



**GUIDE TO DISTRIBUTION
LIMITATION MARKINGS
OF CENDI AGENCIES**

CENDI Distribution Markings Task Group

Contributions by NASA, DOE and DTIC

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INTRODUCTION

This guide describes the distribution markings found on scientific and technical documents of the Department of Defense (DoD), Department of Energy (DOE), and the National Aeronautics and Space Administration (NASA), with references to the types of documents that require markings. The information has been assembled from DoD, DOE and NASA regulations only. References are made to these regulations, and to Executive Orders and legislation for those seeking more detailed information concerning specific markings. Because many of the CENDI agencies also distribute documents from NATO, basic NATO markings are also provided.

This document updates the 1988 document, "A Guide to Distribution Statements and Markings Used by DoD, DoE and NASA". This document was developed between 2003 and 2007. Markings that appeared in the first edition but were found to be deleted or superseded in 2007 are included in Appendix I listed by originating agency. Information contained herein may have been further updated or superseded since publication.

This guide was compiled for librarians, information center staff and others who must interpret markings on documents when performing secondary distribution of documents. Generally, the distribution markings apply to the document in any medium. However, the markings may require security procedures that affect the way the medium may be used, handled, disseminated or accessed. For primary assignment of markings, or for primary distribution, the individual agency guidance documents should be used.

Part 1 is a listing for all of key terms for distribution statements, marking abbreviations, and related acronyms, in alphabetical order. Each entry in Part 1 contains a definition, a discussion of any limitations to distribution, and the name of agency or agencies which use that marking. Part 2 organizes the markings by agency. Part 3 organizes the information by general category. The Appendix includes markings that are obsolete or superseded organized by agency. The main document concludes with end notes and a bibliography of applicable regulations, legislation and Executive Orders. References are made to online versions of documents when they are available. [Note: Most DOE orders, manuals, and guides are available at <http://www.directives.doe.gov/> .]

NOTE:. Presidential Memorandum for the Heads of Executive Departments and Agencies on the Designation and Sharing of Controlled Unclassified Information (CUI) was issued on May 9, 2008. Its purpose is to standardize practices for the designation, marking and control of sensitive unclassified information throughout the federal government. It also designates the National Archives and Records Administration (NARA) as the Executive Agent (EA), to oversee and implement the new CUI framework. Federal departments and agencies are responsible for implementation of the CUI Framework within 5 years of the date of the memorandum. A new edition of this guide will be issued subsequently.

PART 1: ALPHABETICAL LISTING

This section provides a listing for all of key terms for distribution statements, marking abbreviations, and related acronyms, in alphabetical order. This listing does not include markings that were eliminated or superceded since the 1988 edition. For those markings, see Appendix I. If a marking is encountered that is not covered in this listing or in the Appendix, contact the Public Affairs Office of the appropriate agency.

The term being defined is underlined. Non-abbreviated statements are followed by applicable acronyms or abbreviations. Items in the listing that are actual markings, the agency(ies) using the markings are indicated in brackets. The agency responsible for maintaining the marking is identified in the text of the definition. Cross references are provided to non-abbreviated statements from the acronyms or abbreviations. (See general notes.)

AEA - see Atomic Energy Act

AECA - see Arms Export Control Act of 1979

APPLIED TECHNOLOGY [DOE] - A DOE marking applied to information related to engineering, development, design, construction, and operations pertaining to particular programs. Applied Technology documents/software are given monitored distribution and announcement to domestic recipients, thereby retaining the foreign trade value of the information. This designation is similar in intent to NASA's RESTRICTED DISTRIBUTION. The Office of Scientific and Technical Information (OSTI) works with the Department's Office of Nuclear Energy, Science and Technology (NE) by maintaining official distribution lists, coordinating approval for document and software requests, and recording designation removal. These documents are marked as follows:

APPLIED TECHNOLOGY

Any further distribution by any holder of this product or data therein to third parties representing foreign interests, foreign governments, foreign companies, and foreign subsidiaries or foreign divisions of U.S. companies shall be approved by the [insert appropriate NE Program Office officials], U.S. Department of Energy. Further, foreign party release may require DOE approval pursuant to 10 CFR 810, and/or may be subject to Section 127 of the Atomic Energy Act.¹

ARMS EXPORT CONTROL ACT OF 1979 (AECA) [DoD, DOE, NASA] - (P.L. 90-629) 22 U.S.C. 2778 which authorizes the Department of State to control the export and import of certain defense articles, services, and unclassified technical data. Implemented by the International Traffic in Arms Regulations (22 CFR 120-130).²

See also INTERNATIONAL TRAFFIC IN ARMS REGULATIONS and EXPORT CONTROLLED INFORMATION

ARMS EXPORT CONTROL INFORMATION - see Export Controlled Information

ATOMAL [NATO] - A NATO marking applied to RESTRICTED DATA or FORMERLY RESTRICTED DATA provided by the United States to NATO or to "U.K. Atomic Information" provided by the United Kingdom.³

ATOMIC ENERGY ACT (AEA) OF 1954, AS AMENDED - P.L. 83-703, codified in 42 U.S.C. 2011-2297, establishes several programs and policies related to atomic energy and special nuclear materials, including the definition and the program for government control of RESTRICTED DATA and FORMERLY RESTRICTED DATA.⁴

C - see Confidential

C/FGI-MOD - see Confidential Foreign Government Information – Modified Handling Authorized.

CNWDI - see Critical Nuclear Weapon Design Information.

COMMUNICATIONS SECURITY (COMSEC) [DoD] - The protection resulting from all measures designed to deny unauthorized persons information of value that might be derived from the possession and study of telecommunications and to ensure authenticity of such communications. COMSEC includes crypto security, emission security, transmission security, and physical security of COMSEC material and information.⁵ The following notation must be present on all classified COMSEC material:

"COMSEC Material - Access by Contractor Personnel Restricted to U.S. Citizens Holding Final Government Clearance"⁶

COMSEC - see Communications Security.

CONFIDENTIAL (C) [DoD, DOE, NASA] - A designator for a classification level.

1) For RD and FRD, Confidential is applied to information, the unauthorized disclosure of which could reasonably be expected to cause undue risk to the common defense and security that the appropriate official is able to identify or describe.^{7, 8}

2) For NSI, Confidential is applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the appropriate official is able to identify or describe.^{9, 10}

CONFIDENTIAL FOREIGN GOVERNMENT INFORMATION – MODIFIED HANDLING AUTHORIZED (C/FGI-MOD) [DOE] - Foreign Government Information provided in confidence when the foreign protection requirement is lower than the protection required for U.S. confidential information and classified under Executive Order 12958, as amended. Documents shall include the derivative classifier marking and the statement:

This document contains (insert name of country)
(insert classification level) information to be treated as
U.S. Confidential-Modified Handling Authorized.¹¹

See FOREIGN GOVERNMENT INFORMATION

COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT (CRADA) [DoD, DOE, NASA]
- A written agreement between a private company and a government agency to work together on a project. This mechanism was created as a result of the Stevenson-Wydler Technology Innovation Act of 1980¹², and was amended by the Federal Technology Transfer Act of 1986¹³ and was further amended by the National Competitiveness Technology Transfer Act of 1989.¹⁴ The private industry cooperator has proprietary rights and can retain patent and intellectual property rights.^{15 16}

See also PROTECTED COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT (Protected CRADA) INFORMATION.

COSMIC-TOP SECRET (CTS) [NATO] - Unauthorized disclosure would result in exceptionally grave damage to NATO. Treated the same as National Security Information TOP SECRET information and subject to distribution limitations.¹⁷

CRADA [DoD, DOE, NASA] - See Cooperative Research and Development Agreement (CRADA).

CRITICAL NUCLEAR WEAPON DESIGN INFORMATION (CNWDI) [DoD] -TOP SECRET RESTRICTED DATA or SECRET RESTRICTED DATA revealing the theory of operation or design of the components of a thermonuclear or implosion-type fission bomb, warhead, demolition munition, or test device. Portions of documents containing CNWDI information have an "(N)" designation following the classification e.g., (S-RD) (N).¹⁸ The cover of the document should also contain the following message:

"CRITICAL NUCLEAR WEAPON DESIGN INFORMATION DoD
DIRECTIVE 5210.2 APPLIES"¹⁹

WEAPON DATA at Sigma Level 1, 2, or 11 is the equivalent of CNWDI. Weapon Data Information, however, can be classified as CONFIDENTIAL. Sigma Level 1, 2, or 11 information which is classified as Confidential should be handled as CNWDI Secret.

CRITICAL NUCLEAR WEAPON DESIGN INFORMATION (CNWDI) [DOE] - A Department of Defense (DOD) category of weapon data designating TOP SECRET/RESTRICTED DATA or SECRET/RESTRICTED DATA revealing the theory of operation or design of the components of a thermonuclear or fission bomb, warhead, demolition munition, or test device. (Sigma 1 and Sigma 2 generally, but not completely, equate to CNWDI.) Specifically excluded from designations as CNWDI is information concerning:

Arming, fuzing and firing systems
Limited life components
Total contained quantities of fissionable and high explosive materials by type
Components which military personnel set, maintain, operated, test or replace

Weapon Data reports shall, in addition to the general requirements, be marked with the following:

- (1) Nuclear Weapon Data. Sigma _____. (Sigma to be identified if reports contain information categorized under Sigmas 1, 2, and 11.)
- (2) CNWDI for Secret and Top Secret reports containing Sigma 1, 2, or 11 to be distributed to the DOD.²⁰

See also Weapon Data.

CTS - see COSMIC Top Secret.

EAA - see Export Administration Act of 1979.

EAR - see Export Administration Regulations.

Export Administration Act (EAA) of 1979, as amended [DoD, DOE, NASA] - 50 U.S.C. app. 2401-2420 (P.L., 96-72) provides the legal framework for export controls based on national security and foreign policy, and is implemented by the Export Administration Regulations.²¹

See also Export Administration Regulations.

EXPORT ADMINISTRATION REGULATIONS (EAR) [DoD, DOE, NASA] - 15 CFR parts 730 - 774 implements the Export Administration Act of 1979. This information/technology carries the marking “EXPORT CONTROLLED INFORMATION”. A warning or statement identifying the Act may also be included. DOE’s Export Controlled Information caveat is used on EAR information/documents.²²

EXPORT CONTROLLED INFORMATION (ECI) [DoD, DOE, NASA] - Information which is subject to the provisions of the Export Administration Act of 1979 as implemented by the Export Administration Regulations (EAR), the Arms Export Act of 1976 as implemented by the International Traffic in Arms Regulations (ITAR), 10 CFR 810, the Nuclear Nonproliferation Treaty, or Section 147 of the Atomic Energy Act. A warning or statement identifying the Act may also be included.²³

The following marking, or similar marking, is used by DOE:

EXPORT CONTROLLED INFORMATION

Contains technical data whose export is restricted by statute. Violations may Result in administrative, civil, or criminal penalties. Limit dissemination to U.S. Department of Energy, DOE contractors, and DOE-cleared personnel, and to Other U.S. Government agencies. The cognizant program manager must approve Other dissemination. This notice shall not be separated from the attached document.

Reviewer (signature)

Date

FGI - See Foreign Government Information.

FOIA - See Freedom of Information Act.

FOR OFFICIAL USE ONLY (FOUO) [DoD] - Information that has not been given a security classification pursuant to the criteria of an Executive Order, but which may be withheld from the public for one or more of the reasons cited in the Freedom of Information Act (FOIA), Exemptions 2 through 9. The Under Secretary of Defense (Intelligence) (USD(I)) is responsible for FOUO guidance.²⁴

FOREIGN GOVERNMENT INFORMATION (FGI) [DoD, DOE] - Information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence; information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any elements thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or information received and treated as “foreign government information” under the terms of a predecessor order.^{25 26}

The caveat FGI is included on documents that contain information that is either classified or requires protection, and is received from a foreign government.

See also CONFIDENTIAL FOREIGN GOVERNMENT INFORMATION – MODIFIED HANDLING AUTHORIZED (C/FGI-MOD)

FORMERLY RESTRICTED DATA (FRD) [DoD, DOE, NASA] - Information which has been removed from the RESTRICTED DATA category after the Department of Energy and the Department of Defense have jointly determined that the information relates primarily to the military utilization of atomic weapons and can be adequately safeguarded in the same manner as National Security Information. Such data may not be given to any other nation except under specially approved agreements. The information is identified and handled as RESTRICTED DATA when sent outside the U.S.^{27 28 29} These materials should be marked as follows:

Formerly Restricted Data

"Unauthorized disclosure subject to administrative and criminal sanctions. Handle as Restricted Data in Foreign Dissemination. Section 144b, Atomic Energy Act of 1954."³⁰

Formerly Restricted Data may be classified at one of the following three levels: Top Secret, Secret, or Confidential.

FOUO - see For Official Use Only.

FRD - see Formerly Restricted Data.

FREEDOM OF INFORMATION ACT (FOIA) - The Freedom of Information Act (FOIA), 5 USC § 552, as amended, established requirements for Government openness and accountability. Its purpose was to ensure citizens were informed and had statutory access to information in order to hold the Government accountable.

INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR) [DoD, DOE, NASA] - 22 CFR 120 – 130, which implements the Arms Export Control Act. DOE's Export Controlled Information caveat is used on ITAR information/technology documents.

See also Arms Export Control Act (AECA) and Export Controlled Information (ECI)

INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR) INFORMATION [NASA]
- Technical data which is:

- 1) classified information relating to defense articles and defense services
- 2) information covered by an invention secrecy order
- 3) information not classified pursuant to U.S. law and regulation and which is directly related to the design, engineering, development, production, processing, manufacture, operation, overhaul, repair, maintenance, or reconstruction of defense articles

These documents should contain the following marking:

NOTICE

"This document contains information which falls under the purview of the U.S. Munitions List, as defined in the International Traffic in Arms Regulation. It shall not be transferred to foreign nationals, in the U.S., or abroad without specific approval. Penalty for violations is described in ITAR, section 127."

This statement may be added as a warning to DoD's Statement X.

ITAR - see International Traffic in Arms Regulations.

NATIONAL SECURITY INFORMATION (NSI) [DoD, DOE, NASA] - Information that has been determined pursuant to Executive Order 12958, as amended, or any predecessor order to require protection against unauthorized disclosure and that is so designated.³¹ Information shall not be considered for classification unless it concerns:

- 1) military plans, weapons systems, or operations
- 2) foreign government information
- 3) intelligence activities (including special activities), intelligence sources or methods, or cryptology
- 4) foreign relations or foreign activities of the United States, including confidential sources
- 5) scientific, technological, or economic matters relating to the national security which includes defense against transnational terrorism
- 6) United States Government programs for safeguarding nuclear materials or facilities
- 7) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security, which includes defense against transnational terrorism
- 8) weapons of mass destruction

National Security Information may be classified at one of the following three levels: Top Secret, Secret, or Confidential.

NATO [classification level] INFORMATION [DoD] - U.S. documents which contain extracts from NATO documents. To ensure that such information is not declassified or made accessible to nationals of non-NATO countries without NATO approval, the following message is used:

"THIS DOCUMENT CONTAINS NATO [classification level] INFORMATION"³²

NATO CONFIDENTIAL (NC) [NATO] - Unauthorized disclosure would be damaging to NATO. Treated the same as CONFIDENTIAL with appropriate distribution limitations.

NATO RESTRICTED (NR) [NATO] - Unauthorized disclosure would be detrimental to the interests or effectiveness of NATO. Generally, the United States applies to NR the protective measures used nationally for "Official Use Only" (FOUO) Information.³³ The following message should also appear:

"THIS DOCUMENT CONTAINS NATO RESTRICTED
INFORMATION PROTECTED AS "FOR OFFICIAL USE
ONLY"³⁴

NATO SECRET (NS) [NATO] - Unauthorized disclosure would result in grave damage to NATO. NATO Secret has accountability, control and handling requirements that exceed those stipulated for U.S. SECRET Information.³⁵

NATO UNCLASSIFIED [NATO] - NASA and DoD limit this information to U.S. Government Agencies and their contractors.³⁶

NAVAL NUCLEAR PROPULSION INFORMATION (NNPI) [DOE, DoD] - This is a type of information (classified or unclassified) concerning the design arrangement, development, manufacture, testing, operation, administration, training, maintenance, or repair of the propulsion plants of naval nuclear-powered ships and prototypes, including the associated nuclear support facilities. Classified and unclassified NNPI must be protected in accordance with Naval Sea Systems Command Instruction C5511.32B, dated 12-22-93. NNPI must be protected pursuant to export control requirements and statute. Questions regarding NNPI must be directed to the Assistant Administrator for Naval Reactors.³⁷

- 1) Access. Access to NNPI must be granted only to U.S. citizens who have a need to know.
- 2) Marking. Both classified and unclassified NNPI documents are designated as NNPI by being marked as follows:
 - A. “NOFORN This document is subject to special export controls and each transmittal to foreign governments or foreign nationals must be made only with the prior approval of the NavSea.” (This marking should be placed on the front bottom of the first page text.)
 - B. All subsequent pages must be marked top and bottom “NOFORN.”

NOTE: The use of NOFORN for NNPI is the only situation in which intelligence caveats may be used for marking documents that are not intelligence related.

NC [NATO] - see NATO Confidential.

NNPI - see Naval Nuclear Propulsion Information.

NOFORN [DOE, DoD] - NOFORN is authorized in DOE and DoD for Naval Nuclear Propulsion Information.^{38 39}(See Naval Nuclear Propulsion Information.)

NR - see NATO Restricted.

NS - see NATO Secret.

NSI - see National Security Information.

NUCLEAR WEAPON DATA - see Weapon Data.

OFFICIAL USE ONLY (OUO) [DOE] - A designation identifying certain sensitive unclassified information that may be exempt from public release under the Freedom of Information Act (FOIA) and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need to know the information to perform their jobs or other DOE-authorized activities.⁴⁰

Note that documents marked “Official Use Only” and dated from July 18, 1949 through October 22, 1951, are classified and must be handled as Confidential National Security Information pending a determination of their proper classification.⁴¹

The following marking is placed on the front of each document containing OUO information⁴²:

OFFICIAL USE ONLY
May be exempt from public release under the Freedom of Information Act
(5 U.S.C. 552), exemption number and category: _____
Department of Energy review required before public release

Name/Org: _____ Date: _____
Guidance (if applicable) _____

Access to (a) documents marked as containing OOU information and (b) OOU information from such documents must only be provided to those persons who require the information to perform their jobs or other DOE-authorized activities. The responsibility for determining whether someone has a valid need for such access rests with the person who has authorized possession, knowledge, or control of the information or document and not on the perspective recipient.⁴³

OOU - see Official Use Only.

PATENT SECRECY ACT OF 1952 [DoD, DOE, NASA] - Provides that the Secretary of Defense, among others, may determine that disclosure of an invention by granting of a patent would be detrimental to national security. If the patent application contains information that warrants classification, it shall be assigned a classification and be marked and safeguarded accordingly. If a patent application within DoD does not contain information that warrants classification, the following cover sheet shall be placed on the application:

"The attached material contains information on which secrecy orders have been issued by the U.S. Patent Office after determination that disclosure would be detrimental to national security (Patent Secrecy Act of 1952, 35 USC 181-188). Its transmission or revelation in any manner to an unauthorized person is prohibited by law. Handle as though classified CONFIDENTIAL (or such other classification as has been assigned)."

This information shall be withheld from public release; its dissemination within the Department of Defense shall be controlled; the applicant shall be instructed not to disclose it to any unauthorized person; and the patent application (or other document incorporating the protected information) shall be safeguarded in the manner prescribed for equivalent classified material.

Patent applications for DoD-funded research prepared for foreign registration should be marked with the following:

"Withheld under the Patent Secrecy Act of 1952 (35 USC 181-188)
Handle as CONFIDENTIAL (or such other level as has been determined)."⁴⁴

PROPRIETARY [DOE] - Proprietary data that arise from DOE financial assistance agreements are controlled in accordance with Title 48, C.F.R. 952.227, Printing, and Title 5 USC 552, Freedom of Information Act of 1974. Proprietary data that arise from DOE contracts involving "limited rights data" or "restricted computer software" are defined and controlled in accordance with FAR 52.227-14 and Title 5 USC 552, Freedom of Information Act.⁴⁵

The following restrictive marking shall be applied to documents containing proprietary information:

PROPRIETARY DATA

This technical data contains proprietary data furnished under contract no. _____ with the U.S. Department of Energy. Disclosure outside the Government is not authorized without prior approval of the originator, or in accordance with provisions of 48 CFR 952.227 and 5 U.S.C. 552.

PROTECTED COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT (Protected CRADA) [DOE] - Information that is produced in the performance of a CRADA that is marked as being Protected CRADA Information by a party to the agreement and that would have been proprietary information had it been obtained from a non-Federal entity. In accordance with DOE M 483.1-1, products that contain information that is protectable under the terms of a CRADA must clearly display the Protected CRADA Information Restrictive Legend.⁴⁶

PROTECTED CRADA INFORMATION

This product contains Protected CRADA Information which was produced on [date] under CRADA No. _____ and is not to be further disclosed for a period of _____ from the date it was produced except as expressly provided for in the CRADA.

PROTECTED CRADA [DOE] - see Protected Cooperative Research and Development Agreement.

RESTRICTED DATA (RD) [DoD, DOE, NASA] -A kind of classified information that consists of all data concerning the following, but not including data declassified or removed from the RD category pursuant to section 142 of the Atomic Energy Act:

- 1) Design, manufacture, or utilization of atomic weapons
- 2) Production of special nuclear material
- 3) Use of special nuclear material in the production of energy⁴⁷

The following notice should appear on the front of documents containing Restricted Data:⁴⁸

RESTRICTED DATA

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

Restricted Data may be classified at one of the following three levels: Top Secret, Secret, or Confidential.

S - see Secret.

SBIR - see Small Business Innovation Research Program.

SECRET (S) [DoD, DOE, NASA] - A designator for a classification level. RD, FRD, or NSI information whose unauthorized disclosure could reasonably be expected to cause serious damage to the national security in a way that the appropriate official can identify or describe.^{49, 47a}

SECTION 148 INFORMATION - see Unclassified Controlled Nuclear Information.

SIGMA LEVELS - see Weapon Data.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM (SBIR) [DOE, NASA] - SBIR reports shall not be made available until four years after the closeout of a grant. If a company receives a Phase II award as a continuation of their Phase I research, the protected period would cover the Phase I and II data, four years after the closeout of the Phase II. If a company receives a Phase II award, then the protected period would cover the Phase I, II, and III data, four years after closeout of Phase III.⁵⁰ These reports are marked as follows:

"Distribution of this document is limited. No automated distribution or announcement. Refer requests to [Restricting Office/Controlling Office/Originating Office]."

For DOE this appears as a statement along with Statement B.

SMALL BUSINESS TECHNOLOGY TRANSFER (STTR) - The STTR Program is utilized by DoD, DOE and NASA. This program is intended to support the movement of R&D from the laboratory to commercialization by funding partnerships between small business and non-profit research institutions and universities. It consists of two funding phases. Phase I is awarded for a year. Phase II is awarded for an additional two years; only those who have participated in Phase I can be chosen for funding in Phase II.

STTR - see Small Business Technology Transfer.

TOP SECRET (TS) [DoD, DOE, NASA] - A designator for a classification level. RD, FRD, or NSI information whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security in a way that the appropriate official can identify or describe.^{51, 52}

TS - see Top Secret.

U - see Unclassified Information.

U² - see Unclassified -- Unlimited Information.

UCNI - see Unclassified Controlled Nuclear Information.

UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION (UCNI) [DOE] - Information which falls under Section 148 of the Atomic Energy Act of 1954 as amended (42 USC 2168). The unauthorized dissemination of this information must reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of an illegal production of a nuclear weapon, or theft, diversion, or sabotage of nuclear materials, equipment, or facilities. Information which falls under Section 148 is exempt from disclosure under the Freedom of Information Act. This information includes:

- 1) the design of production facilities or utilization facilities
- 2) security measures (including security plans, procedures, and equipment) for the physical protection of production or utilization facilities, nuclear material contained in such facilities, or nuclear material in transit
- 3) the design, manufacture, or utilization of any atomic weapon or component if it was contained in any information declassified or removed from the RD category^{53, 54}

When a Reviewing Official determines that unclassified matter contains UCNI, the Reviewing Official marks or authorizes the front of the matter to be marked as follows:

UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION
NOT FOR PUBLIC DISSEMINATION
Unauthorized dissemination subject to civil and criminal

Sanctions under section 148 of the Atomic Energy Act
Of 1954, as amended (42 U.S.C. 2168)

Reviewing Official: _____
(name/organization)

Date: _____

Guidance Used: _____
(List all UCNI guidance used)

UCNI matter may be marked with the caveat “DISSEMINATION CONTROLLED” when programmatic requirements place special dissemination or reproduction limitations on information controlled as UCNI. This marking indicates that reproduction, extraction of information, or redistribution of such matter requires the permission of the cognizant DOE program office. The following marking is placed immediately above the matter’s front marking:

DISSEMINATION CONTROLLED

Distribution authorized to DOE and DOE contractors only. Other requests shall be approved by the cognizant DOE program office, which is _____, before release.⁵⁵

Access to UCNI must be provided only to those authorized for routine or special access. The procedures and requirements for disseminating UCNI are detailed in DOE Manual 471.1-1 “Identification and Protection of Unclassified Controlled Nuclear Information”, dated 6/30/2000.

UNCLASSIFIED (U) [DoD, DOE, NASA] - Information that is not classified pursuant to an executive order or a statute. The fact that information is unclassified does not mean that it may be released to the public since it may be subject to other controls (e.g., Unclassified Controlled Nuclear Information [UCNI], Official Use Only [OUO] information). Distribution limitations can be placed on unclassified documents.⁵⁶

UNCLASSIFIED - UNLIMITED (U²) [DoD, DOE, NASA] - Unclassified information that does not have any distribution limitations placed on it.

WEAPON DATA [DOE] – RESTRICTED DATA/FORMERLY RESTRICTED DATA concerning the design, manufacture, or utilization (including theory, development, storage, characteristics, performance, and effects) of atomic weapons or atomic weapon components. This includes information incorporated in or relating to nuclear explosive devices.⁵⁷ These are divided into the following Sigma levels or categories:

- Sigma 1.** Theory of operation (hydrodynamic and nuclear) or complete design of thermonuclear weapons or their unique components.
- Sigma 2.** Theory of operation or complete design of fission weapons or their unique components. This includes the high explosive system with its detonators and firing unit, pit system, and nuclear initiation system as they pertain to weapon design and theory.
- Sigma 3.** Manufacturing and utilization information not comprehensively revealing the theory of operation or design or the physics package. Complete design and operation of nonnuclear components but only information as prescribed below for nuclear components. Utilization information necessary to support the stockpile to target sequence information includes:

- a) general external weapon configuration including size, weight, and shape
- b) environmental behavior, fuzing ballistics, yields, and effects
- c) nuclear components or subassemblies which do not reveal theory of operation or significant design features
- d) production and manufacturing techniques relating to nuclear parts or subassemblies
- e) anticipated and actual strike operations

Sigma 4. Information inherent in preshot and post-shot activities necessary in the testing of atomic weapons or devices. Specifically excluded are the theory of operation and the design of such items.

Information includes:

- a) logistics, administration, other agency participation
- b) special constructions and equipment
- c) effects, safety
- d) purpose of test, general nature of nuclear explosive tested including expected or actual yields and conclusions derived from test, not to include design features

Sigma 5. Production rate and/or stockpile quantities of nuclear weapons and their components.

Sigma 9. General studies not directly related to the design or performance of specific weapons or weapon systems; e.g., reliability studies, fuzing studies, damage studies, aerodynamic studies, etc.

Sigma 10. Chemistry metallurgy, and processing of materials peculiar to the field or atomic weapons or nuclear explosive devices.

Sigma 11. Information concerning inertial confinement fusion which reveals or is indicative of weapon data. There are additional subcategories not included in this list; contact the originating agency for further information.

Sigma 12. Theory of operation or complete design of the nuclear energy converter, energy director or other nuclear directed energy weapon outside the radiation case of the nuclear source but within the envelope of the nuclear directed energy weapon concept.

Sigma 13. Manufacturing and utilization information for nuclear energy converts, directors, or other nuclear directed energy weapon outside the nuclear source radiation case, not comprehensively revealing the theory of operation or design of the nuclear directed energy weapon concept.

Information includes:

- a) general, external weapon configuration and weapon environmental behavior characteristics, yields, and effects
- b) component or subassembly design that does not reveal complete theory of operation or significant comprehensive design features of nuclear directed energy weapons
- c) production and manufacturing techniques related to components or subassemblies of nuclear directed energy weapons⁵⁸

Sigma 14. The category of sensitive information concerning the vulnerability of nuclear weapons to deliberate unauthorized nuclear detonation.⁵⁹

Sigma 15. The category of sensitive information concerning the design and function of nuclear weapons use control systems, features and components. This includes use control information for passive and active systems.⁶⁰

Sigma 20. The category of Nuclear Weapon Data that pertains to sensitive improvised nuclear device information.⁶¹

NOTE: Theory of operation or complete design information for a nuclear directed energy weapon requires access to Sigmas 1, 2, and 12 information. Persons not requiring access to Sigmas 1, 2, or 12 information will normally be granted Sigmas 3 and 13.

Weapon Data reports shall, in addition to the general requirements, be marked with the following:

- 1) Nuclear Weapon Data, Sigma _____. (Sigma to be identified if reports contain information categorized under Sigmas 1, 2, or 11.
- 2) CNWDI for Secret and Top Secret reports containing Sigma 1, 2, or 11 to be distributed to the DoD.

Documents containing Sigma 14 NWD will carry the following additional handling instructions:

This document may not be reproduced or disseminated beyond original distribution without approval of the originator, the originating agency Use Control Site Coordinator, or the National Nuclear Security Administration Headquarters Use Control Program Coordinator.⁶²

Documents containing Sigma 20 NWD must carry the following additional handling instruction on the first page of the document (whether title page or first page of text):

This document must not be reproduced or disseminated beyond original distribution without approval of the originator, the originating agency, the Sigma 20 Site Coordinator, or the DOE/NNSA Sigma 20 Coordinator.⁶³

PART 2: DISTRIBUTION STATEMENTS BY AGENCY

This section includes the distribution statements of DoD, DOE, NASA and NATO organized by agency. Information is provided about the classification or information categories to which the statement applies or does not apply. Information about how the document is to be distributed is also provided.

DEPARTMENT OF DEFENSE

Statements indicate the extent of availability of a document for secondary distribution, release, or disclosure. These statements are distinct from, and in addition to, any security classification which is assigned. All newly created unclassified DoD technical documents are assigned a distribution statement A, B, C, D, E, F or X. Classified DoD technical documents are assigned a distribution statements B,C, D, E or F. The statement must appear on the cover.

Table of DoD Distribution Statements

<i>Distribution Statement</i>	<i>Classifications /Information Categories that Apply</i>	<i>Distribution</i>
A - Approved for public release; distribution is unlimited	This statement may be used only on unclassified technical documents that have been cleared for public release by competent authority in accordance with DoD Directive 5230.9.	May be made available or sold to the public and foreign nationals, companies, and governments, including adversary governments, and may be exported.
B - Distribution authorized to U.S. Government agencies only (fill in reason(s)) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).	Unclassified or classified technical documents, if necessary, either to ensure distribution limitations in addition to need-to-know requirements, or in the event the document is declassified.	Unclassified documents, though marked as limited, are not necessarily exempt from requests under the Freedom of Information Act.
C - Distribution authorized to U.S. Government agencies and their contractors (fill in reason(s)) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).	Unclassified or classified technical documents, if necessary, either to ensure distribution limitations in addition to need-to-know requirements, or in the event the document is declassified.	
D - Distribution authorized to the Department of Defense and U.S. contractors only (fill in reason(s)) (date of determination). Other requests shall be referred to (insert controlling DoD office).	Unclassified or classified technical documents, if necessary, either to ensure distribution limitations in addition to need-to-know requirements, or in the event the document is declassified.	
E - Distribution authorized to DoD Components only (fill in reason(s)) (date of determination). Other requests shall be referred to (insert controlling DoD office).	Unclassified or classified technical documents, if necessary, either to ensure distribution limitations in addition to need-to-know requirements, or in the event the document is declassified.	
F - Further dissemination only as directed by (insert controlling DoD office) (date of determination) or higher DoD authority.	Distribution statement F is normally used only on classified technical documents, but may be used on unclassified technical documents when specific authority exists (e.g., designation as direct military support as in statement E).	Distribution statement F is also used when the DoD originator determines that information is subject to special dissemination limitations
X - Distribution authorized to U.S. Government Agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with DoD Directive 5230.25 (date of determination). Controlling DoD Office is (insert).	Distribution statement X shall be used on unclassified documents when distribution statements B, C, D, E or F do not apply, but the document does contain technical data as explained in DoD Directive 5230.25. This statement shall not be used on classified technical documents; however, it may be assigned to technical documents that formerly were classified. ⁶⁴	Documents marked with statement X are exempt from requests under the Freedom of Information Act in accordance with DoD Directive 5230.25

Table of DoD Distribution Limitation Reasons

The table below lists the reasons that may be inserted into the DoD statements as indicated by “(insert reason(s))” in the Statement language listed in the preceding chart. All reasons applicable for a particular document are inserted into the statement.

<i>Reason Statement</i>	<i>Description</i>	<i>Applicable Distribution Statement</i>
Administrative or Operational Use	To protect technical or operational data or information from automatic dissemination under the International Exchange Program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement may be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.	B-F
Contractor Performance Evaluation	To protect information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.	B, E
Critical Technology	To protect information and technical data that advance current technology or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified or unclassified; when unclassified, it is export-controlled and subject to the provisions of DoD Directive 5230.25.	B-F, X
Direct Military Support	The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.25.	E, F
Foreign Government Information	To protect and limit distribution in accordance with the desires of the foreign government that furnished the technical information. Information of this type normally is classified at the CONFIDENTIAL level or higher in accordance with DoD 5200.1-R.	B-F
Premature Dissemination	To protect patentable information on systems or processes in the developmental or concept stage from premature dissemination.	B, E
Proprietary Information	To protect information not owned by the U.S. Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the U.S. Government.	B, E
Software Documentation	Releasable only in accordance with DoD Instruction 7930.2.	B-F
Specific Authority	To protect information not specifically included in the above reasons and discussions, but which requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling in the reason, cite "Specific Authority (identification of valid documented authority)."	B-F
Test and Evaluation	To protect results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product	B, E

DEPARTMENT OF ENERGY

Distribution statements should be, but are not required to be placed on scientific and technical documents initially distributed by DOE or DOE contractors and provided to the DOE Office of Scientific and Technical Information. In a case where a DOE document does not have a distribution statement, refer to the classification level or information category on the document and reference the distribution statement in this document. The documents are provided to DOE accompanied by the DOE F 241.1 Announcement of U.S. Department of Energy (DOE) Scientific and Technical Information (STI) or DOE F 241.3 United States Department of Energy (DOE) Announcement of Scientific and Technical Information (STI). The following table lists the distribution statements with applicable information categories noted in parentheses.

Table of DOE Distribution Statements

<i>Distribution Statement</i>	<i>Applicable Information Category</i>
A - Approved for public release; further dissemination unlimited.	Unclassified; Non-Sensitive
B - Further dissemination authorized to U.S. Government agencies with need to know; other requests shall be approved by the originating facility or higher DOE programmatic authority.	All Official Use Only except Applied Technology.
C - Further dissemination authorized to U.S. Government agencies and their contractors with need to know; other requests shall be approved by the originating facility or higher DOE programmatic authority.	Official Use Only (specifically all OOU except Patent Caution; Proprietary (aka Limited Rights Data); SBIR; STTR; Applied Technology; Protected CRADA; Protected Battery Information; ECI)
D - Further dissemination authorized to Department of Energy and DOE contractors with need to know; other requests shall be approved by the originating facility or higher DOE programmatic authority.	Unclassified Controlled Nuclear Information; all OOU except Patent Caution, proprietary (aka, Limited Rights Data), SBIT, STTR, Applied Technology, Protected CRADA. Protected Battery Information, ECI
E - Further dissemination authorized to the Department of Energy with need to know only; other requests shall be approved by the originating facility or higher DOE programmatic authority.	Unclassified Controlled Nuclear Information; all Official Use Only except Applied Technology
F - Further dissemination only as authorized by the originating facility or higher DOE programmatic authority; requester must possess appropriate security clearance, need-to-know, and facility approval for receipt and storage of classified documents as validated in the Safeguards and Security Information Management System (SSIMS), operated by the DOE Office of Security.	Classified; All Non-weapon data FRD and NSI
G - Further dissemination only as authorized by the originating facility or higher DOE programmatic authority; requester must possess appropriate security clearance, Restricted data access authorization, need-to-know, and facility approval for receipt and storage of classified documents as validated in the Safeguards and Security Information Management System (SSIMS), operated by the DOE Office of Security.	Classified; Confidential (RD or FRD), Sigmas 1,2,11; all Sigmas 3,4,5,9,10; all other non-weapon data RD

<i>Distribution Statement</i>	<i>Applicable Information Category</i>
<p>H - Further dissemination only as authorized by the Director of Military Application or directed by the DOE Weapon Data Control Officer (DP-45); requestor must possess DOE Q clearance or equivalent, Restricted Data access authorization, need-to-know, and facility approval for receipt and storage of classified documents as validated in the Safeguards and Security Information Management System (SSIMS), operated by the DOE Office of Security.</p>	<p>Classified; SRD and SFRD Sigmas, 1,2,11,12,13</p>
<p>J - This document may not be reproduced or disseminated beyond original distribution without approval of the originator or originating agency Use Control Site Coordinator.” Access requires written authorization by the Use Control Site Coordinator as directed in DOE M 452.4-1A.</p>	<p>Classified; Sigma 14 and/or Sigma 15</p>
<p>K – This document may not be reproduced or disseminated beyond original distribution without approval of the originator, the originating agency, the Sigma 20 Site Coordinator, or the DOE/NNSA HQ Sigma 20 Coordinator. Access to this document requires written authorization by the Sigma 20 Site Coordinator in accordance with DOE M 457.1-1.</p>	<p>Classified; Sigma 20 NWD</p>

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The distribution limitation statements for NASA documents are based on NASA Procedural Requirements (NPR) 2200.2B, “Requirements for Documentation, Approval, and Dissemination of NASA Technical Information,” and the NASA Form (NF) 1676, “NASA Scientific and Technical Information (STI) Document Availability Authorization (DAA).” These distribution limitation statements may or may not be found on documents. Agencies should refer to any accompanying citation (metadata) information associated with the document to help determine distribution limitation statements. The following are NASA’s distribution limitation statements as defined by the NF-1676:

Table of NASA Distribution Limitation Statements

<i>Distribution Statement</i>	<i>Distribution</i>
Available only with Approval of the following Issuing Office Limited Until Date (mm/dd/yyyy)	Distribution determined by Issuing Office
Government Agencies and US Government Agency Contractors Only	Access by Foreign Nationals must be in compliance with Export Control Regulations
NASA Contractors and US Government Only	Access by Foreign Nationals must be in compliance with Export Control Regulations
NASA Personnel and NASA Contractors Only	Available to NASA Civil Servants and Contractors with current NASA contracts.
NASA Personnel Only	Available to NASA Civil Servants Only
Publicly Available	Available to the Public
US Government Agencies Only	Available to NASA and other U.S. federal Civil Servants.
US Persons with a Need to Know and a Signed NDA	Available to US Citizens or US Persons with a need to know and a signed non-disclosure agreement

NASA documents may be restricted from public access for a variety of reasons. NASA uses restrictive notices, proprietary or sensitive information notices, or sensitive but unclassified (SBU) notices. SBU supercedes the use of Administratively Controlled Information (ACI) as an information category. Distribution limitations are used in combination with NASA notices to provide guidance on documents accessibility.

Table of NASA Notices and Descriptions

<i>Restrictive Notices, Sensitive But Unclassified (SBU) notices, or Proprietary or sensitive information notices</i>	<i>Description</i>
Contains Public-Web-Sensitive Information Notice	Documents not released on public websites in accordance with the NASA Internet Publishing Content Guidelines, chapter 11, found in NPR 2810.1A, “Security of Information Technology.”

<i>Restrictive Notices, Sensitive But Unclassified (SBU) notices, or Proprietary or sensitive information notices</i>	<i>Description</i>
Copyright Notice	Documents protected by copyright law. A copyright owner is the owner of the exclusive rights comprised in a copyright. A copyright provides the copyright owner the exclusive right to, or authorize others to: reproduce the copyrighted work; prepare derivative works based upon the copyrighted work; distribute copies of the copyrighted work to the public; perform the copyrighted work publicly; and display the copyrighted work publicly. Others are restricted from exercising the exclusive rights reserved to the copyright owner without the copyright owner's permission.
Document Disclosing An Invention Notice	Documents containing data developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged
Export Administration Regulations (EAR) Notice	Documents within the purview of the Export Administration Regulations (EAR), 15 CFR 730-774, and is export controlled. It may not be transferred to foreign nationals in the U.S. or abroad without specific approval of a knowledgeable NASA export control official, and/or unless an export license/license exception is obtained/available from the Bureau of Industry and Security (BIS), United States Department of Commerce. Violations of these regulations are punishable by fine, imprisonment or both.
International Traffic in Arms Regulations (ITAR) Notice	Documents marked ITAR falls under the purview of the U.S. Munitions List (USML), as defined in the International Traffic in Arms Regulations (ITAR), 22 CFR 120-130, and is export controlled. It shall not be transferred to foreign nationals in the U.S. or abroad, without specific approval of a knowledgeable NASA export control official, and/or unless an export license/license exemption is obtained/available from the United States Department of State. Violations of these regulations are punishable by fine, imprisonment or both.
Limited Rights Data Notice	Documents containing data developed at private expense that is delivered to the Government under a government contract and that embodies trade secrets or are commercial or financial and confidential or privileged or that pertain to items, components, or processes developed at private expense. These data may be reproduced and used by the Government with the express limitation that they will not, without written permission of the Contractor, be used for purposes of manufacture nor disclosed outside the Government.
Produced Under Space Act Agreement & Subject to Sec.303(b) of the Space Act Notice	Documents containing trade secrets. Under certain limited circumstances, NASA employees may produce technical information that may be treated as trade secret information. Section 303(b) of the National Aeronautics and Space Act, as amended, provides that information or data produced by NASA employees, in carrying out NASA's participation in an agreement entered into under the Space Act, may be protected for a period of up to 5 years if such information would constitute a trade secret or confidential commercial information if it had been produced by the non-Government party. NASA agrees to protect the data for the period of time established in the agreement between NASA and the other party, up to 5 years.

<i>Restrictive Notices, Sensitive But Unclassified (SBU) notices, or Proprietary or sensitive information notices</i>	<i>Description</i>
Small Business Innovation Research (SBIR/STTR) Notice	Documents with data first produced by an SBIR contractor which are not generally known, have not, without obligation as to its confidentiality, been made available to others by the contractor, or are not already available to the Government. Data developed under an SBIR contract, if marked with the "SBIR Rights Notice" specified in the contract, must be withheld from public release in accordance with the SBIR contract, usually for 4 years.
Trade Secret/Commercial Confidential Other Than Limited Rights or SBIR Data Notice	Documents containing trade secrets. A "trade secret" is information that: (1) is used in a business, (2) is secret, and (3) gives a competitive advantage to the person with knowledge of it. The party delivering such information must include a proprietary notice that indicates the restricted nature of the information when delivered to the Government. If such information is properly marked by the originator, NASA agrees to handle the information in accordance with the markings.

NORTH ATLANTIC TREATY ORGANIZATION

NATO information is processed and re-disseminated by a number of CENDI agencies. Security classifications indicate the sensitivity of NATO information and are applied in order to alert recipients to the need to ensure protection in proportion to the degree of damage that would occur from unauthorized access or disclosure.

<i>Distribution Statement</i>	<i>Classification/ Information Categories that Apply</i>	<i>Distribution</i>
<i>COSMIC Top Secret</i>		Treat as National Security Information Top Secret.
<i>NATO Secret</i>		Treat as SECRET INFORMATION with appropriate distribution limitations. ⁶⁵
<i>NATO Confidential</i>		Treated with appropriate distribution limitations. ⁶⁶
<i>NATO Restricted</i> The following message should also appear: "This document contains NATO RESTRICTED information protected as "For Official Use Only" ⁶⁷	NATO information and material which requires security protection, but less than that required for Confidential	Treat as "For Official Use Only" NASA and DoD handle as Unclassified with Distribution Statement D; i.e., distribution is limited to DoD and its contractors.
<i>NATO Unclassified</i>		Treat as UNCLASSIFIED INFORMATION with appropriate distribution limitations.
<i>Unclassified/ Unlimited</i>		No distribution limitations.
<i>Unmarked</i>		No distribution limitations

NATO unclassified information may also indicate the cooperative activity.

NATO/PfP/UNCLASSIFIED is NATO or PfP information that can be freely disseminated unless distribution limitations are provided with the marking by the originator. These limitations may restrict the dissemination to a particular country or countries or to those members of a particular project.

In addition to the statements provided above, additional information may be provided by the releasing agency. For example, NATO classified information that originated in the context of a North Atlantic Council cooperative activity, such as the Partnership for Peace (PfP) program, may have the name of the cooperative activity, the international organization or the participating nation following the word NATO and preceding the classification level. For example, a document marked NATO/PfP RESTRICTED is the result of the Partnership for Peace activity and is restricted in its distribution.

(See <http://www.nato.int/pfp/eapc-cnt.htm> for a list of the PfP countries.)

In addition to the marking, additional caveats or dissemination information may appear under the marking. For example,

NATO/PfP RESTRICTED
ROMANIA AND ALBANIA ONLY

The use of the word ONLY restricts this information to NATO and only the Romanian and Albanian non-NATO participants in the PfP program.

NATO information may also be disseminated outside the environment in which it was created. In this case, the phrase “Releasable to” is used. For example,

NATO CONFIDENTIAL
RELEASABLE TO MEXICO

would indicate that in addition to NATO members, the information can be released to appropriate individuals in Mexico through the appropriate channels.⁶⁸

Similarly,

NATO/EAPC RESTRICTED
RELEASABLE TO AUSTRALIA

would restrict dissemination to NATO, EAPC countries and Australia.

PART 3: MARKINGS BY GENERAL CATEGORY

This section lists several general categories of information used by various agencies. It provides some basic comparisons of how these categories are handled, but is not intended to be exhaustive. The basic definitions and enabling legislation are listed.

EXPORT CONTROLLED INFORMATION

Information which is subject to the provisions of the Export Administration Act of 1979 as implemented by the Export Administration Regulations (EAR) or the Arms Export Act of 1976 as implemented by the International Traffic in Arms Regulations (ITAR), 10 CFR 810, Nuclear Nonproliferation Treaty, or section 147 of the Atomic Energy Act of 1954. These regulations cover technology (and goods which contribute significantly to the transfer of such technology) which could make a significant contribution to the military potential of any country or combination of countries which would be detrimental to the national security of the United States.^{69, 70} Articles, services and technical data subject to ITAR are listed in the United States Munitions List, while those subject to EAR can be found in the Commodity Control List (CCL).

Classified DOD documents are subject to handling according to their level of classification. Unclassified DoD documents subject to Export Control may be withheld from public disclosure if requested under the Freedom of Information Act (FOIA).⁷¹ Older documents contain a variety of export control of ITAR messages. DoD Directive 5230.24, Distribution Statements on Technical Documents, prescribes the marking for export control information to be used throughout DoD. It also provides for abbreviation of the marking under certain conditions. The authorized marking is:

"WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25."⁷²

DOE information determined to be Export Controlled should have the following marking attached:

EXPORT CONTROLLED INFORMATION

Contained technical data whose export is restricted by statute. Violations may result in administrative, civil, or criminal penalties. Limit dissemination to U.S. Department of Energy employees, DOE contractors and DOE-cleared personnel, and to other U.S. Government agencies. The cognizant program manager must approve other dissemination. This notice shall not be separated from the attached document.⁷³

Reviewer (Signature) _____ Date _____

NASA uses separate notices for EAR and ITAR documents. Both EAR and ITAR documents may not be transferred to foreign nations in the U.S. or abroad without specific approval of a knowledgeable NASA export control official, and/or unless an export license/license exception is obtained/available from the Bureau of Industry and Security (BIS), United States Department of Commerce. Violations of these regulations are punishable by fine, imprisonment or both.

NASA notices as provided in NPR 2200.2B for EAR and ITAR are provided below.

Export Administration Regulations (EAR) Notice

Export Administration Regulations (EAR) Notice

This document contains information within the purview of the Export Administration Regulations (EAR), 15 CFR 730-774, and is export controlled. It may not be transferred to foreign nationals in the U.S. or abroad without specific approval of a knowledgeable NASA export control official, and/or unless an export license/license exception is obtained/available from the Bureau of Industry and Security, United States Department of Commerce. Violations of these regulations are punishable by fine, imprisonment, or both.

International Traffic in Arms Regulations (ITAR) Notice

International Traffic in Arms Regulations (ITAR) Notice

This document contains information which falls under the purview of the U.S. Munitions List (USML), as defined in the International Traffic in Arms Regulations (ITAR), 22 CFR 120-130, and is export controlled. It shall not be transferred to foreign nationals, in the U.S. or abroad, without specific approval of a knowledgeable NASA export control official, and/or unless an export license/license exemption is obtained/available from the United States Department of State. Violations of these regulations are punishable by fine, imprisonment, or both.

FORMERLY RESTRICTED DATA (FRD)

Information which has been removed from the RESTRICTED DATA category after the Department of Energy and the Department of Defense have jointly determined that the information relates primarily to the military utilization of atomic weapons and can be adequately safeguarded in the same manner as National Security Information. Such data may not be given to any other nation except under specially approved agreements. The information is identified and handled as RESTRICTED DATA when sent outside the U.S.⁷⁴ These materials should be marked as follows:

FORMERLY RESTRICTED DATA

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

INFORMATION PRODUCED BY FOREIGN GOVERNMENTS

Information produced by foreign governments can be of two types – information that is produced by a foreign government for certain restricted uses by the U.S. Government and its distribution is, therefore, limited; and information produced for more general purposes that is subsequently shared with the U.S. under certain international agreements. (NATO Information is also related to this category. Information about NATO Markings can be found in the NATO Information Table in Part 2 of this document.)

DoD expresses limitations for the first type of information by using the limitation reason, “Foreign Government Information”. This reason may be applied to material with markings B-F.

DOE requires the caveat “FGI” be included on documents that contain information that is either classified or requires protection, and is received from a foreign government. Also, foreign government information that is provided in confidence is marked, CONFIDENTIAL FOREIGN GOVERNMENT INFORMATION – MODIFIED HANDLING AUTHORIZED (C/FGI-MOD), when the foreign protection requirement is lower than the protection required for U.S. confidential information.⁷⁵

Information received by DOE as a result of international agreements carries the marking, “Unclassified International”. Unclassified International documents are approved for U.S. dissemination only, per the terms of the international agreements. Further dissemination outside the U.S. is only permitted with the express permission of the contracting parties to the agreement.

INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR) INFORMATION

Technical data which is:

- 1) Classified information relating to defense articles and defense services;
- 2) Information covered by an invention secrecy order; or,
- 3) Information not classified pursuant to U.S. law and regulation and which is directly related to the design, engineering, development, production, processing, manufacture, operation, overhaul, repair, maintenance, or reconstruction of defense articles. These documents should contain the following marking:

NOTICE

"This document contains information which falls under the purview of the U.S. Munitions List, as defined in the International Traffic in Arms Regulations. It shall not be transferred to foreign nationals, in the U.S., or abroad without specific approval. Penalty for violations is described in ITAR, section 127."

This statement may be added as a warning to DoD’s Statement X.

DOE’s Export Controlled Information language is used on ITAR information/documents.

NATIONAL SECURITY INFORMATION (NSI)

Information that has been determined pursuant to Executive Order 12958, as amended, or any predecessor order to require protection against unauthorized disclosure and that is so designated.

Information shall not be considered for classification unless it concerns:

- 1) military plans, weapons systems, or operations;
- 2) foreign government information;
- 3) intelligence activities (including special activities), intelligence sources or methods, or cryptology;
- 4) foreign relations or foreign activities of the United States, including confidential sources;
- 5) scientific, technological, or economic matters relating to the national security; which includes defense against transnational terrorism;
- 6) United States Government programs for safeguarding nuclear materials or facilities;

- 7) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security, which includes defense against transnational terrorism; or
- 8) weapons of mass destruction.

OFFICIAL USE ONLY INFORMATION

This information has not been given a security classification but may be withheld from the public for one or more of the reasons cited in the Freedom of Information Act (FOIA) Exemptions 2 through 9.

The DoD marking is FOR OFFICIAL USE ONLY.

FOUO documents transmitted outside the DoD require the following expanded marking to explain the significance of the FOUO:

"This document contains information EXEMPT FROM MANDATORY DISCLOSURE under the FOIA. Exemptions apply."⁷⁶

DOE’s marking is OFFICIAL USE ONLY (OUO). This is a designation identifying certain unclassified controlled information that may be exempt from public release under the Freedom of Information Act (FOIA) and has the potential to damage governmental, commercial, or private interests if disseminated to persons who do not need to know the information to perform their jobs or other DOE-authorized activities.

The following marking is required on the front of each DOE document containing OUO information:⁷⁷

OFFICIAL USE ONLY

May be exempt from public release under the Freedom of Information Act (5 U.S.C. 552, exemption number and category _____). Department of Energy review required before public release.

Name/Org. _____ Date _____
Guidance (if applicable) _____

Note that documents dated from July 18, 1949, through October 22, 1951, and marked as “Official Use Only” were considered classified documents. Until they are reviewed by a Classifier or Declassifier and their current classification status is determined, they must be handled and protected as Confidential NSI.⁷⁸

RESTRICTED DATA (RD)

A kind of classified information that consists of all data concerning the following, but not including data declassified or removed from the RD category pursuant to section 142 of the Atomic Energy Act:

- 1. Design, manufacture, or utilization of atomic weapons
- 2. Production of special nuclear material
- 3. Use of special nuclear material in the production of energy⁷⁹

The following notice should appear on the front of documents containing Restricted Data:⁸⁰

RESTRICTED DATA

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

Restricted Data may be classified at one of the following three levels: Top Secret, Secret, or Confidential.

UNCLASSIFIED CONTROLLED INFORMATION

This category includes a variety of markings that limit distribution to safeguard the intellectual property rights of companies or organizations involved. These limitations often serve to support the transfer of technology supported by the government to commercial viability. These markings and their handling vary from agency to agency, but they are of two types – technology transfer and copyright/trademark.⁸¹

Technology Transfer Mechanisms

Small Business Innovation Research

The Small Business Innovation Research program is used by DOE, DoD and NASA. The markings are intended to keep the developments of the SBIR research proprietary for a limited period of time to support the development of the small business. The time requirements are set by the SBIR Office at the Small Business Administration.

Within DoD, Small Business Innovation Research (SBIR) program reports are marked with the appropriate distribution statement B-E and with the reason, “Proprietary Information”.

DOE SBIR reports are not made available until four years after the closeout of a grant. If a company receives a Phase II award as a continuation of their Phase I research, then the protected period would cover the Phase I and II data four years after closeout of the Phase II. If a company receives a Phase III award, then the protected period would cover the Phase I, II and III data for four years after closeout of Phase III.

Distribution of this document is limited. No automated
Distribution or announcement. Refer requests to
Restricting Office.

DOE’s SBIR documents are marked with distribution statement B-F.

Further dissemination authorized to U.S. Government agencies only; other requests shall be approved by the originating facility or higher DOE programmatic authority.

NASA SBIR’s are marked with SBIR. Documents may be publicly available if a letter of permission from the contractor is on file, otherwise the information must be restricted per the SBIR agreement, usually for four years.

SBIR Rights Notice (NPR 2200.2B)

SBIR Rights Notice

These SBIR data are furnished with SBIR rights under Contract No. _____. For a period of four years after acceptance of all items to be delivered under this contract, the Government agrees to use these data for Government purposes only, and they shall not be disclosed outside the Government (including disclosure for procurement purposes) during such period without permission of the Contractor, except that, subject to the foregoing use and disclosure prohibitions, such data may be disclosed for use by support Contractors. After the aforesaid four-year period, the Government has a royalty-free license to use, and to authorize others to use on its behalf, these data for Government purposes, but is relieved of all disclosure prohibitions and assumes no liability for unauthorized use of these data by third parties. This Notice shall be affixed to any reproductions of these data, in whole or in part. Date for public release: _____.

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Small Business Technology Transfer (STTR)

The STTR Program is utilized by DoD, DOE and NASA. This program is intended to support the movement of R&D from the laboratory to commercialization by funding partnerships between small business and non-profit research institutions and universities. It consists of two funding phases. Phase I is awarded for a year. Phase II is awarded for an additional two years; only those who have participated in Phase I can be chosen for funding in Phase II.

NASA uses the SBIR notice for STTR documents.

DOE uses distribution statement B.

Further dissemination authorized to U.S. Government agencies only; other requests shall be approved by the originating facility or higher DOE programmatic authority.

Within DoD, STTR program reports are marked with the appropriate statement B-E and with the reason, "Proprietary Information".

Cooperative Research and Development Agreements

A Cooperative Research and Development Agreement (CRADA) is a written agreement between a private company and a government agency to work together on a project. Created as a result of the Stevenson-Wydler Technology Innovation Act of 1980, as amended by the Federal Technology Transfer Act of 1986, a CRADA allows the Federal government and non-Federal partners to optimize their resources, share technical expertise in a protected environment, share intellectual property emerging from the effort, and speed the commercialization of federally developed technology. CRADAs can:

- Provide incentives that help speed the commercialization of federally-developed technology.
- Protect any proprietary information brought to the CRADA effort by the partner.
- Allow all parties to the CRADA to keep research results emerging from the CRADA confidential and free from disclosure through the Freedom of Information Act for up to 5 years.

- Allow the government and the partner to share patents and patent licenses.
- Permit one partner to retain exclusive rights to a patent or patent license.

Information from a CRADA would often have been proprietary information had it been obtained from a non-Federal entity.

DOE uses the marking PROTECTED COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT. In accordance with DOE M 483.1, products that contain information that is protectable under the terms of a CRADA must clearly display the following Protected CRADA Information Restrictive Legend.

PROTECTED CRADA INFORMATION

This product contains Protected CRADA Information which was produced on [date] under CRADA No. _____ and is not to be further disclosed for a period of _____ from the date it was produced except as expressly provided for in the CRADA.

DOE marks CRADA information with statement E.

Further dissemination authorized to the Department of Energy only; other requests shall be approved by the originating facility or higher DOE programmatic authority.

DoD uses markings B-F as appropriate followed by the reason, "Proprietary Information".

PATENTS

The Patent Secrecy Act of 1952 provides that the Secretary of Defense, among others, may determine that disclosure of an invention by granting of a patent would be detrimental to national security. If the patent application contains information that warrants classification, it shall be assigned a classification and be marked and safeguarded accordingly.

If a patent application within DoD does not contain information that warrants classification, the following cover sheet shall be placed on the application:

"The attached material contains information on which secrecy orders have been issued by the U.S. Patent Office after determination that disclosure would be detrimental to national security (Patent Secrecy Act of 1952, 35 USC 181-188). Its transmission or revelation in any manner to an unauthorized person is prohibited by law. Handle as though classified CONFIDENTIAL".
(Or such other classification as has been assigned.)

This information shall be withheld from public release; its dissemination within the Department of Defense shall be controlled; the applicant shall be instructed not to disclose it to any unauthorized person; and the patent application (or other document incorporating the protected information) shall be safeguarded in the manner prescribed for equivalent classified material.

Patent applications for DoD funded research prepared for foreign registration are marked with the following:

"Withheld under the Patent Secrecy Act of 1952 (35 USC 181-188).
Handle as CONFIDENTIAL (or such other level as has been determined)."⁸²

GOVERNMENT DATA RIGHTS

When the Government receives license rights less than unlimited rights in technical data, documents, or information, the contractor is required to mark the information with an appropriate restrictive legend. In some cases, the applicable regulations specify the precise wording of the restrictive legend, but in many cases the contractor is permitted to use any restrictive legend that appropriately provides notice of the contractor’s proprietary interests, and accurately characterizes the Government’s license rights.

The Defense Federal Acquisition Regulation Supplement (DFARS) governs the restrictive markings that apply to technical data, documents, or information that is developed or delivered under a DoD procurement contract. DFARS Subpart 227.71 governs the license rights and restrictive markings for technical data, and DFARS Subpart 227.72 governs computer software and computer software documentation

The DFARS establishes specific procedures governing the placement of restrictive markings on deliverables, storage media, and transmittal documents. In addition, there are only six types of legends that are authorized under the relevant clauses (*see* DFARS 252.227-7013(f) for technical data, and DFARS 252.227-7014(f) for computer software and computer software documentation and DFARS 252.227.7018 (f) for the Small Business Innovation Research (SBIR) Program

- Government Purpose Rights
- Limited Rights legend (for technical data only)
- Restricted Rights legend (for computer software only)
- Special License Rights legend
- Small Business Innovation Research (SBIR) Program legend
- Pre-existing markings authorized under a previous Government contract

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Materials distributed, produced, or authored by the government may contain copyrighted information, in whole or in part. (See CENDI Copyright Frequently Asked Questions [<http://www.cendi.gov/publications/04-8copyright.html>] for more information about copyright and government information.) In order to support the appropriate downstream distribution and use of copyrighted material, NASA uses the marking "Copyright". DOE and DoD do not use copyrighted or trade secrets as formal markings; these agencies mark this information as Proprietary Information.

APPENDIX
MARKINGS THAT ARE OBSOLETE OR SUPERCEDED
Organized By Agency

DOE

APPLIED TECHNOLOGY markings. Some of the obsolete markings for Applied Technology documents are given below. For current markings, see the heading APPLIED TECHNOLOGY in the “Guide to Distribution Limitation Markings of CENDI Agencies.”

Liquid Metal Fast Breeder Reactor (LMFBR) Information

"Released for announcement in ATF [Applied Technology File]. Distribution limited to participants in the LMFBR program. Others request from RSDT [Reactor Systems, Development and Technology], DOE."

Consolidated Fuel Reprocessing Program (CFRP) Information

"Released for announcement in ATF [Applied Technology File]. Distribution limited to participants in the consolidated fuel reprocessing program. Others request from Program Manager, CFRP, ORO [Manager, Consolidated Fuel Reprocessing Program, Oak Ridge Operations Office]

Nuclear Waste Management Information

"Released for announcement in LRF [Limited Reports File]. Distribution limited to participants in the nuclear waste management program. Others request from OSTI [Office of Scientific and Technical Information]."

PFR/TREAT [Prototype Fast Reactor/Transient Reactor Test Facility] Information

"Released for announcement in ATF [Applied Technology File]. Distribution limited to participants in the PFR/TREAT program. Others request from Office of INPO, NE [International Nuclear Programs Office, Nuclear Energy], DOE.

High Temperature Gas-Cooled Reactor [HTGR] Information

"Released for announcement in HGF [High Temperature Gas-Cooled Reactor File]. Distribution limited to participants in the HTGR program. Others request from HTR, High Temperature Gas-Cooled Reactor Division 1, DOE.

Other Applied Technology

"Distribution of this document is limited. No automatic distribution or announcement. Refer all requests to (restricting office)."

CAP-- see Civilian Application Program

CIVILIAN APPLICATION PROGRAM—This marking, or the acronym “CAP”, was used to identify

classified or declassified reports that could be released to properly cleared and qualified industrial firms (access permit holders) interested the development of atomic energy for peaceful uses. This program was started in 1955 and continues today under the authority of 10 CFR 725, "Permits for Access to Restricted Data", which establishes procedures and standards for the issuance of an access permit to any person subject to this part who requires access to Restricted Data applicable to civil uses of atomic energy for use in his business, trade, or profession.ⁱ

OFFICIAL USE ONLY -- Official Use Only is an obsolete classification marking. Documents dated from July 18, 1949, through October 22, 1951, and marked as "Official Use Only" were considered classified documents. A single review by either a Derivative Classifier or Derivative Declassifier is required to determine the current classification status of such documents. Until that review is completed, the documents must be handled and protected as Confidential NSI.^{ii, iii}

This marking is now used to identify unclassified information that may be exempt from disclosure under the Freedom of Information Act. The current usage of the "Official Use Only" marking is described in the "Guide to Distribution Limitation Markings of CENDI Agencies" under the heading "OFFICIAL USE ONLY (OUO)".

RESTRICTED [DOE] -- Obsolete Classification Marking. Documents dated prior to December 15, 1953, and marked as "Restricted" were considered classified documents. A single review by either a Derivative Classifier or Derivative Declassifier is required to determine the current classification status of such documents. Until that review is completed, the documents must be handled and protected as Confidential NSI.^{ii, iii}

The RESTRICTED DATA marking and caveat continue to be current, required markings.

SENSITIVE NUCLEAR MATERIAL PRODUCTION INFORMATION (SPI) [DOE] – Classified/sensitive production-rate or stockpile-quantity information relating to plutonium, tritium, enriched lithium-6, or uranium-235 and classified separation and enrichment technology. This information was not disseminated beyond the performing organization, the DOE field organization having administrative jurisdiction over the performing organization, or the appropriate headquarters organization without prior approval of the appropriate Headquarters organization.

SPI -- see Sensitive Nuclear Material Production Information.

UCNI MARKING -- The obsolete UCNI marking is:

NOT FOR PUBLIC DISSEMINATION
May contain Unclassified Controlled Nuclear Information
Subject to section 148 of the Atomic Energy Act of 1954,
As amended (42 U.S.C. 2168). Approval by the Department
Of Energy prior to release is required.

Any document marked with this "May contain UCNI" marking is considered to contain UCNI and must be protected accordingly until a Reviewing Official or a Denying Official determines otherwise.^{iv}

NASA

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Export Administration Regulations. It may not be transferred to foreign nationals of proscribed destinations without specific approval.

FEDD - see For Early Domestic Dissemination.

FOR EARLY DOMESTIC DISSEMINATION (FEDD) DOCUMENTS (NASA) - Technical data determined to be applicable to commercial products or processes which could be brought to market within a reasonable time and would contribute to recipient's share of the market because the resulting product or process will reach the market sooner or will be superior to competition. The following should appear on all FEDD documents:

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- 1) technical data describing processes
- 2) methods of construction
- 3) material compositions or characteristics
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- 2) Commercial product test or evaluation results -- Information resulting from the testing and/or evaluation of commercial products or processes that may unduly affect them if published;
- 3) Preliminary information - Preliminary or incomplete results, studies, or recommendations for which wider distribution would be premature;
- 4) Special contract provision - Information developed under NASA contracts that contain provisions providing limited rights to the data generated.

Any of the four special conditions must be accompanied by a distribution limitation.

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- ¹⁶ DOE M 483.1-1, Cooperative Research and Development Agreements Manual, p59.
- ¹⁷ DoDD 5220.22-M, National Industrial Security Program Operating Manual,p10-7-2, NATO Directive AC/35-D/2002, p1-1.
- ¹⁸ DoDD 5220.22-M, p9-2-1.
- ¹⁹ DoDD 5220.22-M, p9-2-1.
- ²⁰ DOE Order 5610.2, Control of Weapon Data, p7.
- ²¹ Export Administration Act of 1979, 50A U.S.C. 2401-2420 (P.L. 96-72).
- ²² Export Administration Regulations, 15 C.F.R. 730-774.
- ²³ DOE G 241.1-1A, Guide to the Management of Scientific and Technical Information, Attachment 4, p 4-5, 4-6.
- ²⁴ DoDD 5200.1-R, DoD Information Security Program, App 3, p138.
- ²⁵ Executive Order 12958, as amended, Classified National Security Information.

- ²⁶ DOE M 470.4-4, pII.80-90.
- ²⁷ 42 U.S.C. 2162.
- ²⁸ 10 C.F.R. 1045.40.
- ²⁹ DOE M 470.4-4, pII-8, 9.
- ³⁰ 10 C.F.R. 1045.40.7.
- ³¹ E.O. 12958, as amended.
- ³² DoDD 5220.22-M , p10-7-3.
- ³³ USSAN Instruction 1-07, Sec 5.3.3.4, p13.
- ³⁴ USSAN Instruction 1-07, Sec 5.3.8.5, p15.
- ³⁵ USSAN Instruction 1-07, Sec 5.4.7.2.1, p17.
- ³⁶ USSAN Instruction 1-07 Sec 5.3.3.5, p14.
- ³⁷ DOE M 470.4-4, pII-19.
- ³⁸ DOE M 470.4-4, pII-20.
- ³⁹ DoD Memorandum DTM-05-008.
- ⁴⁰ DOE O 471.3, Identifying and Protecting Official Use Only Information, p2.
- ⁴¹ DOE M 471.3-1, pI-4.
- ⁴² DOE M 471.3-1, Manual for Identifying and Protecting Official Use Only Information, pI-2.
- ⁴³ DOE G 471.3-1, Guide to Identifying and Protecting Official Use Only Information, pII-1.
- ⁴⁴ DoDD 5200.1-R, p24.
- ⁴⁵ DOE G 241.1-1A, p4-7.
- ⁴⁶ DOE M 483.1-1, p32.
- ⁴⁷ Atomic Energy Act of 1954, as amended.
- ⁴⁸ 10 C.F.R. 1045.40.7.
- ⁴⁹ Executive Order 12958, as amended.
- ^{47a} 10 C.F.R. 1045, Nuclear Classification and Declassification, Section 1045.3.
- ⁵⁰ U.S. DOE G 241.1-1A, p4-9.
- ⁵¹ Executive Order 12958, as amended, Classified National Security Information.

- ⁵² 10 C.F.R. 1045, Nuclear Classification and Declassification, Section 1045.3.
- ⁵³ Atomic Energy Act of 1954, as amended, Section 148.
- ⁵⁴ 10 C>F>R> 1-18, Section 1017.7.
- ⁵⁵ DOE M 471.1-1, Identification and Protection of Unclassified Controlled Nuclear Information Manual. 30 June 2000, pI-11, I-12.
- ⁵⁶ DOE M 475.1-1B, pII-1.
- ⁵⁷ DOE Order 5610.2, Control of Weapon Data, 1 August 1980, p4.
- ⁵⁸ DOE Order 5610.2, Control of Weapon Data, 1 August, 1980, p2-4.
- ⁵⁹ DOE M 452.4-1A, Protection of Use Control Vulnerabilities and Designs, pI-4.
- ⁶⁰ DOE M 452.4-1A, Protection of Use Control Vulnerabilities and Designs, pI-4.
- ⁶¹ DOE M 457.1-1, Control of Improvised Nuclear Device Information, pI-4.
- ⁶² DOE M 452.4-1A, Protection of Use Control Vulnerabilities and Designs, pII-3.
- ⁶³ DOE M 457.1-1, Control of Improvised Nuclear Device Information, pII-3.
- ⁶⁴ DoDD 5230.24, Distribution Statements on Technical Documents, p 3-1 - 3-5.
- ⁶⁵ USSAN Instruction 1-07, Sec 5.3.8.5, p17.
- ⁶⁶ DoDD 5220.22-M, p 157.
- ⁶⁷ USSAN Instruction, U.S. Implementation Instruction for Protecting NATO Classified Information, 1-07, Sec 5.3.8.5, p15.
- ⁶⁸ Document AC/35-D/2002.NATO Security Committee Directive on the Security of Information, p 1-22-1-23.
- ⁶⁹ 15 C.F.R. 730-774.
- ⁷⁰ Revision of the International Traffic in Arms Regulations (ITAR). 22 C.F.R. 121-130.
- ⁷¹ DoDD 5230.25, Withholding of Unclassified Technical Data from Public Disclosure, p 4.
- ⁷² DoDD 5230.24, p13.
- ⁷³ DOE G 241.1-1A, p4-6.
- ⁷⁴ 42 U.S.C. 142, 144.
- ⁷⁵ DOE M 470.4-4, pII-86-87
- ⁷⁶ DoDD 5400.7-R , DoD Freedom of Information Act (FOIA) Program, p IV-1 - IV-2.
- ⁷⁷ DOE M 471.3-1, pI-2.
- ⁷⁸ DOE M 475.1, I-1B. pV-88.

⁷⁹ Atomic Energy Act of 1954, as amended

⁸⁰ 10 C.F.R. 1045.40.7

⁸¹ DOE M 470.4-4, chg.1, pIII, Section D,1.

⁸² DoDD 5200.1-R, Sec C2.6.3 p24.