



OFFICE OF THE
CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

February 7, 1983

The Honorable George H. W. Bush
President of the Senate
Washington, DC 20510

Dear Mr. President:

In accordance with Public Law 96-295 of June 30, 1980 I am enclosing a report of the non-disclosure of Safeguards Information by the Nuclear Regulatory Commission for the quarter ending December 31, 1982.

Sincerely,

A handwritten signature in cursive script that reads "Nunzio J. Palladino".

Nunzio J. Palladino
Chairman

Enclosure: Report

NUCLEAR REGULATORY COMMISSION
QUARTERLY REPORT ON NONDISCLOSURE OF SAFEGUARDS INFORMATION

Section 147 of the Atomic Energy Act of 1954, as amended, prohibits the unauthorized disclosure of specific types of Safeguards Information. This section also directs the Nuclear Regulatory Commission (NRC) to prescribe such regulations as necessary to prohibit the unauthorized disclosure of Safeguards Information. NRC's regulations implementing Section 147 were published in the Federal Register on October 22, 1981 (46 FR 51718). The attachment to this report identifies the specific types of information, documents, and reports that are protected from unauthorized disclosure.

Section 147, also requires that the NRC report on a quarterly basis the Commission's application during that period of every regulation or order prescribed or issued under this section. As required by Section 147, the following items indicate the Safeguards Information withheld from public disclosure under the provisions of the implementing regulations during the period October 1, 1982 through December 31, 1982.

I. Type of Information Withheld

On one occasion information was withheld from an NRC inspection report for a nuclear power plant which identified details of the physical security system, such as the control of access to vital areas, the number of persons on the guard force, type and brand of locks used, procedures used to prevent compromise of keys and lock combinations, and procedures for the search of packages being brought into the facility.

Unauthorized Disclosure Could Have Adverse Impact

The public disclosure of this type of information could significantly increase the probability of unauthorized entry into the facility, and the information could be of considerable value to a potential saboteur in considering or planning a sabotage attempt. Disclosure of this type of information also could reasonably be expected to significantly decrease the effectiveness of the vital area access control system used to ensure that only authorized individuals having work related needs are permitted access to certain sensitive safety-related equipment.

Assurance that Only the Minimum Amount of Information was Withheld

The security requirements that a licensee is required to maintain are contained in 10 CFR Part 73 of NRC's regulations. In this case, all of the information in the inspection report, except for the limited Safeguards Information, was made available to the public.

The withholding of this type of Safeguards Information does not deny the public basic information concerning the level of protection afforded material at facilities but does leave information gaps. A line-by-line review of the document was conducted to ensure that only the minimum amount of information was withheld.

II. Type of Information Withheld

On one occasion information was withheld from public disclosure which identified local law enforcement response capabilities, safe havens for use during safeguards emergencies, and communications shortcomings along particular routes used to ship irradiated nuclear reactor fuel (spent fuel).

Unauthorized Disclosure Could Have Adverse Impact

The public disclosure of local law enforcement agency (LLEA) capabilities, the safe havens, and the information identifying communications shortcomings could reasonably be expected to have an adverse effect on the health and safety of the public, because public disclosure could significantly increase the likelihood of theft, diversion, or sabotage of spent fuel shipments. The LLEA response capabilities contain detailed information about the expected timing and extent of LLEA response to an incident or emergency involving a spent fuel shipment. LLEA response is an important aspect of the safeguards measures required for spent fuel shipments to protect the public, and knowledge of LLEA capabilities could be of considerable value to a potential saboteur in considering or planning a sabotage attempt. Furthermore, public release of information concerning LLEA capabilities that was obtained in confidence by NRC could reduce the effectiveness of local police with regard to their response to other crimes. The listing of safe havens could reveal to a potential saboteur an aspect of a licensee's contingency planning in case of emergency, as well as potential route vulnerabilities revealed by the absence of nearby safe havens. Communications shortcomings reveal specific vulnerabilities in the route which could be of significant assistance to a saboteur in planning an attack.

Assurance that Only the Minimum Amount of Information was Withheld

The withholding of information about LLEA response capabilities, safe havens, and communication vulnerabilities does not deny the public basic information about spent fuel transportation, but does leave information gaps for a potential saboteur. The potential saboteur may risk detection in attempting to discover the additional information. The documents which contain the withheld information were reviewed on a line-by-line basis to ensure that the minimum amount of information necessary to prevent possible diversion was withheld.

III. Type of Information Withheld

On one occasion information was withheld from public disclosure which identified the code used to make changes in the estimated time and date of shipments of spent nuclear fuel.

Unauthorized Disclosure Could Have Adverse Impact

Public disclosure of the code, which is used to notify NRC by telephone of en route changes to the shipping schedule, and which at the time withheld was expected to be used again for the next series of spent fuel shipments, could reasonably be of considerable value to a potential saboteur in considering or planning a sabotage attempt.

Assurance that Only the Minimum Amount of Information was Withheld

The NRC makes publicly available spent fuel routes shortly after they have been approved by the NRC. Information concerning the time and date of future shipments, or in this case the code used for changes in future en route shipments, is withheld. Withholding this information does not deny the public basic information about spent fuel transportation, but does leave information gaps for a potential saboteur. The documents which contained the withheld information were reviewed on a line-by-line basis to ensure that the minimum amount of information necessary to prevent possible diversion was withheld, and all other information was made publicly available.

ATTACHMENT IDENTIFYING SPECIFIC TYPES OF INFORMATION
PROTECTED FROM UNAUTHORIZED DISCLOSURE

1. Physical Protection at Fixed Sites

Information not otherwise classified as Restricted Data or National Security Information relating to the protection of facilities that possess formula quantities of strategic special nuclear material and power reactors.

Specifically:

- (i) The composite physical security plan for the nuclear facility or site.
- (ii) Site specific drawings, diagrams, sketches, or maps that substantially represent the final design features of the physical protection system.
- (iii) Details of alarm system layouts showing location of intrusion detection devices, alarm assessment equipment, alarm system wiring, emergency power sources, and duress alarms.
- (iv) Written physical security orders and procedures for members of the security organization, duress codes, and patrol schedules.
- (v) Details of the on-site and off-site communications systems that are used for security purposes.
- (vi) Lock combinations and mechanical key design.
- (vii) Documents and other matter that contain lists or locations of certain safety-related equipment explicitly identified in the documents as vital for purposes of physical protection, as contained in physical security plans, safeguards contingency plans, or plant specific safeguards analyses for production or utilization facilities.
- (viii) The composite safeguards contingency plan for the facility or site.
- (ix) Those portions of the facility guard qualification and training plan which disclose features of the physical security system or response procedures.
- (x) Response plans to specific threats detailing size, disposition, response times, and armament of responding forces.

- (xi) Size, armament, and disposition of on-site reserve forces.
- (xii) Size, identity, armament, and arrival times of off-site forces committed to respond to safeguards emergencies.

2. Physical Protection in Transit

Information not otherwise classified as Restricted Data or National Security Information relative to the protection of shipments of formula quantities of strategic special nuclear material and spent fuel.

Specifically:

- (i) The composite transportation physical security plan.
- (ii) Schedules and itineraries for specific shipments. (Routes and quantities for shipments of spent fuel are not withheld from public disclosure. Schedules for spent fuel shipments may be released 10 days after the last shipment of a current series.)
- (iii) Details of vehicle immobilization features, intrusion alarm devices, and communication systems.
- (iv) Arrangements with and capabilities of local police response forces, and locations of safe havens.
- (v) Details regarding limitations of radio-telephone communications.
- (vi) Procedures for response to safeguards emergencies.

3. Inspections, Audits and Evaluations

Information not otherwise classified as Restricted Data or National Security Information relating to safeguards inspections and reports.

Specifically:

Portions of safeguards inspection reports, evaluations, audits, or investigations that contain details of a licensee's or applicant's physical security system or that disclose uncorrected defects, weaknesses, or vulnerabilities in the system. Information regarding defects, weaknesses or vulnerabilities may be released after corrections have been made. Reports of investigations may be released after the investigation has been completed, unless withheld pursuant to other authorities, e.g., the Freedom of Information Act (5 U.S.C. 552).