



Office of Classification

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Office of Classification

This briefing gives an overview of Transclassified Foreign Nuclear Information.

Classification Training Institute

August 2012



Transclassified Foreign Nuclear Information

“TFNI”



TFNI

- What is TFNI?
- What is transclassification?
- What do persons with access to documents containing TFNI need to know?
- What do persons who classify documents containing TFNI need to know?
- How are documents containing TFNI marked?



Restricted Data



The term “Restricted Data” means all data concerning the:

- (1) Design, Manufacture, or Utilization of Atomic Weapons;
- (2) The Production of Special Nuclear Material; or
- (3) The Use of Special Nuclear Material in the Production of Energy.

But does not include data declassified or **removed from the Restricted Data** category (e.g., Formerly Restricted Data or **Transclassified Foreign Nuclear Information**)



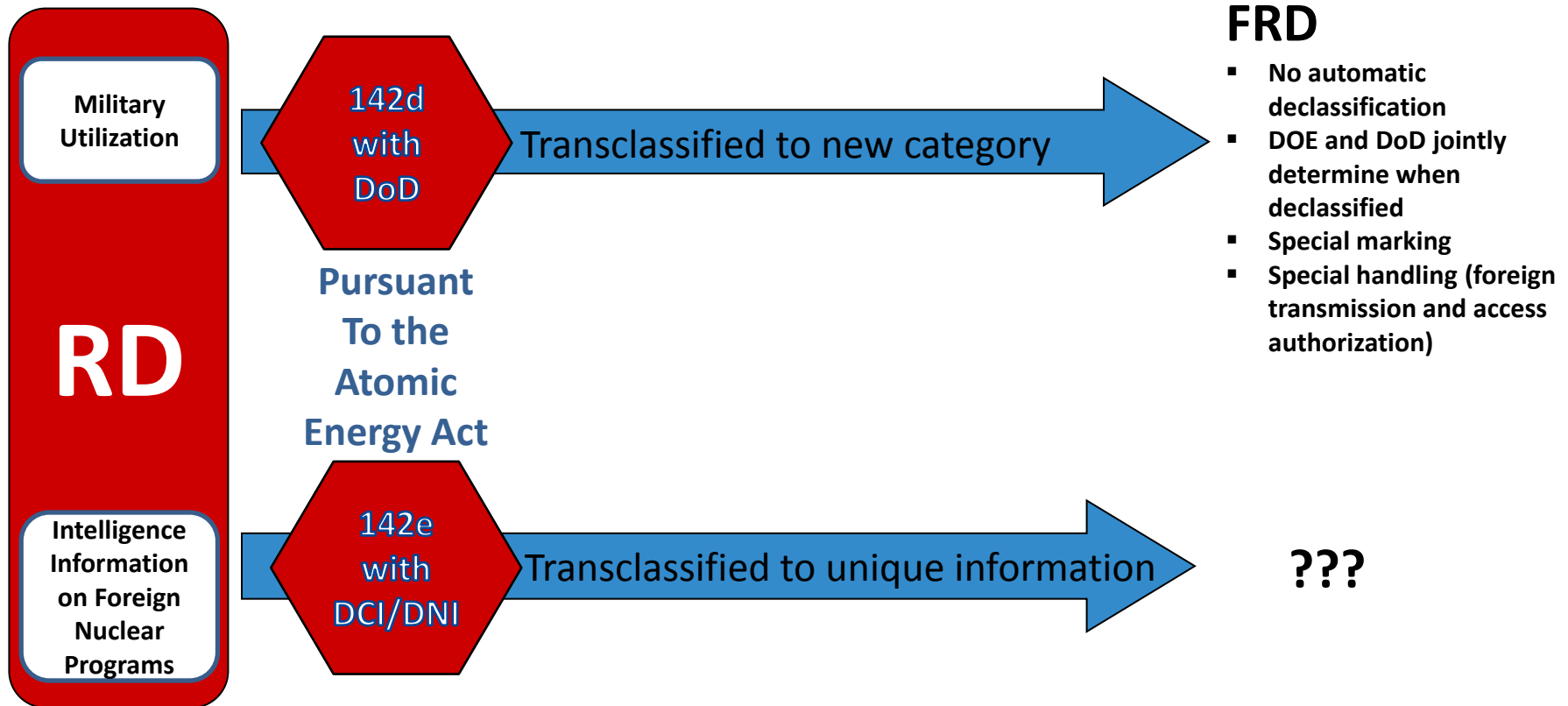
What does transclassified mean?

- RD does not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act.
- The process of removing information from the RD category under Section 142 of the Atomic Energy Act is referred to as

TRANSClassIFICATION



What classified information has been removed from the RD Category?





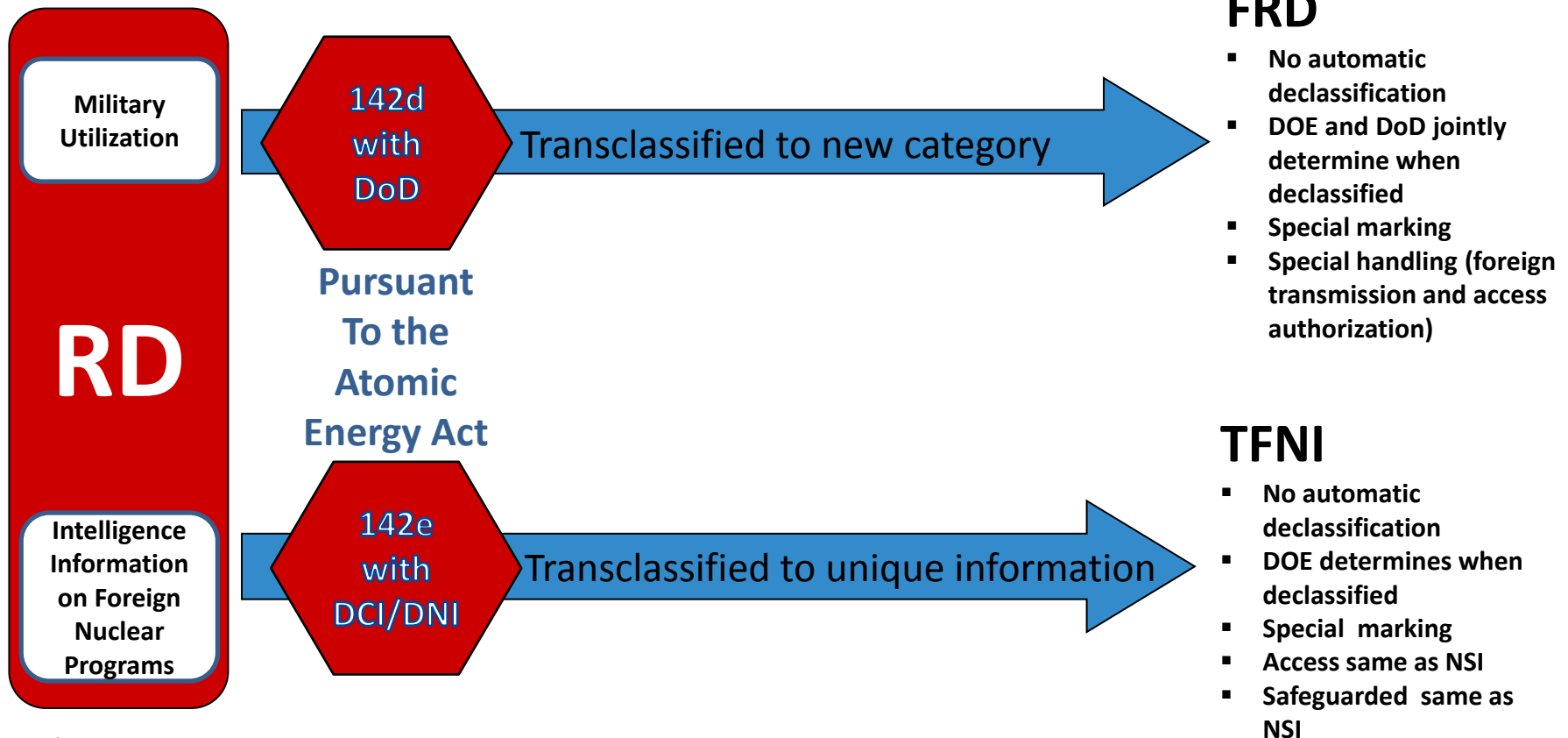
What is TFNI?

Classified information concerning foreign nuclear programs that has been removed from the Restricted Data category after DOE and Director, National Intelligence (DNI)* have determined that it can be adequately protected in a manner similar to National Security Information in order to carry out the provisions of section 102(b) of the National Security Act of 1947

*Formerly the Director, Central Intelligence Agency (DCI)



What classified information has been removed from the RD Category?





Is TFNI new?

Sort of, but not really . . .

- Transclassified intelligence information about foreign nuclear programs has existed for a long time
- This information used to be considered NSI and under recent E.O.s was subject to automatic declassification but exempt (25X2)

So what is new?

- Addressed specifically for the first time in E.O. 13526
- Named in 32 CFR part 2001



What do persons with access to documents containing TFNI need to know?



Who can have access to TFNI?

- Unlike RD or FRD, a “Q” or “L” is not required, but must have a security clearance commensurate with the level of the TFNI
- Must have a need to know the information



Are there special handling requirements for TFNI?

- TFNI is stored, transmitted, and destroyed the same as NSI of the same level
- Unlike FRD, it is treated the same as other NSI in foreign transmission



What do I do if I have a document with TFNI that has a declassification instruction?

- TFNI is never automatically declassified
- If you have a document that may contain TFNI, even if it has a declassification date or event, you must not declassify it
- Seek assistance from your supervisor, your RD Management Official, or the DOE Office of Classification



How do I recognize a document containing TFNI?

~~SECRET~~ **TFNI**

Subject: (U) Marking of TFNI Documents

(U) _____

(STFNI) _____

(U) _____

Derivative Declassifier review required prior to declassification

Classified by: John Smith, Director, DOE, OH-101
Derived from: CG 4.5, 10/10/95 DOE OC
Declassify on: N/A to TFNI portions

~~SECRET~~ **TFNI**

When document contains TFNI and no RD/FRD

- Page marking = level + TFNI
- Portion marking
- Special declassification instructions indicating document is not subject to automatic declassification



What do persons who classify
documents containing TFNI
need to know?



How does a person determine if a document contains TFNI?

- Four criteria
 - Must be intelligence information
 - Must be information that was transclassified (not all foreign nuclear program information was removed from the RD category)
 - Must be comparable to U.S. RD or design-related FRD
 - Must not provide insight to U.S. RD



TFNI must be intelligence information

- **Intelligence** information concerning the foreign nuclear energy programs of other countries
 - Unevaluated or evaluated*
 - Is or becomes available through all sources
 - Is a product derived from collected intelligence

*In this context, evaluation is limited to evaluation of intelligence sources and methods – not an analysis of technical merit of the design.



TFNI must be information that was transclassified

- Not all foreign nuclear program information was removed from RD category
- TFNI does not include:
 - RD or FRD concerning UK or Canadian programs
 - US. RD or FRD transmitted by the U.S. to any other nation
 - Classified atomic energy information received from another nation pursuant to an agreement
 - Classified information on the Tripartite Gas centrifuge program



The intelligence information must be comparable to U.S. RD or design-related FRD

- RD by DOE Classification Guidance
 - TFNI - Country X has a weapon with xx kg of plutonium
 - TFNI - Blueprint of foreign nuclear weapon design
 - TFNI- Yield of foreign weapons (since it reveals design related information)
- Foreign design-related information not covered by DOE classification guidance defaults to TFNI until DOE makes a determination



Must not provide insight to U.S. RD

- A document would be RD as opposed to TFNI if the technical information concerning a foreign nuclear program (TFNI) is evaluated or analyzed
- This is likely to occur if
 - The document compares the foreign information to U.S. RD technology
 - The document evaluates the nuclear technology using knowledge gained from the U.S. program



Information on Foreign Nuclear Programs that is not TFNI

- Information that the U.S. does not classify
 - Basic science,
 - Civilian power reactor technology
- Military utilization information that is not comparable to U.S. design-related FRD
 - NSI - Country X has a secret storage location for weapons grade plutonium at location Y
 - NSI – Country X has a stockpile of xxx nuclear weapons



What if I'm not sure a document is TFNI or RD?

- A document would be RD as opposed to TFNI if the technical information concerning a foreign nuclear program (TFNI) is evaluated or analyzed
- This is likely to occur if
 - The document compares the foreign information to U.S. RD technology
 - The document evaluates the nuclear technology using knowledge gained from the U.S. program



How does a DC determine the level of TFNI?

- Level is the same as comparable U.S. RD
 - U.S. weapon component = SRD
 - Same weapon component of foreign weapon in collected intelligence = STFNI
- Documents containing TFNI will likely contain intelligence sources and methods that may determine the overall classification level (STFNI + TSNSI = TSTFNI)
- If classification guidance is not available
 - Contact your CO/CR
 - Default to Secret pending determination



How do I mark a document containing TFNI only?

SECRET-TFNI

Subject: (U) Marking TFNI Documents

(U) _____

(STFNI) _____

(U) _____

Derivative Declassifier review required prior to declassification

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

SECRET-TFNI

- Page marking level + TFNI (if does not contain RD/FRD)
- Must be portion marked (unless also contains RD/FRD)
- No admonishment (unless also contains RD or FRD)
- NSI special control marking (for DOE non-IC documents)
- Classifier marking "Declassify on:" N/A to TFNI portions



How do I mark a document containing RD/FRD and TFNI?

If portion marked,
indicate level +TFNI
in portion marking.

SECRET

(U) The title is Unclassified

(SRD) This paragraph contains SRD.

(STFNI) This paragraph contains STFNI

(U) This paragraph is Unclassified.

RESTRICTED DATA

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

Classified By: Joe Smith, Director, DOE,HS-61

Derived From: TCG-NAS-2, 03/1997, DOE OC

SECRET

Markings are for example purposes only.



How do I mark a document with TFNI and NSI commingled?

SECRET-TFNI

Subject: (U) Marking TFNI Documents

(U) _____

(STFNI) _____

(C) _____

Derivative Declassifier review required prior to declassification

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

SECRET-TFNI

SECRET - TFNI

Source list:

CG-X-5, 10/16/95, DOE OC, Declassify on: 25X8, when vulnerability no longer exists

TR-143, 3/21/97, DOE OC; Declassify on: N/A to TFNI portions *(optional)*

Memo, "Funding Problems," 3/15/05, DOE OC; Declassify on: 3/15/2020

"Declassify On" line annotated with 'Not Applicable (or N/A) to TFNI portions' and "See source list for NSI portions."

The source list, includes the declassification instruction for each of the NSI source documents

SECRET-TFNI

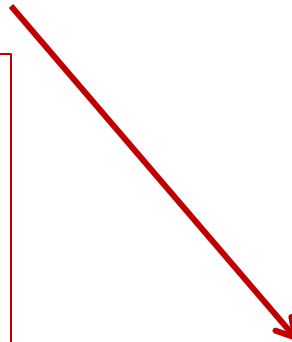


How do I mark a Single Page Document with TFNI and NSI Commingled?

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

Use same rules as for RD/FRD commingled with NSI

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



SECRET-TFNI	
Subject: (U) Marking TFNI Documents	
(U) _____	
(STFNI) _____	
(C) _____	
<div>Derivative Declassifier review required prior to declassification</div>	<div>Classified by: <u>John Smith, Director, OH-101</u> Derived from: <u>Multiple Sources</u> Declassify on: <u>N/A to TFNI portions</u> <u>See source list for NSI portions</u></div>
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-TFNI	



Commingled Documents – Single Page – Another Option

Optionally, the declassification instruction may be added at the end of each NSI portion.

When this option is used, the “Declassify on” line will read, “N/A to TFNI portions, See NSI portions for instruction.”

SECRET-TFNI

(U) Document with TFNI 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.

(STFNI) This paragraph contains SECRET TRANSClassified FOREIGN NUCLEAR information. Therefore, this portion would be marked with the designation “STFNI” in parentheses. Declassification instructions are not required for this portion. However, the end of the paragraph may be noted with (Declassification N/A to TFNI 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)

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

Derivative Declassifier
review required prior to
declassification

SECRET-TFNI



TFNI Markings in the Intelligence Community (IC)

Follow CAPCO Manual
Instructions





How is a document containing RD/FRD and TFNI marked in the IC?

Include RD and TFNI

SECRET//RESTRICTED DATA/TFNI//NOFORN

(U) The title is Unclassified

(S//RD//NF) This paragraph contains Secret RD.

(S//TFNI//NF) This paragraph contains Secret TFNI.

(S//REL TO XXX) This paragraph is Secret (NSI).

Within IC, Portion Marked

Warning Statement
(no NSI Special Control Marking)

RESTRICTED DATA

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

Classified By: Joe Smith, Director, DOE,HS-61

Derived From: TCG-NAS-2, 03/1997, DOE OC

Declassify on: N/A to RD and TFNI

See source list for NSI portions.

Declassification –
N/A to RD and TFNI

Markings are for example purposes only.

SECRET//RESTRICTED DATA/TFNI//NOFORN



How is a document with TFNI and NSI commingled marked in the IC?

SECRET//TFNI//REL TO XXX, XXX

Subject: (U) Marking TFNI Documents

(U) _____

(S//TFNI//REL to XXX, XXX) _____

(C) _____

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

SECRET//TFNI//REL TO XXX, XXX

SECRET//TFNI//REL TO XXX, XXX

Source list:

CG-X-5, 10/16/95, DOE OC, Declassify on: 25X8, when vulnerability no longer exists

TR-143, 3/21/97, DOE OC; Declassify on: N/A to TFNI portions *(optional)*

Memo, "Funding Problems," 3/15/05, DOE OC; Declassify on: 3/15/2020

"Declassify On" line annotated with 'Not Applicable (or N/A) to TFNI portions' and "See source list for NSI portions."

The source list, includes the declassification instruction for each of the NSI source documents

SECRET//TFNI//REL TO XXX, XXX



Additional Considerations



What about legacy documents?

- Documents generated prior to E.O. 13526 may contain TFNI if they:
 - Contain intelligence information on foreign nuclear programs
 - Have declassification instructions of 25x2
- These documents may contain TFNI, but will not currently be marked as such
- Remarking
 - Is necessary to prevent automatic declassification
 - Information being reviewed under FOIA and EO 13526 must be remarked TFNI if document contains information that meets the criteria for TFNI
- If in doubt as to whether the document contains TFNI, contact a your Classification Officer or your RD Management Official (outside of DOE)



Who can classify TFNI documents?

- Within DOE
 - DC with authority in RD subject areas
 - Use of source documents, as approved
- Other Government Agencies
 - Same as NSI
 - Use of guidance or source documents



Who can declassify or redact TFNI documents?

- Same as RD
 - DOE Derivative Declassifier (DD) with authority in the RD subject area
 - Based on classification guidance
- Example
 - DD with authority in weapon components – TFNI included a design feature that was unclassified by DOE guides, the DD could remove the TFNI marking
 - However, document may contain intelligence sources and methods, so the document may not be declassified



Who should you contact if you have questions?

- DOE Office of Classification
(301) 903-4861
outreach@hq.doe.gov