



Department of Defense DIRECTIVE

NUMBER 5030.14

July 24, 1981

ATSD(AE)

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

- References: (a) DoD Directive 5030.14, subject as above, March 24, 1971 (hereby canceled)
- (b) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," March 2, 1979
- (c) Atomic Energy Act of 1954, as amended

1. REISSUANCE AND PURPOSE

1.1. This Directive reissues reference (a), authorizes the Joint Atomic Information Exchange Group (JAIEG), and transmits the DoD/DoE Agreement (enclosure E1.) that sets forth the policies and procedures governing disclosures of atomic information to foreign governments and regional defense organizations.

1.2. Disclosures of classified military information that are not atomic information are governed by reference (b).

2. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense, the Military Departments, the Organizations of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter called "DoD Components").

3. DEFINITIONS

3.1. Agreement for Cooperation. Agreement between the United States and another nation 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. (See reference (c).)

3.2. Statutory Determination. A written determination by the President, or those duly authorized by him, that the cooperation will promote and will not constitute an unreasonable risk to the common defense and security. (See reference (c).)

3.3. Sponsor. Any DoD Component that formally proposes atomic information for disclosure under applicable agreements for cooperation and statutory determinations.

3.4. Technical Director. Synonymous in meaning and function with the title "Deputy Chief, JAIEG."

4. POLICY

Under the terms of the Atomic Energy Act (reference (c)), the Department of Energy and the Department of Defense are responsible for controlling the dissemination of U.S. atomic information. In carrying out this responsibility within the Department of Defense, U.S. atomic information may not be disclosed to foreign nations or regional defense organizations unless it meets the criteria specified in applicable agreements for cooperation and statutory determinations and such disclosure is in accordance with any policy constraint imposed.

5. RESPONSIBILITIES

5.1. The Assistant to the Secretary of Defense (Atomic Energy) shall furnish policy guidance to the JAIEG. The Director of Military Application of the Department of Energy has been assigned the corresponding responsibility for that Department.

5.2. The Joint Atomic Information Exchange Group shall:

5.2.1. Be organized under the Director, Defense Nuclear Agency.

5.2.2. Review and make determinations as to the transmissibility of atomic information sponsored for disclosure, and perform the collateral functions related to the responsibility. In the absence from duty of either the Chief, JAIEG, or the Technical Director (Deputy Chief, JAIEG), no disclosure may be authorized without the specific concurrence of both the senior DoD and senior DoE employee on duty with the JAIEG.

5.3. Sponsors shall:

5.3.1. Determine the recipient's need to know.

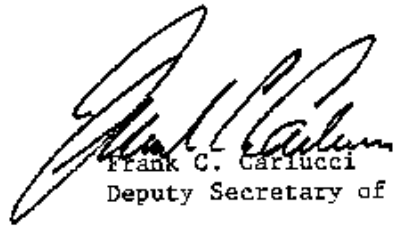
5.3.2. Determine what portions of proposed disclosures, which are not under the sponsor's purview, have been authorized for inclusion in the release.

5.3.3. Refer atomic information proposed for disclosure to the JAIEG for a determination as to whether disclosure is permissible.

5.3.4. Release or authorize the JAIEG to release the atomic information, if the JAIEG determines it to be transmissible.

6. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant to the Secretary of Defense (Atomic Energy) within 120 days.



Frank C. Cariucci
Deputy Secretary of Defense

Enclosures - 1

1. DoD/DoE Agreement for the Operation of the Joint Atomic Information Exchange Group

E1. ENCLOSURE 1

DoD/DoE AGREEMENT FOR THE OPERATION OF THE JOINT ATOMIC INFORMATION EXCHANGE GROUP

E1.1. PURPOSE AND SCOPE

The purpose of this agreement is to establish policies and procedures for the operation of the DoD/DoE Joint Atomic Information Exchange Group (JAIEG) under the Director, Defense Nuclear Agency (DNA). The JAIEG will carry out for the Department of Defense (DoD) and the Department of Energy (DoE) certain responsibilities, as outlined herein, with respect to cooperation for mutual defense purposes with other nations and regional defense organizations pursuant to agreements for such cooperation made in accordance with the Atomic Energy Act of 1954, as amended.

E1.2. DEFINITIONS

E1.2.1. Atomic Information

E1.2.1.1. In the case of United States information, "atomic information" is Restricted Data, within the definition of Section 11y of the Atomic Energy Act of 1954, as amended, and information removed from the Restricted Data category in accordance with the provisions of section 142d of the Act (this is referred to as Formerly Restricted Data).

E1.2.1.2. In the case of foreign information, "atomic information" is defined in the applicable agreement for cooperation.

E1.2.2. Transmissibility, Transmittal, Transit, Communicate, Communication. As used herein, these terms refer to the actual exchange of information by representatives of one nation or regional defense organization with representatives of another nation or regional defense organization by any and all means, including documentary, visual, and oral.

E1.2.3. Transmission Channel. The agency, department, or office designated in accordance with an agreement for cooperation for mutual defense purposes as responsible for the actual transmission and initial receipt of atomic information under such agreement.

E1.2.4. Security Assurance. A certification by the nation or regional defense organization, which 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.

E1.3. MISSION AND FUNCTIONS

E1.3.1. The mission of the JAIEG is to act as the agent of the DoD and the DoE in performing the following functions with respect to exchange of atomic information, except as provided in paragraph E1.2.2., pursuant to U.S. agreement for cooperation for mutual defense purposes with foreign governments and regional defense organizations made in accordance with the Atomic Energy Act of 1954, as amended. Specifically, the mission is to:

E1.3.1.1. Review and determine transmissibility of all properly sponsored exchanges of atomic information from the U.S. to other nations or regional defense organizations under the terms of mutual defense agreements for cooperation and statutory determinations.

E1.3.1.2. Be responsible for preparation for transmittal and such other aspects of release, including acting as a transmission channel, if requested by the sponsoring agency.

E1.3.1.3. Establish and maintain records and appropriate administration for atomic information transmittals.

E1.3.1.4. Conduct an annual review of its record holdings to eliminate all but essential records of atomic information transmittals and to assure that retained records reflect the latest downgrading and declassification actions.

E1.3.1.5. Support the DoD, the DoE, and other requesting U.S. Agencies in implementation and formulation of administrative arrangements (such as reporting, accounting and dissemination procedures) with other nations or regional defense organizations.

E1.3.1.6. Carry out such other functions or provide such other support as may be jointly directed by the DoD and the DoE.

E1.3.2. The DoE will be responsible for all aspects of transmission of classified

military reactor information in accordance with existing arrangements. With respect to this information, the DoE will provide copies of pertinent administrative papers (including, for example, transmittal lists, security assurances, identity data, visit information, summaries of information exchanged during visits, and summaries of materials and equipment exchanged) to the JAIEG.

E1.4. ORGANIZATION

E1.4.1. The JAIEG is assigned to the Director, DNA.

E1.4.2. The organization shall be headed by a Chief, JAIEG who shall report to the director, DNA. Either a DoD employee/officer or DoE employee may be assigned as Chief, JAIEG.

E1.4.3. A Technical Director shall be assigned to the Chief, JAIEG to serve as his advisor for all matters within the mission and functions of the JAIEG. An employee/officer from the Agency not providing the Chief, JAIEG shall be assigned as Technical Director.

E1.4.4. The Director, DNA is responsible for the JAIEG organization and staffing in accordance with agreements between the Assistant to the Secretary of Defense (Atomic Energy) (ATSD(AE)) acting for the DoD and the Director of Military Application (DMA) acting for the DoE.

E1.5. POLICY

The JAIEG shall be operated in accordance with policy guidance furnished jointly by the ATSD(AE) for the DoD and DMA for the DoE to the Director, DNA.

E1.6. PROCEDURES

All proposals by DoD and DoE to exchange atomic information subject to this agreement shall be processed in accordance with the following procedures. In the event other Federal Agencies submit such proposals to the JAIEG, they shall also be processed under these procedures.

E1.6.1. Referral Procedures. Each proposed communication of atomic information to another nation or regional defense organization pursuant to the appropriate agreements for cooperation shall be referred to the 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 the JAIEG pursuant to Section E1.5. Referral procedures in special situations are provided for as follows:

E1.6.1.1. 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 the JAIEG and the agency, department or office engaged in such program.

E1.6.1.2. In unusual circumstances when it becomes impossible to provide in advance a detailed text of atomic information proposed for transmittal by oral or visual 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 the JAIEG.

E1.6.2. Review Procedures

E1.6.2.1. The JAIEG review shall be commensurate with the scope and sensitivity of information proposed for exchange.

E1.6.2.2. Upon completion of the review the Chief, JAIEG shall take one of the following courses of action:

E1.6.2.2.1. Make a determination, based on the recommendation of the Technical Director, that the proposed communication is transmissible, and so notify the sponsor.

E1.6.2.2.2. Make a determination, taking into account the recommendation of the Technical Director, that the proposed communication is not transmissible, and so inform the sponsor. If the sponsor does not agree, the decision may be appealed for further joint DoD/DoE consideration. Appeals from DoD sponsors shall normally be addressed to the ATSD(AE) and appeals from DoE sponsors to DMA. Copies of the appeals and decisions shall be furnished to the JAIEG.

E1.6.2.2.3. If unable to determine transmissibility or nontransmissibility, refer the issue through the Director, DNA to the ATSD(AE) and DMA for joint

resolution.

E1.6.2.3. The JAEIG shall have no responsibility with respect to the transmissibility of classified defense information other than the atomic information subject to review by the JAIEG under this agreement. The transmissibility of any classified defense information other than atomic information included in a proposed communication is the responsibility of the sponsor pursuant to the "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations (NDP-1)."

E1.6.3. Release Authorization. Upon notification that, the proposed communication is transmissible, the sponsor may release the information or authorize the JAIEG to do so.

E1.7. IMPLEMENTATION

E1.7.1. All Agencies, Departments, and offices of the DoD and the DoE whose present directives and regulations are in conflict with this agreement shall revise such directives to conform to the provisions contained herein.

E1.7.2. This agreement is effective immediately.

E1.7.3. This agreement supersedes and cancels the agreement of April 7, 1980, "The DoD/DoE Agreement for the Operation of the Joint Atomic Information Exchange Group."

William U. Hoover 1 MAY 81
Deputy Assistant Secretary
for Military Application

James P. Wadsworth 7 April 81
Assistant to the Secretary
of Defense (Atomic Energy)