
Protection of Unclassified Safeguards Information

Criteria and Guidance



**U.S. Nuclear Regulatory
Commission**

Office of Nuclear Material Safety and Safeguards

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Washington, DC 20555

Printed copy price: \$2.25

and

National Technical Information Service
Springfield, VA 22161

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Manuscript Completed: August 1981

Date Published: October 1981

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ABSTRACT

This document was prepared to assist licensees and other persons who possess Safeguards Information in establishing an information protection system that satisfies the requirements of 10 CFR 73.21.

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1.0 Introduction

The guidance and criteria contained in this document pertains to the protection of Safeguards Information as defined in 10 CFR Part 73. It is intended to assist licensees and other persons who possess Safeguards Information in establishing an information protection system that satisfies the specific requirements of §73.21 of Part 73. Protection measures and procedures other than as set forth in this document may be used to satisfy the regulatory requirements if a comparable level of protection is achieved. There are no reporting, record keeping, or security plan development provisions associated with this rule.

2.0 Scope of the Rule

2.1 Facilities and Material Type Covered

Safeguards Information is limited to information regarding the physical protection of :

- Operating power reactors,
- Spent fuel shipments, and
- Activities involving formula quantities of strategic special nuclear material (for information not otherwise classified as National Security Information or Restricted Data under 10 CFR Part 95)

In regard to facilities that possess formula quantities, the rule applies to both fresh and irradiated material or combinations thereof and includes HEU fuel fabricators, non-power reactors, away-from-reactor spent fuel storage, and laboratories.

Information concerning the physical protection of special nuclear material of moderate and low strategic significance is not covered by the rule.

2.2 Types of Information Included

Safeguards Information is information that discloses equipment, procedures, communications, or response plans used by a licensee to protect certain special nuclear material or facilities. It includes:

- The overall physical security and safeguards contingency plan
- Drawings, sketches and diagrams that show locations of site safeguards features
- Details of the intrusion alarm system
- Guard orders and procedures

- Details of on-site and off-site response forces
- Drawings that explicitly identify certain areas or equipment at power reactors as being vital for purposes of physical protection.
- Portions of guard training and qualification plans that disclose specific safeguards features or response procedures
- Correspondence, inspection reports and audits that contain any of the above or that disclose weaknesses in the protection system.

Matter other than documents and drawings that contain Safeguards Information, such as alarm system computer programs, data processing storage disks, microfilms or photographs, should be afforded the same level of protection. (All items described in 10 CFR 2.4(q) should be protected.)

Certain types of information, even though possibly regarded as Safeguards Information, do not fall within the scope of the rule. Most notably are generic studies, reports or analyses conducted by or on behalf of the NRC, licensees, or applicants which concern the safeguarding of nuclear materials or facilities. Additional types not included in the rule are:

- Documents, drawings, or reports submitted by applicants or licensees, or produced by the staff, in response to the environmental and safety requirements contained in Parts 50, 51, 70, and 71.
- Routes and quantities for spent fuel shipments.
- Information concerning licensee control and accounting procedures or inventory differences for special nuclear material, or source material and byproduct material.
- Any information already in the public domain including commercial safeguards equipment specifications, catalogues and equipment buying data.
- Portions of guard qualification and training plans that do not disclose facility safeguards features or response procedures.

Normally the composite (i.e. sum of all parts) physical security and safeguards contingency plans would be considered single entities for protection purposes. However, licensees and applicants may find it more appropriate to segregate general or non-sensitive information into unprotected appendices or attachments. Also, guard orders and standard operating procedures may

be segregated into protected and unprotected portions. (Note that the rule requires guard qualification and training plans to be segregated)

In regard to engineering or construction drawings, all the revisions that substantially represent the final design features of the physical protection system would be considered to contain Safeguards Information. Initial requests for bids or proposals and original design sketches, for example would probably not qualify as Safeguards Information. Specific items of design that should be protected include:

- Location and types of alarm devices
- Alarm system schematic and wiring diagrams (but not wiring lists)
- Defensive positions and guard posts
- Alarm system emergency power location and capability
- Response and patrol routes
- Details of alarm station and guard post bullet resistant construction features
- Location of alarm stations (when it does not conflict with other submittal requirements)
- Vehicle alarm and immobilization features

In addition to physical protection measures, the rule requires protection of documents or drawings that identify certain safety related equipment as being vital for the purpose of physical security. Normal engineering or construction drawings that show the locations of safety-related equipment are not Safeguards Information. In order to be Safeguards Information, the drawing must explicitly state that the equipment or area is vital from the standpoint of physical protection. (Unless a drawing is specifically made, overlaid, or annotated for purpose of the physical protection of the facility, it cannot be considered Safeguards Information.)

Arrangements made with State or local police forces for response to safeguards emergencies are Safeguards Information. Specific information to be protected include:

- Size and armament of initial responding force
- Response times
- Primary and alternate routes
- Identity (e.g., does the response force come from a road unit or Hq building)

- Specific response plans upon arrival
- Availability of reserve forces

General information concerning State or local police forces, such as total complement, shift size etc., that is already in the public domain is not Safeguards Information and not subject to the rule requirements.

Arrangements made with telephone companies regarding dedicated, fail-safe, leased land lines used for security purposes should be protected to the extent possible. (A licensee would only be responsible for the control of the documentation in his possession.)

2.3 Persons Subject to the Rule

Any person, whether or not a licensee of the NRC, who produces, receives, or acquires Safeguards Information is subject to the requirements (and sanctions) of the rule. Firms and their employees that supply services or equipment to power reactors would fall under the rule if they possess facility Safeguards Information. While a licensee would not be directly responsible for the protection of Safeguards Information in the hands of others, a licensee should as a matter of prudence inform contractors and suppliers of the existence of the regulatory requirements and the need for proper protection. (See more under Conditions for Access)

State or local police units who have access to Safeguards Information also are subject to the rule. However, these organizations are deemed in the rule to have adequate information protection systems. The conditions for transfer of information to a third party, ie, need-to-know, would still apply to the police organization as would sanctions for unlawful disclosure. Again it would be prudent for licensees who have arrangements with local police to advise of the existence of the rule.

3.0 Conditions for Access

There are no personnel security clearances or specific determinations of trustworthiness needed for access to Safeguards Information. The conditions for access are set forth below.

3.1 Need-to-Know

Need-to-know is defined in § 73.2 of Part 73 as a determination that a proposed recipient's access to Safeguards Information is necessary in the performance of official, contractual, or licensee duties of employment. A licensee or his contractor, or any other person having possession of Safeguards Information has significant discretionary authority under the rule in making these determinations. The recipient should be made aware that the information is sensitive and subject to NRC regulations.

3.2 Occupational Groups

In lieu of a personnel clearance program the rule limits dissemination of Safeguards Information to members of certain occupation groups. These include:

- (i) An employee, agent, or contractor of an applicant, a licensee, the Commission, or the United States Government.
- (ii) A member of a duly authorized committee of the Congress.
- (iii) The Governor of a State or his designated representative.
- (iv) A representative of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who has been certified by the NRC,
- (v) A member of a state or local law enforcement authority that is responsible for responding to requests for assistance during safeguards emergencies, or
- (vi) A person to whom disclosure is ordered pursuant to Section 2.744 of Part 2 of this Chapter.

In a generic sense, these individuals are considered to be trustworthy by virtue of their employment status. Nevertheless, some discretion should be exercised in granting access to these individuals if there is any indication that the recipient would be unwilling or unable to provide proper protection for the Safeguards Information. (Employees of an organization affiliated with the licensee's company, e.g., a parent company, may be considered as employees of the licensee for access purposes.)

4.0 Physical Protection

4.1 Storage

Section 73.21 (d) requires that Safeguards Information be stored in a locked security storage container when unattended. Inside a protected or controlled access area Safeguards Information may be stored in a steel filing cabinet or map cabinet equipped with a locking bar and GSA approved combination padlock. A controlled access area, which is defined in §73.2 (2), should provide both isolation and access control. The boundaries of the area should be of substantial construction to deter entry or exit through other than the established access control points. Access should be positively controlled by personal recognition, use of keys or card keys, or other comparable means. In many cases corporation headquarters or other office buildings will qualify as controlled access areas provided they are attended around the clock or locked at night.

*See GSA Supply Catalog - Industrial Products Group 53

Safeguards Information located in an uncontrolled area is required to be stored in a GSA approved security container (class 6 or equivalent).^{*} Such a condition might occur at a construction site or at an equipment manufacturing plant.

Other repositories, such as document vaults, or vault-type-rooms, which in the judgement of the NRC provide comparable protection may be used. For additional information and/or a determination of acceptability contact:

U.S. Nuclear Regulatory Commission
Division of Security
Washington, D.C. 20555
Telephone - 301-427-4415

4.2 Control While in Use

Section 73.21 (d) requires that Safeguards Information be under the control of an authorized individual while it is in use in order to limit access to persons who have a need to know. This requirement is satisfied if the matter is attended by an authorized individual even though the information is in fact not constantly being used. Safeguards Information, therefore, within alarm stations, continuously manned guard posts or ready rooms need not be locked in security storage containers. Similarly, guards or transport escorts may carry orders and response plans on a routine basis.

Under certain conditions the general control exercised over protected or controlled access areas would be considered to meet this requirement. The primary consideration is limiting access to those who have a need-to-know. Some examples would be:

- The above mentioned alarm stations, guard posts and guard ready rooms
- An engineering or drafting area if visitors are escorted
- Certain nuclear power plant vital areas such as the control room or security office
- Plant maintenance areas if access is restricted
- Administrative offices such as central records or purchasing if visitors are escorted.

4.3 Transportation of Documents and Other Matter

Documents containing Safeguards Information when transmitted outside an authorized place of use or storage should be enclosed in two sealed envelopes or wrappers. The inner envelope or wrapper should contain the name and address

^{*}See Federal Supply Schedule 71 Part 3 Section E

of the intended recipient, and be marked both sides, top and bottom with the words SAFEGUARDS INFORMATION. The outer envelope or wrapper should contain the intended recipient's name and address with no indication that the document inside contains Safeguards Information.

Safeguards Information may be transported by messenger-courier, US first class, registered, express, or certified mail, or by any individual authorized access pursuant to §73.21(c). Individuals transporting Safeguards Information should retain the documents in their personal possession at all times. Such documents should not be left in private homes, hotel rooms, hotel safes, automobiles or in the custody of other person.

4.4 Telecommunications and ADP

Safeguards Information may not be transmitted by unprotected telecommunications circuits except under emergency or extraordinary conditions. For the purpose of this requirement, emergency or extraordinary conditions are defined as any circumstances that require immediate communications in order to report, summon assistance for, or respond to a safeguards event (or an event that has potential safeguards significance).

Included would be:

- Safeguards events required to be reported by §73.71.
- Schedule changes, delays or equipment breakdowns associated with the transport of spent fuel or Category I strategic special nuclear material.
- Failure or loss of safety related equipment identified in the physical security plan as being vital.

This restriction applies to telephone, telegraph, teletype, facsimile circuits, and to radio. Routine telephone or radio transmissions between site security personnel, or between the site and local police, should be limited to message formats or codes that do not disclose facility safeguards features or response procedures. Similarly, call-ins during transport should not disclose the point of transmission or schedule information. (Infrequent or non-repetitive telephone conversations regarding a physical security plan or program are permitted provided that either the discussion is general in nature or the identification of specific safeguards measures is effectively disguised.)

Individuals should use care when discussing Safeguards Information at meetings or in the presence of others to insure that the conversation is not overheard by persons not authorized access. Transcripts or minutes of meetings or hearings that contain Safeguards Information should be marked and protected in accordance with this section.

Safeguards Information may be processed or produced on an ADP system provided that the system is self-contained within the licensee's facility and requires the use of an access code, or has been approved for security by the NRC, Division of Security. An ADP system is defined here as a data processing system having the capability of long term storage of Safeguards

Information. Word processors such as typewriters and VYDEC are not subject to the requirements as long as they do not transmit information off-site. The basic objective of these restrictions is to prevent access and retrieval of stored Safeguards Information by unauthorized individuals, particularly from remote terminals.

4.5 Marking of Documents

Each document that contains Safeguards Information should have on the face of the document (i) the name, title, and organization of the individual authorized to make a Safeguards Information determination, and who has determined that the document contains Safeguards Information, (ii) the date the document was originated or the determination made, (iii) an indication that the document contains Safeguards Information, and (iv) an indication that unauthorized disclosure would be subject to civil and criminal sanctions. Each page shall be marked in a conspicuous fashion at the top and bottom with letters denoting SAFEGUARDS INFORMATION.

If the document contains any form of Restricted Data or National Security Information, it should also be marked in accordance with the provisions of 10 CFR Part 95.

Transmittal letters or memoranda which do not in themselves contain Safeguards Information should be marked to indicate that attachments or enclosures contain Safeguards Information.

In addition to the information required on the face of the document, each item of correspondence that contains Safeguards Information and each guard qualification and training plan, should by marking or other means clearly indicate which portions (e.g., paragraphs, pages, or appendices) contain Safeguards Information and which do not. (Portion marking is not required for physical security and safeguards contingency plans.)

All documents or other matter in use or storage should be marked by the effective date of the rule. A specific exception is provided for documents in the possession of contractors and agents of licensees that were produced more than one year prior to the effective date of the rule. Such documents need not be marked unless they are removed from security storage containers. The same exception would also apply to old documents stored away from the facility in central files or corporation headquarters.

Since information protection procedures employed by state and local police forces are deemed to meet NRC requirements, documents in the possession of these agencies need not be marked as set forth in this section.

Documents should only be removed from the Safeguards Information category by, or with the permission of, the individual (or office) who made the original determination. The document should indicate the name and organization of the individual removing the document from the Safeguards Information category and the date of the removal. Other persons who have the document in their possession should be notified of the removal.

4.6 Destruction

Documents containing Safeguards Information may be destroyed by tearing into small pieces, burning, shredding or any other method that precludes reconstruction by means available to the public at large. Piece sizes one half inch or smaller composed of several pages or documents and thoroughly mixed would be considered completely destroyed for the purpose of this rule.

5.0 Proprietary Information

Information regarding the physical protection of nuclear materials and facilities or information concerning material control and accounting for special nuclear material, other than as contained in § 73.21(b) or classified pursuant to Part 95, is not subject to NRC information protection requirements. However, such information has been generically deemed by the NRC to be confidential commercial or financial information and withholdable from public disclosure under exemption Four of the Freedom of Information Act. Documents or correspondence submitted to the NRC that contain such information should be marked to show that they contain 10 CFR 2.790(d)(1) type information.

NRC FORM 33² (7-77)		U.S. NUCLEAR REGULATORY COMMISSION BIBLIOGRAPHIC DATA SHEET		1. REPORT NUMBER (Assigned by DDC) NUREG-0794	
4. TITLE AND SUBTITLE (Add Volume No., if appropriate) Protection of Unclassified Safeguards Information Criteria and Guidance				2. (Leave blank)	
7. AUTHOR(S) D. J. Kasun				3. RECIPIENT'S ACCESSION NO.	
9. PERFORMING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code) Division of Safeguards Office of Nuclear Material Safety and Safeguards U.S. Nuclear Regulatory Commission Washington, D.C. 20555				5. DATE REPORT COMPLETED MONTH August YEAR 1981	
12. SPONSORING ORGANIZATION NAME AND MAILING ADDRESS (Include Zip Code) Same as 9 above.				DATE REPORT ISSUED MONTH October YEAR 1981	
				6. (Leave blank)	
				8. (Leave blank)	
				10. PROJECT/TASK/WORK UNIT NO.	
				11. CONTRACT NO.	
13. TYPE OF REPORT Criteria and Guidance			PERIOD COVERED (Inclusive date:)		
15. SUPPLEMENTARY NOTES				14. (Leave blank)	
16. ABSTRACT (200 words or less) <p>This document was prepared to assist licensees and other persons who possess unclassified safeguards information in establishing an information protection system that satisfies the requirements of 10 CFR 73.21. Section 73.21 was issued by the Nuclear Regulatory Commission in response to the provisions of a new Section 147 of the Atomic Energy Act of 1954, as amended, titled Safeguards Information.</p>					
17. KEY WORDS AND DOCUMENT ANALYSIS			17a. DESCRIPTORS		
17b. IDENTIFIERS/OPEN-ENDED TERMS					
18. AVAILABILITY STATEMENT Unlimited			19. SECURITY CLASS (This report) Unclassified		21. NO. OF PAGES
			20. SECURITY CLASS (This page) Unclassified		22. PRICE \$

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEE-PAID
U.S. NUCLEAR REGULATORY
COMMISSION



NUREG-0794

PROTECTION OF UNCLASSIFIED SAFEGUARDS INFORMATION

OCTOBER 1981