



Department of Defense

INSTRUCTION

NUMBER 5030.14

August 17, 2011

Incorporating Change 1, September 28, 2012

USD(AT&L)

SUBJECT: Disclosure of Atomic Information to Foreign Governments and Regional Defense Organizations

References: See Enclosure 1

1. PURPOSE. This Instruction reissues DoD Directive 5030.14 (Reference (a)) as a DoD Instruction in accordance with the authority in DoD Directive 5134.01 (Reference (b)) to:

a. Establish policy, assign responsibilities, and prescribe procedures governing disclosures of atomic information to foreign governments and regional defense organizations.

b. Continue authorization of the Joint Atomic Information Exchange Group (JAIEG).

2. APPLICABILITY. This Instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the "DoD Components").

b. Does NOT apply to disclosures of non-atomic classified information, which are addressed in DoD Directive 5230.11 (Reference (c)).

c. Does NOT apply to disclosures of U.S. Navy nuclear propulsion information to the United Kingdom, which is handled separately and is directed by the joint Department of Energy (DOE)/U.S. Navy naval nuclear propulsion program, pursuant to the U.S.-U.K. Mutual Defence Agreement (Reference (d)).

d. Does NOT apply to disclosures related to nuclear threat reduction and associated activities which are handled by the National Nuclear Security Administration (NNSA) Office of Counterterrorism and Counterproliferation, pursuant to Reference (d).

3. DEFINITIONS. See Glossary.

4. POLICY. Pursuant to the terms of section 2164 of title 42, United States Code (Reference (e)), and Executive Order 10841 (Reference (f)), the DoD and the DOE are responsible for controlling the dissemination of U.S. atomic information. In carrying out this responsibility within the DoD, it is DoD policy that U.S. atomic information may not be disclosed to foreign governments or regional defense organizations unless such information meets the criteria specified in applicable agreements for cooperation and statutory determinations and such disclosure is in accordance with any policy constraints imposed.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Instruction
 - a. Is effective August 17, 2011.

 - b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DoD Instruction 5025.01 (Reference (g)). If not, it will expire effective August 17, 2021, and be removed from the DoD Issuances Website.



Ashton B. Carter
Under Secretary of Defense
for Acquisition, Technology and Logistics

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5030.14, "Disclosure of Atomic Information to Foreign Governments and Regional Defense Organizations," July 24, 1981 (hereby cancelled)
- (b) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005
- (c) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
- (d) U.S.-U.K. Mutual Defence Agreement, 1958¹
- (e) Title 42, United States Code
- (f) Executive Order 10841, "Providing for the Carrying Out of Certain Provisions of the Atomic Energy Act of 1954, as Amended, Relating to International Cooperation," September 30, 1959
- (g) DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007, as amended
- (h) DoD Directive 5134.08, "Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs (ASD(NCB))," January 14, 2009
- (i) Page 56227, Volume 76, Federal Register, September 12, 2011
- (j) DoD Manual 5200.01, Volume 3, "DoD Information Security Program: Protecting Classified Information," February 24, 2012

¹ Available through the Office of the Assistant Secretary of Defense (Nuclear, Chemical, and Biological Defense Programs/Nuclear Matters)

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS (ASD(NCB)). The ASD(NCB), under the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)), shall:

- a. Oversee the JAIEG pursuant to DoD Directive 5134.08 (Reference (h)).
- b. Furnish DoD policy guidance to JAIEG.

2. DIRECTOR, DEFENSE THREAT REDUCTION AGENCY (DTRA). The Director, DTRA, under the authority, direction, and control of the USD(AT&L), through the ASD(NCB), and in addition to the responsibilities in section 3 of this enclosure, shall furnish organizational support to JAIEG.

3. HEADS OF THE DoD COMPONENTS. The Heads of DoD Components shall comply with the provisions of this Instruction.

4. JAIEG. The JAIEG, under the authority, direction, and control of the ASD(NCB) and the Deputy Administrator for Defense Programs (DADP), National Nuclear Security Administration, will review and make determinations as to the transmissibility of atomic information sponsored for disclosure, and perform the collateral functions related to the responsibility. The Chief, JAIEG, or in his or her absence the Technical Director (who is the Deputy Chief), JAIEG, shall authorize all disclosures.

ENCLOSURE 3

PROCEDURES

1. JAIEG acts as the DoD and Department of Energy (DOE) lead agent for determining transmissibility with respect to the exchange of atomic information pursuant to U.S. agreements for cooperation for mutual defense purposes with foreign governments and regional defense organizations made in accordance with Reference (e).

2. All proposals to exchange atomic information subject to this Instruction shall be processed in accordance with the following procedures.

a. Sponsors shall determine the recipient's need to know, determine which portions of the proposed disclosure not under the sponsor's purview have been authorized for inclusion in the release, and refer atomic information proposed for disclosure to JAIEG for a determination as to whether the disclosure is permissible.

b. Each proposed disclosure of atomic information to another foreign government or regional defense organization pursuant to the appropriate agreements for cooperation shall be referred to JAIEG for review to determine whether it is within the scope of statutory determinations and approved programs of atomic cooperation, and not within the scope of policy constraints provided to JAIEG. Referral procedures in special situations are provided for as follows:

(1) In programs under agreements for cooperation where the transmittal of atomic information is limited to repetitive data transmitted over an extended period of time, special arrangements may be worked out between JAIEG and the agency, department, or office engaged in such program.

(2) The DOE/NNSA Nuclear Weapons Complex, which has developed long-term partnerships with the United Kingdom via joint working groups and other collaborative efforts, may transmit atomic information to the United Kingdom that has been authorized for release via approved statutory determinations. JAIEG will provide specific and detailed guidance on this process, consistent with page 56227 of Volume 76, Federal Register (Section 5-1 of Office of Federal Procurement Policy Letter 11-01) (Reference (i)), including monitoring and oversight. JAIEG will maintain records of all atomic information transmissions.

(3) In unusual circumstances when it becomes impossible to provide in advance a detailed text of atomic information proposed for transmittal by oral, visual, or other means, the sponsor shall instead submit guidelines or similar delineations of areas of atomic information to be transmitted. In such cases transmissibility shall be determined on the basis of the guidelines. However, after each such transmittal a verbatim transcript or summary memorandum for the record, setting forth in detail all atomic information communicated through oral, visual, or other means, shall be furnished to JAIEG.

c. JAIEG shall review all proposed transmittals. The JAIEG review shall be commensurate with the scope and sensitivity of information proposed for exchange. Upon completion of the review, the Chief, JAIEG, shall take one of the following courses of action:

(1) Make a determination that the proposed communication is transmissible, and so notify the sponsor.

(2) Make a determination that the proposed communication or a portion thereof is not transmissible, and so inform the sponsor. If the sponsor does not agree, the decision may be appealed for further joint DoD and DOE consideration. Appeals from DoD sponsors shall normally be addressed to the ASD(NCB), and appeals from DOE sponsors to the DADP. Copies of the appeals and decisions shall be furnished to the JAIEG.

(3) If unable to determine transmissibility or nontransmissibility, refer the issue to the ASD(NCB) and DADP for joint resolution.

3. Upon notification that the proposed communication is transmissible, the sponsor may release the information or authorize the JAIEG to do so. DoD sponsors shall disclose the information approved to the intended foreign recipient in accordance with the requirements of DoD Manual 5200.01, Volume 3 (Reference (j)).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

| | |
|-----------|---|
| ASD(NCB) | Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs |
| DADP | Deputy Administrator for Defense Programs, National Nuclear Security Administration |
| DOE | Department of Energy |
| DTRA | Defense Threat Reduction Agency |
| JAIEG | Joint Atomic Information Exchange Group |
| NNSA | National Nuclear Security Administration |
| USD(AT&L) | Under Secretary of Defense for Acquisition, Technology, and Logistics |

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this Instruction.

agreement for cooperation. An agreement between the United States and a foreign government or regional defense organization for mutual defense purposes in which the President authorizes the sharing of atomic information or material with another government or organization. An agreement includes the terms, conditions, duration, nature, and scope of cooperation and a guaranty by the other government or regional defense organization that appropriate security standards and safeguards will be maintained.

atomic information

With respect to the United States, atomic information comprises Restricted Data, as defined in section 2014(y) of Reference (e), and data removed from the Restricted Data category (referred to as Formerly Restricted Data) pursuant to section 2162(d) of Reference (e).

With respect to another foreign government or regional defense organization, atomic information is defined in the applicable agreement for cooperation.

exchange. The communication or transmittal of atomic information through approved channels between authorized representatives of the U.S. Government and a foreign government or regional defense organization by any and all means, including oral, visual, and documentary.

security assurance. A certification by a foreign government or regional defense organization that will receive atomic information, that its representatives have been specifically authorized to receive atomic information from the transmitting government in accordance with applicable agreements for cooperation.

sponsor. Any DoD Component that formally proposes atomic information for disclosure to a foreign government or regional defense organization under an applicable agreement for cooperation.

statutory determination. A written determination by the President, or those duly authorized by the President, that the cooperation will promote and will not constitute an unreasonable risk to the common defense and security.

transmissibility. The eligibility of atomic information for disclosure to a foreign government or regional defense organization under an agreement for cooperation and in accordance with statutory determinations and policy constraints.