



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 13, 2002

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MEMORANDUM TO: Martin Virgilio, Director
Office of Nuclear Material Safety
and Safeguards

Michael S. Springer, Director
Office of Administration

THROUGH:

Michael F. Weber, Director *Michael F. Weber*
Division of Fuel Cycle Safety
and Safeguards, NMSS

Thomas O. Martin, Director *Tom*
Division of Facilities and Security

FROM:

Martha Williams, Sr. MC&A Physical Scientist
Inspection Section *Martha Williams*
Safety and Safeguards
Support Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

A. Lynn Silvious, Chief *A. Lynn Silvious*
Information Security Branch
Division of Facilities and Security, ADM

SUBJECT:

TRIP REPORT - MEETING AT INTERNATIONAL ATOMIC ENERGY
AGENCY ON CONFIDENTIALITY OF NUCLEAR SAFETY
INFORMATION

The attached report describes our participation in a meeting on confidentiality issues concerning nuclear safety information, which was convened by the Department of Nuclear Safety of the International Atomic Energy Agency (IAEA) on February 11 through 15, 2002.

The Division of Fuel Cycle Safety and Safeguards and the Division of Facilities and Security believe the content of this report may be of interest to the Commission, because it involves matters of interest to the Commission, and recommends that Office of International Programs forward the report to the Commission.

Attachment:
Trip Report

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 5
FOIA/PA-2002-0256

- cc: J. Dunn Lee, OIP
- J. Craig, OEDO
- T. Rothschild, OGC
- T. Sherr, FCSS

AAA-5

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NRC FOREIGN TRIP REPORT

Subject: Confidentiality of Nuclear Safety Information

Dates of Travel and Countries/Organizations Visited: February 11 through 15, 2002 at International Atomic Energy Agency (IAEA) headquarters in Vienna, Austria

Author, Title and Agency Affiliation: A. Lynn Silvius, Chief, ADM/DFS/INFOSEC and Martha Williams, Sr. MC&A Physical Scientist, NMSS/FCSS/SSSB

Sensitivity: Although the meeting was closed because the topic was sensitive (in that it dealt with confidentiality issues), this trip report is not considered sensitive when attachments are removed.

Background/Purpose: The meeting was convened to establish parameters for a confidentiality regime for nuclear safety information, specifically safety information concerning radioactive sources and nuclear installations. The IAEA was seeking guidance from Member States with regard to the need to preserve the confidentiality of certain nuclear safety information in light of the events of September 11, 2001.

NRC participation in the meeting was requested by the IAEA Department of Nuclear Safety and the U.S. Mission-Vienna. Chairman Meserve recommended appropriate NRC presence at the meeting.

Abstract: Summary of Pertinent Points/Issues: The topic of the meeting was the need to preserve the confidentiality of certain nuclear safety information pertinent to the security of radioactive sources and nuclear installations. Meeting participants were experts in sensitive information handling and in radioactive sources and nuclear installations.

The meeting participants prepared a draft report, which is attached. The IAEA has asked that this draft report not be released to the public based on its pre-decisional nature.

The report prepared by the representatives to the meeting proposed guidelines for handling sensitive nuclear safety information, i.e., information that might aid someone with "malicious intent." Proposals included expanding the existing IAEA scheme for protecting sensitive information to include information concerning radioactive sources and nuclear installations; establishing a regime for classifying and handling nuclear safety information received from Member States concerning radioactive sources and nuclear installations; and establishing guidelines for controls over the dissemination of information (taking due consideration of the IAEA's mandate to support the expansion of nuclear energy by sharing nuclear safety information). The draft paper offered examples of the sort of information that would need sensitive handling and proposed the basic elements of a classification scheme. A final version of the report will be made available to the IAEA Board of Governors at the March 2002 board meeting. Additional meetings are planned to establish details of a confidentiality regime.

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Discussion: As stated above, the topic of the meeting was the need to preserve the confidentiality of some nuclear safety information. Specific objectives of the meeting included considering and reporting on the following topics:

- Member State concerns on confidentiality issues related to nuclear and radiation safety
- Balancing the paradox of the desirability of sharing safety information (transparency) and the need to protect it from those with malicious intent
- Existing and proposed practices for protecting sensitive information
- The lack of any universal vetting program for access to classified information
- The absence of the means for the IAEA to verify information protection regimes of Member States in view of the IAEA's mandate to share nuclear safety information (e.g. inspections or peer reviews)

The meeting participants were also charged with identifying information requiring classification and establishing the appropriate level of classification, as well as determining the type of information that should not be posted on the IAEA website.

The position of Scientific Secretary for the meeting was shared by Brian Dodd, Division of Radiation and Waste Safety, and Harold Eichenholz, Division of Nuclear Installation Safety. In addition to the two U.S. NRC representatives, consultants attending the meeting represented France, the U.K., China, Japan, Germany, Canada, and the Czech Republic.

The meeting was process focused. A proposed IAEA-wide confidentiality regime, which includes levels of classification and related protection, was used as the basis for discussion. While confidentiality regimes exist for handling Safeguards information in Member States and at IAEA, it was generally agreed that such practices did not currently exist for nuclear safety issues in any of the member states represented.

The meeting participants prepared a draft of a report that will be presented to the IAEA Board of Governors. The February 15 draft proposed guidelines for handling nuclear safety information that might aid someone with malicious intent. The draft paper suggested that the IAEA expand the existing scheme for protecting sensitive information to include nuclear safety information and proposed that the Department of Nuclear Safety

- Establish a regime for classifying and handling nuclear safety information that it received from Member States concerning radioactive sources and nuclear installations;
- Establish guidelines for the dissemination of information (in view of the Agency's mandate to support the expansion of nuclear energy by sharing nuclear safety information); and
- Offer the regime that it establishes as an example which could be followed by Member States that have not established systems for protecting confidential information related to nuclear safety.

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The draft paper also:

- Proposes the basic elements of a classification scheme including levels of classification and protection requirements
- Identifies some of the types of information that should be included in a classification scheme
- Proposes guidelines for a dissemination of confidential nuclear safety information
- Urges an extensive indoctrination and training program
- Offers examples of the sort of information that needs sensitive handling

Because of insufficient time, the consultants were unable to make specific proposals concerning the types of information that should not be posted to the IAEA website; however, this issue is addressed in the report by inference.

The IAEA receives and disseminates safety information world-wide, some of which might now be recognized as exposing vulnerabilities. This initiative on the part of the IAEA Department of Safety is in some respects similar to the NRC's own initiative to develop revised criteria for handling sensitive information.

The final report is to be presented to the IAEA Board of Governors at their next meeting, which will be convened March 11 through 15, 2002.

Pending Actions/Planned Next Steps for NRC: The IAEA Department of Nuclear Safety plans to convene additional meetings to establish details of the confidentiality regime proposed by the meeting participants. While a rudimentary classification scheme for specific types of information was proposed, experience dictates that such a process should be more precisely and thoroughly documented in a classification guide. Continued participation by the NRC is recommended.

Points for Commission Consideration/Items of Interest: N/A

Attachments:

- 1A. Meeting agenda
- 1B. Draft report

"On the Margins:" N/A

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**CONSULTANT'S MEETING ON
CONFIDENTIALITY ISSUES IN RELATION TO
ACTIVITIES ON THE SECURITY OF RADIATION SOURCES
AND OF NUCLEAR INSTALLATIONS**

11-15 February 2002

IAEA Headquarters, Vienna, Meeting Room C0453

*Please note that this is a closed meeting.
Only those on the entrance list will be permitted to attend.*

AGENDA

Monday, 11 February

0830-0900 Arrival, issuance of passes at Gate 1, collection of confidentiality agreements.
0900-0930 Meeting opening: A. Camino, Director, NSNI, A. González, Director, NSRW.
0930-1000 Introduction of external and internal participants, logistical information, organization of the week.

1000-1030 Coffee break

1030-1115 Background and objectives of the meeting – B. Dodd, NSRW, H. Eichenholz, NSNI.

1115-1200 Presentation and discussion of the current confidentiality regime at the IAEA –
R. Hoskins

1200-1330 Lunch break

1330-1500 Brief sharing of confidentiality regimes in use at Member States.

1500-1530 Coffee break

1530-1700 Feedback to the IAEA from attending Member States on general and specific concerns with respect to confidentiality of information for radiation sources and nuclear installations.

Tuesday, 12 February

0900-1200 Discussion of possible measures the IAEA could take to address the confidentiality concerns expressed that were related to radiation sources and nuclear installations.

1200-1330 Lunch break

1330-1630 Further discussion of possible measures for the IAEA and the implications with regard to Member States' own confidentiality regime.

1630-1700 Division of participants into two working groups. Group A will focus on NSNI confidentiality topics, and Group B will focus on NSRW confidentiality topics.

Wednesday, 13 February

0900-1630 Group A meet in C0453, Group B meet in C0451

- Identification of the types of information within the two subject areas that need classification and their appropriate classification level.
- Discussion of information dissemination, particularly that which should not be on the Agency's websites.

1630-1700 Plenary session review of the status of working group efforts.

Thursday, 14 February

0900-16.30 Continuation of working group activities (C0453 and C0451), including the drafting of text for a report.

1630-1700 Plenary session review of the status of working group efforts.

Friday, 15 February

0900-1200 Plenary session of both groups to review text of the general and specific sections of the meeting report including the identification of outstanding issues needing further work.

1200-1330 Lunch break

1330- Continuation of discussion and review as necessary.

Morning and afternoon coffee breaks to be taken at appropriate times.



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Entrance List
(Alphabetical by last name)

External Consultants

Feng Yi – China
Axel Hagemann – Germany
Yves Kerfome - France
V. Kutsenko – Russia
John Reynolds – UK
A. Lynn Silvious – USA
Ron Stansfield – Canada
Martha Williams – USA
M. Alain Jorda – France
Libor Urbancik – Czech Republic
R. Yamanaka - Japan

IAEA Staff

Annick Carnino - *Opening Only*
Abel González - *Opening Only*
Anita Nilsson - *Opening Only*

Brian Dodd
Harold Eichenholz
Richard Hoskins

Administrative Support
Tom Alexander