PAGE 14, PARAGRAPH 2

Line 7 contains the statement "The library would ordinarily have been closed at that time, but a meeting was being held upstairs . . .". The existence of a meeting being held is irrelevant. The library is closed to the public or uncleared people at 4:30 p.m. each day, but is open to cleared (badged) members of the staff after working hours.

15. PAGE 15, LAST PARAGRAPH, and PAGE 16

There is no established rule concerning the decision to inform unauthorized individuals that they are in possession of classified information. Each case must be examined individually, with a decision being based on the circumstances involved and the necessity to minimize the damage to the national security. We have concluded, however, after receiving input from several field organizations, that an impression exists that to have informed Rotow that he was in possession of a classified document would have in itself been a security

violation. This impression is apparently based on existing regulations which deal with related but not identical situations. We are taking steps to clarify this situation.

16. PAGE 19, PARAGRAPH 1 and PAGE 20, PARAGRAPH 1

See comment 11.

17. PAGE 21, PARAGRAPHS 1 and 2

See comment 24 concerning Exhibits F and G.

18. PAGE 21, PARAGRAPH 3

Mr. Teifeld's letter (Exhibit H) requested the review of 49 documents, not 40.

19. PAGE 21, PARAGRAPH 4

Exhibit D1 identifies only 2 of the 5 reports listed in Exhibit 1, not 3. In conjunction with this, on page 22 paragraph 2, the first sentence should read, "DOE later determined that those two reports . . .".

20. PAGE 22, PARAGRAPHS 2 and 3

There is an implication here that UCRL-1 was removed from the LASL library shelves (i.e., "six other reports . . . were pulled . . ."). To our knowledge, UCRL-1 was never declassified at LASL and was not on the open shelves.

21. PAGE 22, PARAGRAPHS 2 and 3

Clarification is needed with regard to the status of the referenced reports. Between the time of the investigator's visit to LLL in October 1979 and his

ED 80-1.

visit to the Office of Classification in December, it was decided that all CCRP documents must receive a two-person review before a final determination is made. The notification of this decision rescinded any previous declassification determinations issued during the rereview process. All of the documents that had been referred to HQ for review and that had been determined to be unclassified (on the basis of a one-person review) now required a second HQ review for confirmation. For accuracy, UCRL-1 and 3 have been upgraded, UCRL-4 has been determined to be unclassified (final determination), and UCRL-2 and UCRL-5's classification status is pending a second review.

22. PAGE 22, PARAGRAPH 4

The sentence beginning "Those erroneously declassified reports on . . ." should be changed to read "The discovery of those reports erroneously marked as declassified . . .".

23. PAGE 23, PARAGRAPH 1

It should be noted that the error in the title of UCRL-4725 in the TID listing was not discovered until Rotow's second visit in 1979.

24. PAGE 24, PARAGRAPH 2

"DOE's July 1978 instructions that all declassified weapons reports be moved to the classified section of the library were not followed at LASL." This is not an accurate statement. There appears to be some confusion concerning the interpretation of statements made in Exhibits F and G (referenced on page 21

of the report). To the best of our ability to reconstruct the intent of the Exhibit G statement "that you will remove the declassified weapons reports from the unclassified section to the classified section of the library", we believe it is referring directly to "the declassified weapons reports" which had been identified by LASL for removal (as outlined in Exhibit F). The method used to identify those reports was through the TID listings for the CCRP and on the basis of this, weapons-related documents were identified for review. Had the TID notice for UCRL correctly indicated its title (rather than the excerpt title) UCRL-4725 would have been discovered.

25. PAGE 26, PARAGRAPH 2

The statement "Neither document, in fact, was properly reclassified to SRD at LLL until May of 1979." needs clarification. UCRL-5280 (as well as others) was discovered (approximately September 1978) as a result of Exhibit H. LLL protected the documents as classified while awaiting an official upgrading notice.

26. PAGE 29, PARAGRAPH 1

The "Classification Correction" gummed labels could not have been used in 1975 since they were not developed until 1978. It should further be noted that they were printed at that time for use by the Classification Office to correct documents erroneously marked as declassified after they had been reviewed by that office. They were not intended for the purpose of correcting clerical errors in stamping.

ED 80-1

27. PAGE 30, PARAGRAPH 1

There is perhaps some misunderstanding on the part of the investigator about whether Mr. Freed personally kept such a list. The evidence suggests that he did not. The list came to light recently and none of the entries are in Mr. Freed's handwriting. A more accurate statement should be "He said that a handwritten list of those reports by number had been kept, but believed that the list had been thrown away."

28. PAGE 32, PARAGRAPH 2

The phrase "May 1978 to May 1979" should read "May 1978 to December 1978".

29. PAGE 33, PARAGRAPH 2

The sentence "Our investigator spoke with Robert Poqna, LASL's Security Officer, who verified that (deleted) was a member of his staff and in 1978 was the Chief of the Classified Documents Control Section." contains an error in identification. (Deleted) was the chief of the Document Control Section of the LASL Security Office in 1978, not (deleted).

30. PAGE 33, PARAGRAPH 2

The sentence "He further advised our investigator that he had never attended a meeting at Browne's office either in 1978 or in 1979 at which the subject of the 30 or so classified reports had been discussed." is somewhat confused and misleading. Mr. Poqna does recall attending a meeting in Browne's office, which was also attended by Browne, Freed, and Krohn, in which there was mention of the 14 classified reports found during the post-Rotow II, 1979,

reviews. He does not recall mention of 30 or so reports which had been discovered after Rotow I, but before Rotow II, at that meeting, or anywhere else.

31. PAGE 36, PARAGRAPH 1 (3rd line from bottom)

"unknown" should be changed to read "known".

32. PAGE 36, PARAGRAPH 2

For comments on Exhibit MM, see comment 36.

33. PAGE 37, PARAGRAPH 3

The assumption that the LASL memo dated August 3, 1979 from Stillman to Browne (Exhibit 4) refers to eight more (i.e., in addition to the 14), classified documents found in the open library is incorrect. The documents referred to in that memo were removed, not because they were still classified, but because they bore marking anomalies or had been declassified. These were all non-LASL reports and were apparently transmitted to LASL as unclassified documents though some were, no doubt, classified at one time. The presence of these eight in the open library did not constitute security infractions. (Details on these 8 documents are at Enclosure 1.) In addition, it should be noted that the 14 documents have since been rereviewed and determined to be unclassified.

34. PAGE 38, PARAGRAPH 1 (line 8)

For clarity, this should read "All documents such as graphs, charts, and drawings were also excluded . . .".

35. PAGE 40, PARAGRAPH 2

This paragraph implies that an improper action was taken when TID 1389-S1 was cancelled and its replacement omitted the erroneously listed documents. It was never intended that the new TID should be the sole method to correct the previous errors. The list of documents to be upgraded was enclosed with the cancellation notice for TID 1389-S1. (See Exhibit TT.)

36. PAGE 42, RECOMMENDATIONS

It should be noted that the following additional actions have been undertaken by the DOE:

A. The DOE is in the process of establishing the proper current classification of the referenced 36 reports (Exhibit MM). If the determination is made that any of these reports are indeed still classified, they will be included in a damage assessment that will be provided to the NSC Ad Hoc Nonproliferation Group.

B. As an additional corrective measure, the DOE has established a set of detailed revised declassification procedures. These are briefly summarized at Enclosure 2.

ENCLOSURE 1

DETAILS CONCERNING THE EIGHT DOCUMENTS REFERRED TO IN EXHIBIT 4

RFP-356

This document was sent to LASL as unclassified. However, it was apparently Secret at one time, but the markings on the original had been covered over with tape at the top and bottom of the pages and then photo-reproduced to provide the declassified LASL copy.

WIN-100

This document was obviously issued as unclassified, but apparently the issuing organization ran out of unclassified cover stock so they took preprinted Secret cover stock and blocked out the stamp, but it was still faintly discernible.

NOLM-7062

While LASL's copy of this document was sent to them as unclassified, it appears that on the original from which their copy was made, the word "Confidential" had been obliterated.

WIN-95

Same explanation as WIN-100, but with the use of Confidential cover stock.

ORNL-981

The cover of this report bears no classification markings, indicating that LASL's copy was sent to them as unclassified. However, most of the pages bear a faint and almost illegible smudge that can be determined to read:



## Enclosure 1

"Confidential Official Use Only". It can only be speculated that the originator had made an attempt to obliterate the markings before unclassified copies were made, but that a rather poor job had been done. It is also very probable that even originally the document was never Confidential in the classification sense, but was "Company Confidential" or OUO.

### EG&G Tech. Memo B-20

This document had "Official Use Only" stamps on two drawings. The stamps had been crossed out.

### AWRE-ERN-61/61

This document was probably classified at one time, but whatever the markings were, they had been physically cut out of the top and bottom of each page.

### AF SWP-BiB-1

This document was issued as unclassified and correctly so. It is a bibliography which contains references to some classified reports, but none of their titles are classified.

All eight of these documents were reviewed by the LASL Classification Office, and were determined to be correctly unclassified.

## ENCLOSURE 2

### SUMMARY OF REVISED DOE DECLASSIFICATION PROCEDURES

1. Declassification of any document will require the review of two qualified individuals (i.e., knowledgeable in both the classification policy and the technical content of the document) who are specifically authorized to make such determinations.
2. Doubts concerning declassifiability will be resolved at the Office of Classification, Headquarters.
  - a. Explicit instructions are provided regarding the reporting of any irregularities discovered in declassification actions. All such irregularities, including, for example, the existence of an ambiguous declassification notice or the fact that a document has been erroneously marked as declassified in a local office, will be reported through channels to the Office of Classification, HQ, which has overall oversight responsibility for the DOE's declassification activities and will assure that appropriate corrective action is being taken.
3. Declassification notices are to be prepared, reviewed and signed by the authorized declassifier, who must insure that the notice accurately and uniquely describes the document.
  - a. Certain minimum information will be specified for declassification notices, including a statement informing the recipient of the specific conditions that must be met and specific steps that must be taken when cancelling markings on a document.

4. Declassification notices external to the originating organization will be submitted to the Office of Classification for review and coordination with the Technical Information Center for publication.
5. Prior to physically declassifying a document pursuant to an appropriate declassification notice, two persons must verify that the proper document is in fact being declassified.
6. Any extract or deleted version of a numbered classified document will be assigned a new number.
7. A declassification notice for an extract or deleted version will contain a prominent warning notice specifically stating that the basic document is not to be declassified, only the extract or deleted version.
8. If there is any doubt concerning the identity of a document to be declassified, no action will be taken until the person authorizing the declassification has been contacted for further information or confirmation.

Further, declassification authorities, responsibilities and procedures will be stressed in DOE's classification education program.