U.S.NRC

United States Nuclear Regulatory Commission

Protecting People and the Environment

TRTR Annual Conference

August 22, 2016

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U.S. Nuclear Regulatory Commission

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U.S.S. Enterprise – April 28, 1983

(Coming home from an 8 month deployment)

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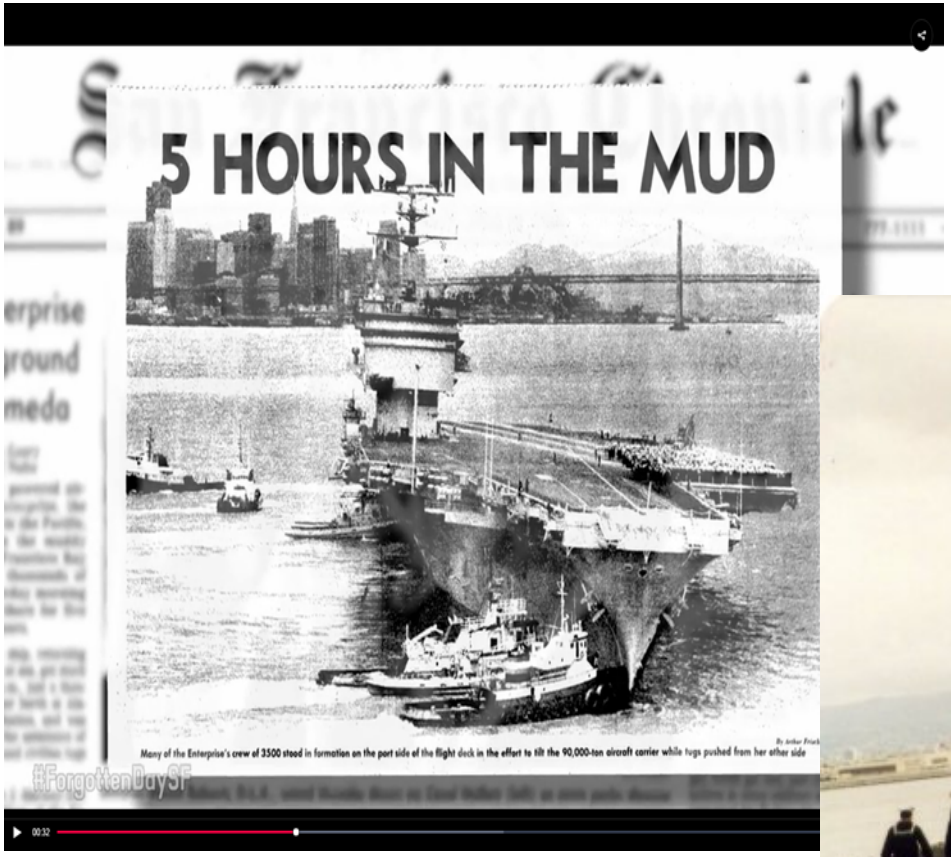
U.S.S. Enterprise – April 28, 1983

(Half-mile from pier)



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820 MWe Shoreham Nuclear Station

(Shutdown 1989)

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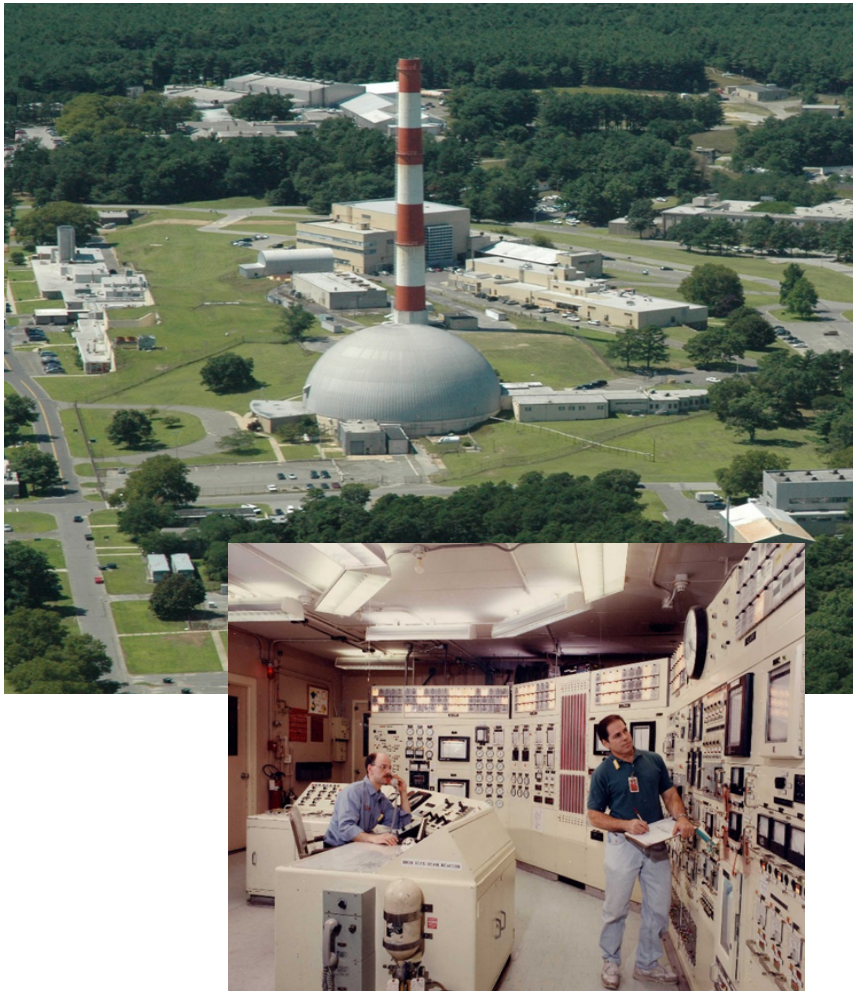
Brookhaven National Lab

30 MW High Flux Beam Reactor
(Shutdown 1999)



3 MW Medical Research Reactor
(Shutdown 2000)

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Topics

I. Categories of Sensitive Information.

II. Requirements for marking documents under 10 CFR 73.22(d) and 23(d) as **Safeguards Information** or **Safeguards Information – Modified Handling**.

III. Requirements for marking documents under 10 CFR 2.390 as **Security-Related Information**.

IV. RG 5.59 updated information.

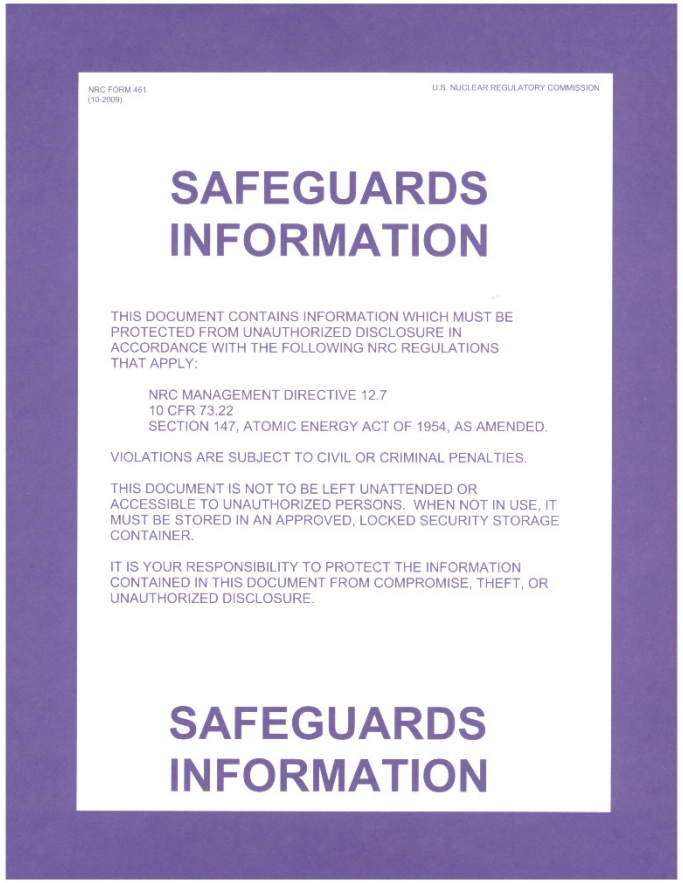
I. Sensitive Information

- The NRC puts sensitive information into three categories, listed here in order from highest to lowest for control of the information:
  - Classified Information (Top Secret, Secret, & Confidential)
    - Federal security clearance needed in order to access information.
  - Safeguards Information (SGI) & Safeguards Information – Modified Handling (SGI-M)
    - 10 CFR 73.21, 22, & 23
  - Sensitive Unclassified Non-Safeguards Information (SUNSI)
    - 10 CFR 2.390 (formerly 10 CFR 2.790)
- Each category has specific marking and handling requirements.

II. Safeguards Information

- In 1980, Congress added Section 147, “Safeguards Information” to the Atomic Energy Act of 1954, giving the NRC authority to regulate the control of certain information (i.e., SGI) concerning the physical protection of SNM in quantities **determined** by the Commission.

- 10 CFR 73.21, “Requirements for the Protection of Safeguards Information” was codified in the regulations in 1981, requiring that licensees, possessing formula quantities of strategic SNM (Category I quantity of material), ensure their physical protection information (Safeguards Information) was protected against unauthorized disclosure.



NRC FORM 461
(10-2009)

U.S. NUCLEAR REGULATORY COMMISSION

SAFEGUARDS INFORMATION

THIS DOCUMENT CONTAINS INFORMATION WHICH MUST BE PROTECTED FROM UNAUTHORIZED DISCLOSURE IN ACCORDANCE WITH THE FOLLOWING NRC REGULATIONS THAT APPLY:

NRC MANAGEMENT DIRECTIVE 12.7
10 CFR 73.22
SECTION 147, ATOMIC ENERGY ACT OF 1954, AS AMENDED.

VIOLATIONS ARE SUBJECT TO CIVIL OR CRIMINAL PENALTIES.

THIS DOCUMENT IS NOT TO BE LEFT UNATTENDED OR ACCESSIBLE TO UNAUTHORIZED PERSONS. WHEN NOT IN USE, IT MUST BE STORED IN AN APPROVED, LOCKED SECURITY STORAGE CONTAINER.

IT IS YOUR RESPONSIBILITY TO PROTECT THE INFORMATION CONTAINED IN THIS DOCUMENT FROM COMPROMISE, THEFT, OR UNAUTHORIZED DISCLOSURE.

SAFEGUARDS INFORMATION

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II. Control of Physical Security Information - Prior to 9/11 Events

- **<u>Category I quantity of SNM</u>** - physical security plans were withheld from public disclosure under 10 CFR 73.21 and marked as "Safeguards Information."

- **<u>Category II & III quantity of SNM</u>** - physical security plans were withheld from public disclosure under 10 CFR 2.790 and were marked "*Withheld under 10 CFR 2.790*" and included additional markings such as "*Proprietary*", "*Security-Related Information*", or "*Exempt from Public Disclosure*."

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II. Control of Physical Security Information - Post 9/11 Events

- In 2008, the regulations under Part 73 were amended regarding the handling requirements of SGI with the addition of two new sections:
  - 10 CFR 73.22 - handling Category I quantity of SNM as SGI,
  - 10 CFR 73.23 - a newly created category called SGI-M for handling Category II & III quantities of SNM.
- Requirements for marking documents as SGI and SGI-M can be found under 10 CFR 73.22(d) and 23(d) respectively.
- RG 5.79, “Protection of Safeguards Information.” (ADAMs No. ML103270219, April 2011) also provides guidance on marking documents as SGI & SGI-M.

II. Marking Documents SGI or SGI-M

1. The **transmittal letter** forwarding the **physical security plan** (**PSP**) to the U.S. NRC, and each page of the PSP, must be marked “Safeguards Information – Modified Handling” (or “Safeguards Information” if applicable) on the header and footer.

2. The **transmittal letter** should also include a “separation from enclosure” statement if the letter itself does not contain SGI or SGI-M.

3. The first page of the **PSP** needs to include:
   - A statement warning of unauthorized disclosure subject to civil and criminal penalties.
   - The name, title, and organization of the individual who made the SGI or SGI-M designation, and the date it was made.

II. Transmittal Letter and First Page of the PSP

SAFEGUARDS INFORMATION – MODIFIED HANDLING

[Facility name & address]

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: (Project Manager)

[DATE]

SUBJECT:

[INSERT TEXT]

[SIGNATURE]

When separated from Safeguards Information designated as Safeguards Information – Modified Handling enclosure(s), this document is decontrolled provided the transmittal document does not otherwise warrant protection from unauthorized disclosure

SAFEGUARDS INFORMATION – MODIFIED HANDLING

Transmittal Letter

SAFEGUARDS INFORMATION – MODIFIED HANDLING

RTR
Physical Security Plan
Revision No.

Warning: Violation of Section 147 of the Atomic Energy Act, "Safeguards Information," is subject to Civil and Criminal Penalties

Safeguards Information Determination made by:
Organization _____
Name/Title _____
Date _____

SAFEGUARDS INFORMATION – MODIFIED HANDLING

First page of PSP

III. Protection of Information under 10 CFR 2.390

- There is some information related to security that warrants withholding from public disclosure but does not meet the existing Category I, II, or III quantities of SNM to be designated as SGI or SGI-M. This information is therefore withheld from public disclosure under the provisions of 10 CFR 2.390, "Public inspections, exemptions, requests for withholding."

- Security-Related Information (SRI) is withheld from public disclosure under 10 CFR 2.390(d)(1):

  "Correspondence and reports to or from the NRC which contain information or records concerning a licensee's or applicant's physical protection, classified matter protection, or material control and accounting program for special nuclear material not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data."

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III. Withholding Physical Security Plan Under 10 CFR 2.390

If a facility's license limits the amount of SNM it possesses in connection with the operation of its reactor to an amount **below** the Category III quantity of SNM, then the PSP can be protected from public disclosure under 10 CFR 2.390 instead of the more stringent SGI-M requirements.

Rev. 1 of RG-5.59, Page 7

Table 1. Categories of Special Nuclear Material

MATERIAL[a]	ENRICHMENT	MODERATE STRATEGIC SIGNIFICANCE	LOW STRATEGIC SIGNIFICANCE
1. Plutonium		Less than 2,000 g but more than 500 g	500 g or less but more than 15 g
2. Uranium-235	20% or more in U-235 isotope	Less than 5,000 g but more than 1,000 g	1,000 g or less but more than 15 g
	10% or more but less than 20% in U-235 isotope	10,000 g or more	Less than 10,000 g but more than 1,000 g
	Above natural but less than 10%	--	10,000 g or more
3. Uranium-233	--	Less than 2,000 g but more than 500 g	500 g or less but more than 15 g
4. Uranium-235, uranium-233, and plutonium in combination	U-235 portion enriched to 20% or more.	Less than 5,000 g according to the formula: grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium) but more than 1,000 g according to the formula: grams = (grams U-235) + 2.0 (grams U-233 + grams plutonium)	1,000 g or less according to the formula: grams = (grams contained U-235) + 2.0 (grams U-233 + grams plutonium) but more than 15 g according to the formula: grams = grams, contained U-235 + grams U-233 + grams plutonium.

a. The following materials are exempt:
1. Special nuclear material that is not readily separable from the radioactive material and that has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding,
2. Plutonium with an isotopic concentration of 80 percent or more in Pu-238, and
3. Sealed plutonium-beryllium neutron sources totaling 500 grams or less of contained plutonium at any one site or contiguous sites.

RG 5.59, Table 1

III. Marking Documents under 10 CFR 2.390

- 10 CFR 2.390(b)(1)(i)(A), "the first page of the document, and each successive page containing such information, must be marked so as to be readily visible, **at the top**, or by electronic watermark or other suitable marking on the body of the page, with language substantially similar to: ''confidential information submitted under 10 CFR 2.390,'' ''withhold from public disclosure under 10 CFR 2.390,''or ''proprietary,'' to indicate that it contains information the submitter seeks to have withheld.
- For withholding SRI, use: "Security-Related Information – Withhold Under 10 CFR 2.390."
- No requirement to mark the header of the transmittal letter unless it actually contains SRI.

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III. In Summary

- The control and handling requirements for documents containing Safeguards Information (marked as SGI or SGI-M) is more stringent than the control and handling requirements for documents marked as SRI under 10 CFR 2.390.
- The document should contain only one type of designation, which depends on the quantity of SNM. These markings should indicate either **Safeguards Information** (i.e., SGI or SGI-M) or **Security-Related Information - Withhold Under 10 CFR 2.390**, but not both!

IV. RG 5.59 Updated Information

- All emergency notifications shall be made to the NRC Headquarters Operations Center @ (301) 816-5100 – not the NRC Regional Office.
- 10 CFR 2.790 has been renumbered as 10 CFR 2.390 – regarding information withheld from public disclosure.
- RG 5.15 replaced by RG 5.80 – regarding tamper indicating seals on shipping containers.
- 10 CFR 70.54 replaced by 10 CFR 73.67 (g)(2)(ii) – regarding notifying shipper of receipt of material.

U.S. NUCLEAR REGULATORY COMMISSION

February 1983
Revision 1

REGULATORY GUIDE

OFFICE OF NUCLEAR REGULATORY RESEARCH

REGULATORY GUIDE 5.59
(Task SG 229-4)

STANDARD FORMAT AND CONTENT FOR A LICENSEE PHYSICAL SECURITY PLAN FOR THE PROTECTION OF SPECIAL NUCLEAR MATERIAL OF MODERATE OR LOW STRATEGIC SIGNIFICANCE

The NRC issues regulatory guides to describe and make available to the public methods that the NRC staff considers acceptable for use in implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in reviewing applications for permits and licenses. Regulatory guides are not substitutes for regulations, and compliance with them is not required. Methods and solutions that differ from those set forth in regulatory guides will be deemed acceptable if they provide a basis for the findings required for the issuance or continuance of a permit or license by the Commission.

This guide was issued after consideration of comments received from the public.

Regulatory guides are issued in 10 broad divisions: 1, Power Reactors; 2, Research and Test Reactors; 3, Fuels and Materials Facilities; 4, Environmental and Siting; 5, Materials and Plant Protection; 6, Products; 7, Transportation; 8, Occupational Health; 9, Antitrust and Financial Review; and 10, General.

Electronic copies of this guide and other recently issued guides are available through the NRC's public Web site under the Regulatory Guides document collection of the NRC's Electronic Reading Room at http://www.nrc.gov/reading-rm/doc-collections/ and through the NRC's Agencywide Documents Access and Management System (ADAMS) at http://www.nrc.gov/reading-rm/adams.html, under Accession No. ML003739253.

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