



OFFICE OF THE  
CHAIRMAN

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

November 19, 1982

The Honorable George H. W. Bush  
President of the United States 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 September 30, 1982.

Sincerely,

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

Nunzio J. Palladino  
Chairman

Enclosure:  
Report

8212080025 821119  
PDR COMMS NRCC  
CORRESPONDENCE PDR

1

NUCLEAR REGULATORY COMMISSION  
QUARTERLY REPORT ON NON-DISCLOSURE 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 July 1, 1982 through September 30, 1982.

I. Type of Information Withheld

In the NRC's February 12, 1982 report to Congress on non-disclosure of Safeguards Information we indicated that the Commission was withholding the Appeal Board decision and underlying record in Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-653 (1981) (physical security) in their entirety pending a determination of whether they contained any releasable portions. The Commission on July 30, 1982 released a version of ALAB-653 and Governor Brown's Petition for Review to the public. The Safeguards Information which was withheld from the released versions identified the details of the physical security plan at the Diablo Canyon facility, e.g., the type of alarm system, local law enforcement response times, and the number of armed responders. The Commission also withheld the meaning of "several" as used in the design basis threat of 10 CFR 73.1(a)(1).

Unauthorized Disclosure Could Have Adverse Impact

Public disclosure of this type of information could reasonably be expected to significantly increase the likelihood of illegal entry into the facility. This type of information could 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

Large portions of ALAB-653 and the Governor's petition were made available to the public. The withholding of the Safeguards Information does not deny the public information concerning the possibility of an unauthorized entry into a nuclear reactor. A line-by-line review was conducted to ensure that only the minimum amount of information was withheld.

II. Type of Information Withheld

In connection with item I above, the meaning of "several" was again withheld from public disclosure in a transcript of a Commission briefing held on May 12, 1982.

Unauthorized Disclosure Could Have Adverse Impact

Public disclosure of this type of information could reasonably be expected to significantly increase the likelihood of illegal entry into the facility. This type of information could 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

A large portion of the transcript was made available to the public. A line-by-line review was conducted to ensure that only the minimum amount of information was withheld.

III. 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 capabilities (LLEA), 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 would 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 crimes not associated with the shipment. 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.

#### IV. Type of Information Withheld

On one occasion information, which identified the location of and barriers to vital areas, was withheld from public disclosure which was contained in an internal NRC memorandum from a Regional Office to Headquarters concerning the imposition of a civil penalty at Browns Ferry Nuclear Plant.

#### Unauthorized Disclosure Could Have Adverse Impact

The public disclosure of this type of information could reasonably be expected to significantly decrease the effectiveness of the vital area access control system used to insure 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 withholding of this type of Safeguards Information does not deny the public information the possibility of an unauthorized entry into a nuclear reactor.

1

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 limitation 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).