



Office of Classification

Classification

Training

Institute



CLASSIFICATION OF NUCLEAR WEAPONS-RELATED INFORMATION

Restricted Data and Formerly Restricted Data
(RD and FRD)

March 2015



Purpose

To familiarize individuals from agencies outside of DOE who may come in contact with RD and FRD with the procedures for *identifying, classifying, marking, handling, and declassifying* documents containing that information as required by

- The Atomic Energy Act and
- 10 Code of Federal Regulation (CFR) Part 1045, *Nuclear Classification and Declassification*



Not the Purpose

This briefing does not authorize you to classify or declassify documents containing RD or FRD.

- *Additional training is required to classify documents containing RD or FRD*
- *Only authorized DOE personnel may declassify or redact documents containing RD; only authorized personnel in DOE or DoD may declassify or redact documents containing FRD*

Contact your RD Management Official if you need to classify or declassify documents containing RD or FRD.



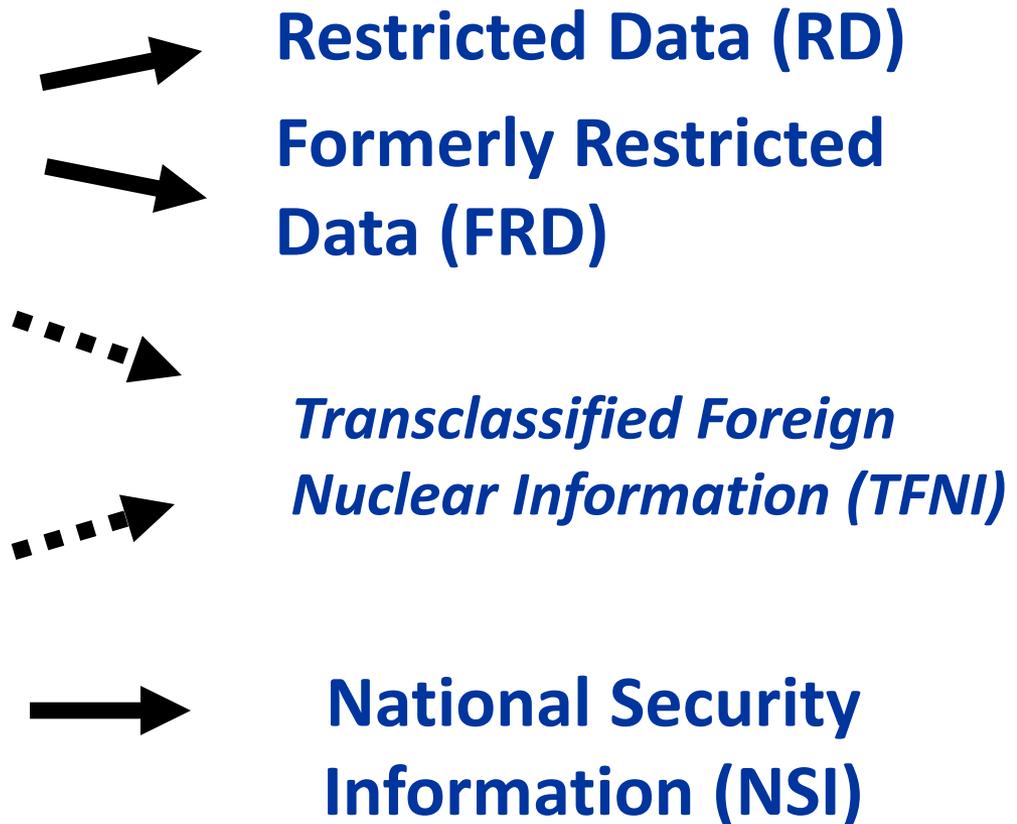
Categories of Classified Information



Atomic Energy Act
Implemented by
10 CFR part 1045



Executive Order 13526
Implemented by
32 CFR part 2001





Misconceptions



Executive Order 12958

- RD and FRD are not types of National Security Information.
- RD and FRD are not caveats or dissemination controls

RD and FRD are unique categories of classified information with special requirements that are covered in this briefing.



Restricted Data



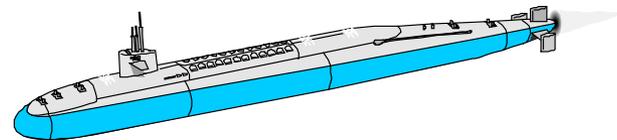
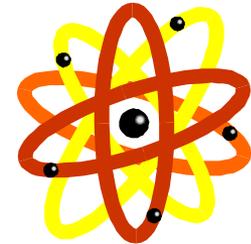
- The Atomic Energy Act defines “Restricted Data” as all data concerning the
 - 1) Design, Manufacture, or Utilization of Atomic Weapons
 - 2) Production of Special Nuclear Material
 - 3) Use of Special Nuclear Material in the Production of Energy

but shall not include data declassified or removed from the Restricted Data category (Formerly Restricted Data and Transclassified Foreign Nuclear Information)



Major Areas of Restricted Data

- Nuclear Weapons Design
- Nuclear Material Production
- Isotope Separation
- Naval Reactors





Formerly Restricted Data (FRD)



Classified information that has been removed from the Restricted Data category after DOE and DoD jointly determine that it



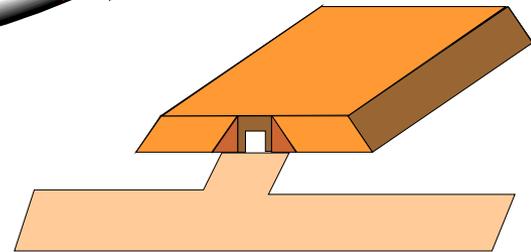
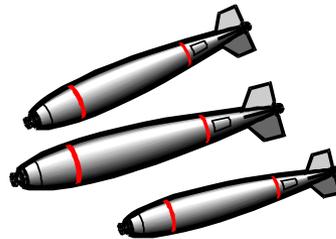
- 1) relates primarily to the military utilization of atomic weapons **and**
- 2) can be adequately safeguarded in a manner similar to NSI

“FORMERLY” DOES NOT MEAN UNCLASSIFIED



Examples of Formerly Restricted Data

- Stockpile quantities
- Weapons safety & storage
- Yields
- Locations



Caution: Historical information may still be classified FRD



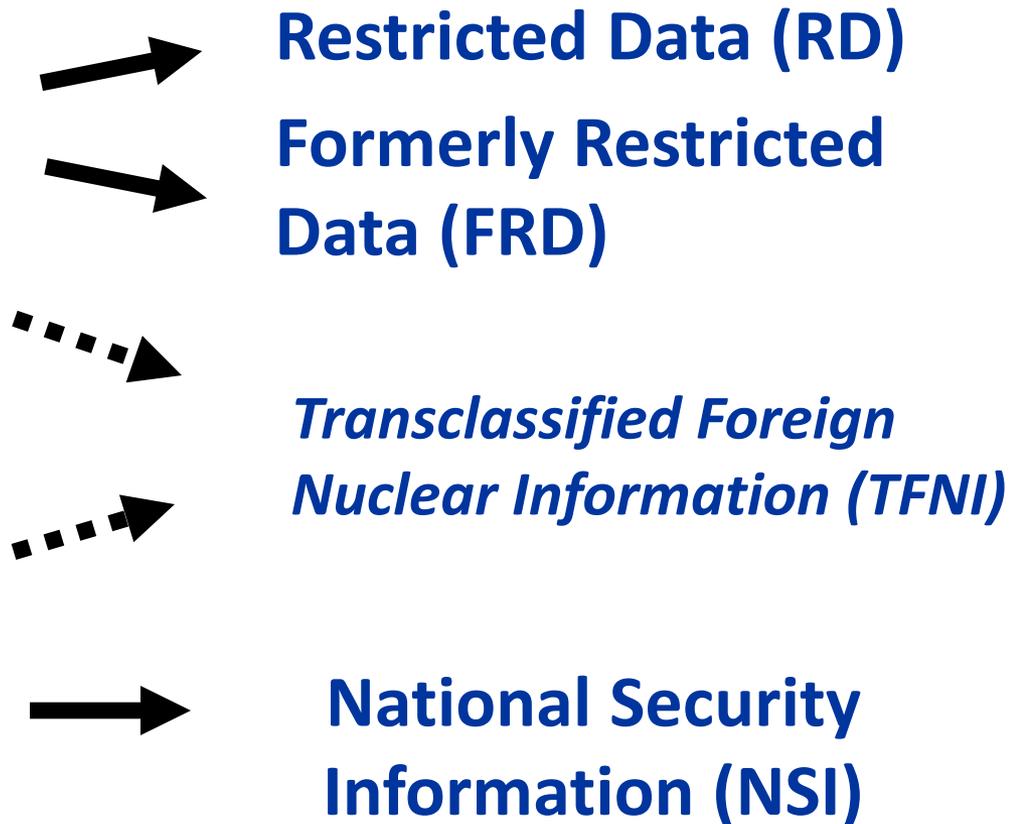
Categories of Classified Information



Atomic Energy Act
Implemented by
10 CFR part 1045



Executive Order 13526
Implemented by
32 CFR part 2001





Transclassified Foreign Nuclear Information



CLASSIFIED information that has been removed from the Restricted Data category for intelligence purposes after the DOE and the Director of National Intelligence (DNI)* jointly determine that it



- 1) concerns the atomic energy programs of certain nations and
- 2) can be adequately safeguarded in a manner similar to NSI

*Previously, the Director, Central Intelligence Agency

Additional information concerning Transclassified Foreign Nuclear Information (TFNI) is found in E.O. 13526, 32 CFR 2001.24(i), and ISOO Notice 2011-02



Transclassified Foreign Nuclear Information

- Applies to intelligence information from all sources
- Comparable U.S. information would be RD or FRD (design-related FRD only)
- Could be RD if information is analyzed - refer to qualified reviewer
- Not subject to automatic declassification – declassified only when comparable U.S. information is declassified
- Special marking instructions

Agency Roles

RD/
TFNI



DOE has sole responsibility for identifying and declassifying RD and TFNI

FRD



DOE and DoD share responsibility for identifying and declassifying FRD

TFNI



DOE and DNI share responsibility for identifying TFNI, DOE has sole responsibility for declassifying TFNI

NSI



All Government agencies specified by the President classify and declassify their own NSI



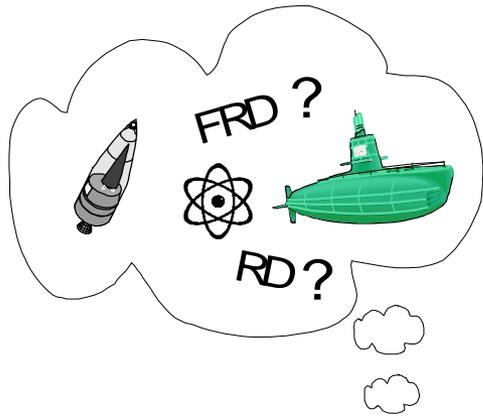


RD Management Officials

- Heads of agencies with access to RD and FRD designate RD Management Officials who
 - Direct and administer the Agency's RD classification program
 - Act as a point of contact concerning RD/FRD with DOE
 - Ensure there is an RD implementing directive
 - Ensure persons who classify RD and FRD have appropriate training, are authorized, and have appropriate guidance
 - Ensure persons with access to RD and FRD have appropriate training



Authority for Classifying Documents Containing RD or FRD



- Authority to classify NSI documents does NOT give a person authority to classify documents containing RD and FRD
- Must be an RD Classifier (or a qualified person within DoD) to classify RD and FRD documents
- RD Classifiers (and qualified persons within DoD who may classify documents containing RD) require specific training concerning the procedures for classifying, declassifying, marking, and handling of RD and FRD information and documents



Document Review Requirement

- If a person believes a document contains information that may be RD or FRD (e.g., in an RD or FRD subject area), the document must be submitted for review
- Review must be by an RD Classifier



Requirements for RD Classifiers

(for non-DoD Federal or Military personnel)

- **RD Classifiers must**
 - ☑ **Be designated by position or by name as an RD Classifier as required by the agency's RD implementing directive**
 - ☑ **Be knowledgeable in the subject area(s)**
 - ☑ **Be trained in RD and FRD classification policy (RD Classifiers Course)**
 - ☑ **Possess appropriate classification guidance**



Requirements for RD Classifiers

(for Military and Federal employees of DoD)

- **In order to classify documents containing RD and FRD, Military and Federal employees of DoD must**
 - ✓ **Be knowledgeable in the subject area(s)**
 - ✓ **Be trained in RD and FRD classification policy (RD Classifiers Course)**
 - ✓ **Possess appropriate classification guidance**



Derivative Classification Requires an RD Classifier

- **ANY** classification of an RD document requires an RD Classifier
 - Examples:
 - Marking a new document RD based on information in a portion of another document that is marked RD
 - Marking a new document RD based on a classification guide topic

Note: Only the DOE Director, Office of Classification, can determine that a document does or does not contain RD in the absence of guidance.



Classification of RD and FRD Documents

- **RD Classifiers must base determinations on**
 - **Classification guides**
 - **Source documents**



Recognizing Documents Containing RD, FRD, and TFNI

- Front Page Markings
- Interior Page Markings
- Portion Marking



Controlled Access Program Coordination Office (CAPCO) Marking Requirements

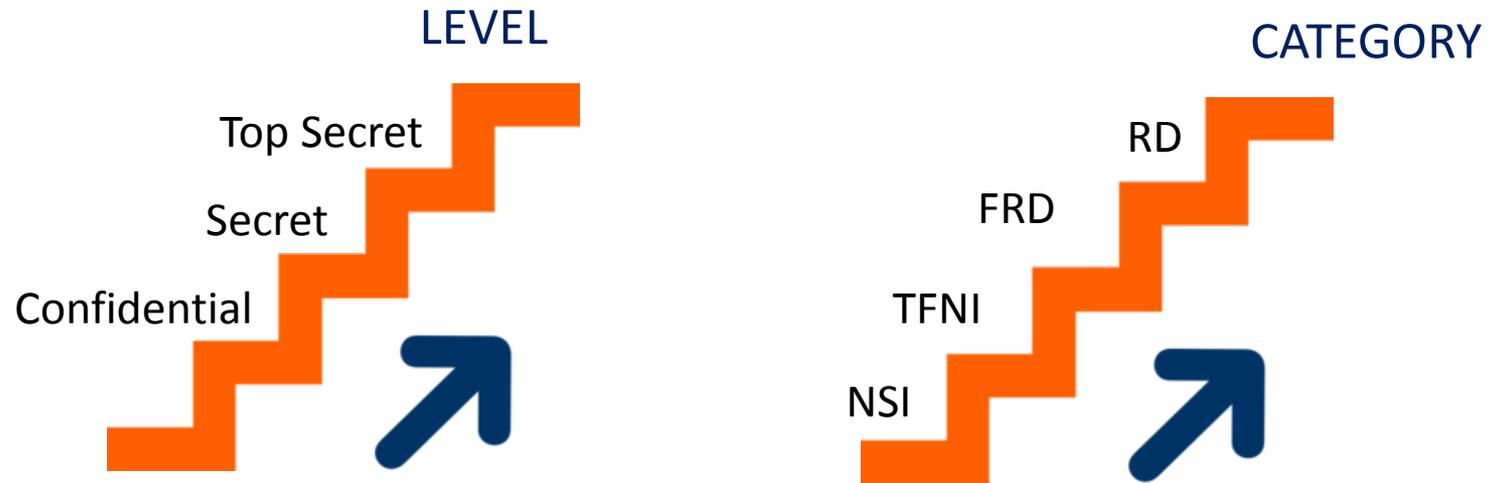
- If you are in the Intelligence Community or an Agency that uses CAPCO markings
 - Refer to the Authorized Classification and Control Markings Register and the Intelligence Community Classification and Control Markings Implementation Manual section on Atomic Energy Act Information Markings
 - All requirements still apply (e.g., page marking, admonishments, no automatic declassification instructions), but the implementation of some of these requirements is in a different format
 - Check the CAPCO website to ensure you are using the current version of the Register and Manual

SECRET//RESTRICTED DATA//NOFORN

SECRET//RD-CNWDI//NOFORN



Precedence Rule



- The overall classification of a document (or page of a document) is the highest level and most restrictive category of information in that document (or on that page of a document).

For example: TSNSI + CRD = **TSRD**



Abbreviations

Top Secret	Restricted Data	- TSRD
	Formerly Restricted Data	- TSFRD
	Transclassified Foreign Nuclear Information	- TSTFNI
	National Security Information	- TS
Secret	Restricted Data	- SRD
	Formerly Restricted Data	- SFRD
	Transclassified Foreign Nuclear Information	- STFNI
	National Security Information	- S
Confidential	Restricted Data	- CRD
	Formerly Restricted Data	- CFRD
	Transclassified Foreign Nuclear Information	- CTFNI
	National Security Information	- C

Note: A "-", "/", or "/" between the level & category may also be used (e.g., S-RD, S/RD, S//RD etc.)



RD and FRD Documents Front Page Markings

SECRET

 DHS Office of Security

June 1997

Subject: (U) Marking RD or FRD Documents

RESTRICTED DATA
This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

FORMERLY RESTRICTED DATA
Unauthorized disclosure subject to administrative and criminal sanctions. Handle as Restricted Data in Foreign Dissemination. Section 144.b, Atomic Energy Act, 1954.

RD Classifier: Joe Smith, Director, NN-162
(Name and Position/Title)

Derived From: CG-W-5, dated Oct. 16, 1995
(Classification Guide and Date)

SECRET

Overall document level
(top and bottom)

RD or FRD
admonishment

RD Classifier's name
and position/title and
agency and office if not
otherwise evident

Note: NO date for
automatic
declassification

Guide or source used to
classify document and
date



Front Marking Declassification Instructions

- RD, FRD, and TFNI are never automatically declassified
- If a document contains RD, FRD, TFNI, and NSI, the front marking must not have a declassification date or event – **special instructions apply**





Example of RD/FRD Interior Page Markings

Mark top and bottom of pages with

Overall document classification
level & category

OR

Classification level and category
of each individual page

<p>SECRET-RD</p> <p>This sentence is Unclassified.</p> <p>This sentence is CRD.</p> <p>This sentence is SRD.</p> <p>This sentence is CRD .</p> <p>SECRET-RD 2</p>	<p>SECRET-RD</p> <p>This sentence is Unclassified.</p> <p>This sentence is CRD.</p> <p>This sentence is CFRD.</p> <p>This sentence is CRD.</p> <p>SECRET-RD 3</p>
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<p>SECRET-RD</p> <p>This sentence is Unclassified.</p> <p>This sentence is CRD.</p> <p>This sentence is SRD.</p> <p>This sentence is CRD.</p> <p>SECRET-RD 2</p>	<p>CONFIDENTIAL-RD</p> <p>This sentence is Unclassified.</p> <p>This sentence is CRD.</p> <p>This sentence is CFRD.</p> <p>This sentence is CRD.</p> <p>CONFIDENTIAL-RD 3</p>
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Documents Containing RD/FRD and NSI (Commingle)

 **SECRET**

DHS Office of Security
March 2011

Subject: (U) Marking RD or FRD Documents

RESTRICTED DATA
This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

FORMERLY RESTRICTED DATA
Unauthorized disclosure subject to administrative and criminal sanctions. Handle as Restricted Data in Foreign Dissemination. Section 144.b, Atomic Energy Act, 1954.

RD Classifier: Joe Smith, Director, NN-162
(Name and Position/Title)

Derived From: CG-W-5, dated Oct. 16, 1995
(Classification Guide and Date)

Declassify on: N/A for RD portions
See source list for NSI portions

SECRET

Overall document level (top and bottom)

RD Classifier's name and position/title and agency and office if not otherwise evident

Guide or source used to classify document and date

RD or FRD admonishment

Declassify on:
N/A for RD portions
See Source List for NSI portions
(Source list must have declass instructions for all sources)



Commingled Documents – Single Page

The source list may also appear at the bottom of the document, below and clearly identified as separate from the classification authority block.

SECRET

Subject: (U) Marking RD or FRD Documents

(S) _____

(CRD) _____

(C) _____

RESTRICTED DATA
This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

Classified by: John Smith, Director, OH-101
Derived from: Multiple Sources
Declassify on: N/A to RD
See source list for NSI portions

NSI Source List:

1. CG-X-5, 10/16/95, DOE OC; Declassify on 25x8, February 4, 2061
2. Memorandum dated 12/1/03 Subj: Funding Problems Department of Good Works; Declassify on: January 31, 2018

SECRET

N/A to RD portions
See source list for NSI portions
Declassification instructions for each NSI source



Commingled Documents

– Single Page - Another Possibility

Optionally, the declassification instruction may appear at the end of each NSI portion. When this option is used, the “Declassify on” line will read, “N/A to [RD/FRD/TFNI, as appropriate] portions, See NSI portions for instruction.

SECRET

(U) Document with RD and NSI – single page document
Option for NSI paragraphs marked with declassification instructions

(U) Note: Since a separate page is required for source lists, placing the declassification instructions at the end of the portion eliminates the need for a separate page in the case of single page documents.

(SRD) This paragraph contains SECRET RESTRICTED DATA information. Therefore, this portion would be marked with the designation “SRD” in parentheses. Declassification instructions are not required for this portion. However, the end of the paragraph may be noted with (Declassification N/A to RD portions.)

(S) This paragraph contains SECRET NSI information. Therefore, this portion would be marked with the designation “S” in parentheses. In addition, the declassification instructions for this portion may be included at the end of the portion in parentheses, as follows:
(Declassify this portion on: 25X8, 2/4/2061)

(C) This paragraph contains CONFIDENTIAL NSI information. Therefore, this portion would be marked with the designation “C” in parentheses. In addition, the declassification instructions for this portion may be included at the end of the portion in parentheses, as follows:
(Declassify this portion on: 08/31/2018)

RESTRICTED DATA
This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

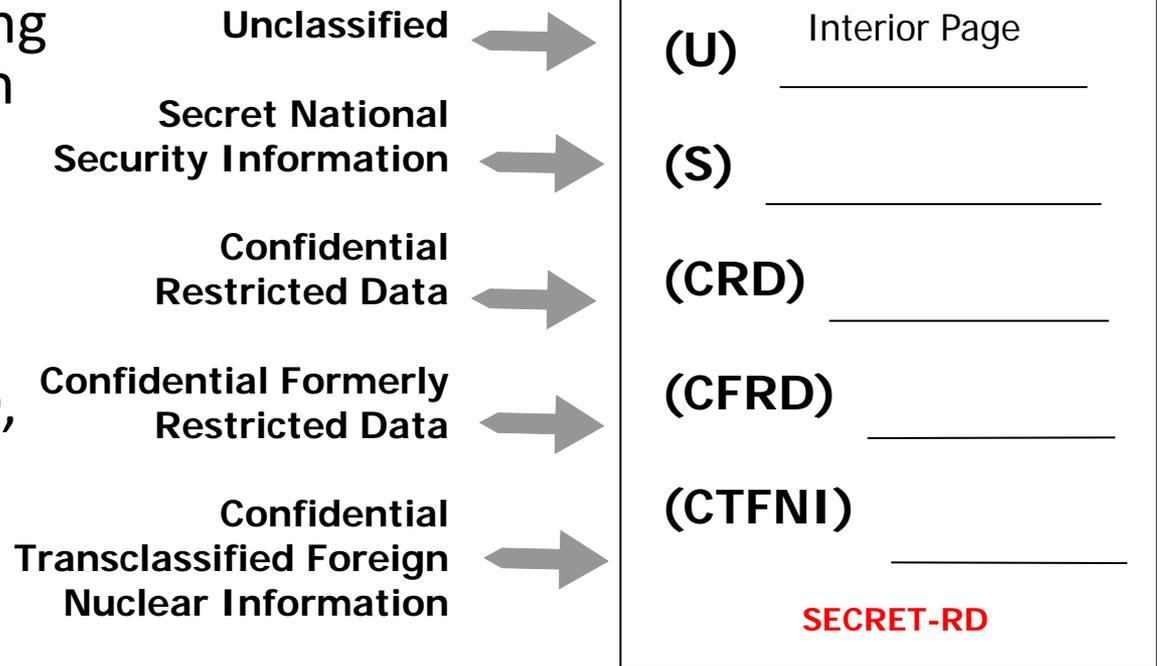
Classified by: John Smith, Director, OH-101
Derived from: CG-X-5, 10/16/95, DOE OC
Declassify on: N/A to RD portions
See NSI portions for instruction

SECRET



Portion Marking

- Agency option for documents containing only RD or FRD
- Documents containing TFNI must be portion marked
- If used, level and category designations are required for each RD, FRD, or TFNI portion





Critical Nuclear Weapon Design Information (CNWDI)

A designation used by DoD for TSRD or SRD weapon data revealing the theory of operation or design of the components of a thermonuclear or fission bomb, warhead, demolition munitions, or test device

- Access to CNWDI is on a need-to-know basis
- Special DoD briefing required
- Documents containing CNWDI must be marked and stored according to DoD Instruction 5210.02

**Refer to DoD Instruction 5210.02 or contact
USD(I) if you have questions about CNWDI**



Special CNWDI Markings

Front Page

SECRET

Subject: (U) Marking of RD or FRD Documents

July 2011

**CRITICAL NUCLEAR WEAPON DESIGN INFORMATION
DoD INSTRUCTION 5210.02 APPLIES**

RESTRICTD DATA
This document contains Restricted Data as defined in he Atomic Energy Act of 1954, as amended. Unauthorized disclosure is subject to administrative and criminal sanctions.

RD Classifier: Joe Smith, Director, NN-162
(Name and Position/Title)

Derived From: CG-W-5, dated Oct. 16, 1995
(Classification Guide and Date)

SECRET

Special markings

Portion Markings

SECRET-RD

(U) _____

(SRD) _____

(CFRD) _____

(SRD) (N) _____

SECRET-RD



Recognizing Documents Containing TFNI

SECRET-TFNI

Subject: (U) Marking of TFNI Documents

(U) _____

(STFNI) _____

(U) _____

Classified by: John Smith, Director, DOE, OH-101
Derived from: CG-X-5, 10/16/95, DOE OC
Declassify on: N/A to TFNI

SECRET-TFNI

A diagram of a document page with classification markings. At the top left is the text "SECRET-TFNI" in red. Below it is the subject line "Subject: (U) Marking of TFNI Documents". There are three lines of text below the subject line, each starting with a classification marking: "(U)", "(STFNI)", and "(U)". At the bottom left is another "SECRET-TFNI" in red. At the bottom center is a classification block with the text: "Classified by: John Smith, Director, DOE, OH-101", "Derived from: CG-X-5, 10/16/95, DOE OC", and "Declassify on: N/A to TFNI". Three grey arrows point to specific elements: one points to the top "SECRET-TFNI", one points to the "(STFNI)" marking, and one points to the classification block.

- The page marking will be on all pages (including front page) = level + TFNI (if does not contain RD/FRD)
- If portion marked = level + TFNI
- No admonishment (unless also contains RD or FRD)
- Classifier marking “Declassify on:” N/A to TFNI



Protecting RD, FRD, and TFNI Documents



- Access/clearance
- Transmitting
- Handling
- Training



Access to RD, FRD, and TFNI Documents

- Limit access to need to know
- Ensure access only given to individuals with appropriate clearance (and additional access authorization, if applicable)



Access Requirements

<i>Category</i>	<i>Top Secret</i>	<i>Secret</i>	<i>Confidential</i>
Restricted Data	Q*	Q*	L**
Formerly Restricted Data		Same as NSI unless document contains Sigma FRD information***	
Transclassified Foreign Nuclear Information		Same as NSI	

- * Eligibility for a DOE “Q” access authorization is based on a single scope background investigation (SSBI)
- ** Eligibility for a DOE “L” access authorization is based as a minimum on a National Agency Check, Local Agency Check, and Credit Check (NACLC)
- *** Documents will be marked as containing Sigma 14, 15, 18, or 20 information.



RD Access Requirements

DoD

- Need to Know
- Appropriate Clearance

Confidential and
Secret RD

Final Secret

Top Secret RD

Final Top Secret

CNWDI briefing for CNWDI access

Note: Persons with Confidential clearances or interim clearances are not eligible for access to RD

**Refer to DoD Instruction 5210.02 or
contact USD(I) if you have questions about DoD access**



SIGMA Categories

- Nuclear Weapon Data (NWD) **Sigma categories** were established to provide additional need-to-know protection for specific types of NWD
- If you plan on visiting a DOE site, you may be asked about SIGMA access
- For additional information, contact the Office of Nuclear Weapon Surety and Quality (202-586-0377)





SIGMA Categories

- Current SIGMA Categories
 - Sigma 14. Concerns the vulnerability of nuclear weapons to a deliberate unauthorized nuclear detonation or to the denial of authorized use.
 - Sigma 15. Concerns the design and function of nuclear weapon use control systems, features, and components.
 - Sigma 18. Includes information that would allow or significantly facilitate a proliferant nation or entity to fabricate a credible nuclear weapon or nuclear explosive based on a proven, certified, or endorsed U.S. nuclear weapon or device.
 - Sigma 20. Pertains to “crude, simple or innovative” improvised nuclear device designs, concepts, and related manufacturing or processing pathways.
- Sigmas 1-13 are obsolete



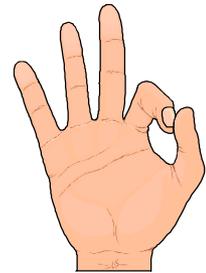
Handling RD, FRD, and TFNI Documents

- Storage requirements are the same as for NSI (however all individuals with access to the information must have a need to know and appropriate clearances/access authorizations)
- Procedures for mailing RD, FRD, and TFNI are the same as NSI at comparable classification levels (special requirements for transmitting outside the U.S.)
- TS, SAP, and certain SIGMAs must fall under an accountability system
- In addition to normal reporting requirements, report lost or compromised RD, FRD, or TFNI to DOE



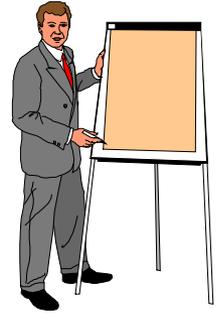
Transmitting RD, FRD, or TFNI to Other Agencies

- Sender is responsible for ensuring
 - The receiving facility is cleared for RD, FRD, or TFNI **and**
 - The recipient meets all criteria for access (e.g., appropriate clearance, CNWDI briefing when necessary, need to know)





Training Requirements



- Each person with access to RD or FRD must be trained in the following areas for RD/FRD information
 - Authorities for classifying and declassifying RD/FRD documents
 - Handling procedures
- DOE will provide training material upon request



Declassification/Public Release of RD and FRD Documents

- Declassification authority
- Guidance requirement
- Documents intended for public release
- Freedom of Information Act reviews

~~**SECRET**~~

DEPARTMENT OF ENERGY DECLASSIFICATION REVIEW	
1st REVIEW DATE: <u>1/14/</u>	DETERMINATION (CIRCLE NUMBER):
AUTHORITY: () AEC () DOE () AEC () DOE	1. CLASSIFICATION RETAINED
NAME: <u>J. Doe, SP-51</u>	2. CLASSIFICATION CHANGED TO:
2nd REVIEW DATE: <u>1/14/06</u>	3. CONTAINS NO INFO CLASSIFIED IN FD
AUTHORITY: AEC	4. COORDINATE WITH:
NAME: <u>B. Smith, SP-51</u>	5. CLASSIFICATION CANCELLED
	6. CLASSIFIED INFO BRACKETED
	7. OTHER (SPECIFY):

~~RESTRICTED DATA~~

~~This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to Administrative and Criminal Sanctions.~~

RD Classifier: John Smith, Security Specialist
(Name & Position/Title)

Authority: CG-W-5, dated Oct. 16, 1995
(Classification Guide and Date)

~~**SECRET**~~



Authority to Declassify RD, FRD, and TFNI Documents

- Requires positive action by an authorized person
 - RD and TFNI - **only** authorized persons within **DOE**
 - FRD - **only** authorized persons within **DOE or DoD**
- May not use source documents for declassification

**No Declassification Date or Event applies to
RD , FRD, or TFNI**



Documents Intended for Public Release

A person generating a document intended for public release in an RD or FRD subject area must ensure it is reviewed for classification prior to its release by

DOE for RD and TFNI

DOE or DoD for FRD



Freedom of Information Act Reviews

- Documents that contain RD or TFNI must be forwarded to DOE*
 - Documents that contain FRD must be forwarded to DoD or DOE*
 - DOE or DoD may refuse to confirm or deny the existence of requested information whenever the existence is itself classified as RD, FRD, or TFNI
 - Refer to your agency coordination process
- * **Forward marked documents and documents that may contain RD or FRD to DOE**



Other Considerations

- International exchange of RD/FRD
- “No comment” policy
- Challenges to classification
- Sanctions
- DOE courses for other agencies
- Suggestions and comments



International Exchange Limitations

- The Atomic Energy Act states there can be no exchange of RD (or FRD) unless specifically authorized by the President pursuant to an agreement for cooperation
- FRD is treated as RD in foreign dissemination
- Approval for exchange is a multi-step process
- Contact Joint Atomic Information Exchange Group (JAIEG) if you need to share RD or FRD with any foreign nation or regional defense organization

(703) 767-4463



“No Comment” Policy

- Classified information may appear in the public domain
 - Fact itself is classified
 - Appearance in the public domain does not make it unclassified
- Must not comment on the accuracy, classification, or technical merit of the information



Challenges to Classification

- Any person with access to RD, FRD, or TFNI may challenge an RD Classifier's decision
- The RD Classifier must respond within 90 days
- Appeal to RD Classifier's response may be made to DOE
- There will be no retribution



Sanctions

- Any knowing, willful, or negligent action contrary to the requirements of 10 CFR part 1045 that results in the misclassification of information may result in sanctions
 - Appropriate criminal, civil, and/or administrative penalties for misclassification violations
 - Administrative sanctions possible for other violations of the policies and procedures of 10 CFR part 1045



Additional DOE Courses

- **Restricted Data Classifiers Course**

Covers policy and procedures for being an RD Classifier. It is offered through the DOE for educational purposes only. To become an RD Classifier, an individual must follow policies of his/her agency.

- **RD/FRD Recognition and Records Processing Seminar**

For individuals reviewing historical records under E.O. 13526 (except for those that are highly unlikely to contain RD/FRD). Instructor-led or videotape and study package.

- **Historical Records Restricted Data Reviewers (HRRDR) Certification Course**

4-day instructor-led course required for individuals conducting page-by-page reviews of historical records under E.O. 13526 in collections likely to contain RD/FRD.

- **Overview of Weapons Course**

4 and ½-day technical overview of the design and use of nuclear weapons with emphasis on the many classification issues associated with them.



Suggestions or Comments

- Suggestions or comments on RD or FRD classification or declassification policies or procedures can be made to an RD Management Official or directly to DOE
- Suggestions/comments should include
 - Description of the issue
 - Suggestion or comment
 - All applicable background information
 - Address for the response
- DOE address: Outreach Program, AU-61/ Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585-1290



DOE Points of Contact

DOE Outreach Hotline

For RD Awareness Materials, Briefings, Classification Guides,
or Questions.....(301) 903-7567 or outreach@hq.doe.gov

Report Compromised or Lost RD/FRD..... (301) 903-3767 and
(301) 903-5118

Verify that a Facility is Cleared for RD.....(301) 903-5287

Security Clearance and Access Questions.....(301) 903-3743

Information on RD/FRD visits to DOE or
DOE Field Elements or National Laboratories.....(301) 903-3959



Who should you contact if you have questions?

- Your RD Management Official
- The DOE Office of Classification
(301) 903-7567 or
outreach@hq.doe.gov