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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 2, 1999

The Honorable Joe Barton, Chairman  
Subcommittee on Energy and Power  
Committee on Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

I am submitting the U.S. Nuclear Regulatory Commission's (NRC's) report on the nondisclosure of Safeguards Information for the calendar year quarter beginning October 1 and extending through December 31, 1998, as required by Section 147 of the Atomic Energy Act of 1954, as amended. The report describes one occasion during this period when the NRC withheld from public disclosure Safeguards Information concerning security at a nuclear facility.

Sincerely,

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: As stated

cc: Ranking Member, Rep Ralph Hall

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 2, 1999

The Honorable James M. Inhofe, Chairman  
Subcommittee on Clean Air, Wetlands, Private  
Property and Nuclear Safety  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

I am submitting the U.S. Nuclear Regulatory Commission's (NRC's) report on the nondisclosure of Safeguards Information for the calendar year quarter beginning October 1 and extending through December 31, 1998, required by Section 147 of the Atomic Energy Act of 1954, as amended. The report describes one occasion during this period when the NRC withheld from public disclosure Safeguards Information concerning security at a nuclear facility.

Sincerely,

A handwritten signature in dark ink, reading "Dennis K. Rathbun", is positioned above the typed name and title.

Dennis K. Rathbun, Director  
Office of Congressional Affairs

Enclosure: As stated

cc: Senator Bob Graham

U.S. 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 U.S. Nuclear Regulatory Commission (NRC) to prescribe such regulations as are 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).

Section 147 also requires that the NRC report each quarter of the calendar year any Commission application, during that period, of every regulation or order prescribed or issued under this section.

To comply with this requirement of Section 147, the NRC reports that the following Safeguards Information was withheld from disclosure under the Freedom of Information Act during the fourth calendar year quarter, October 1 through December 31, 1998.

**Type of Information Withheld**

On one occasion, the NRC withheld from public disclosure portions of Safeguards inspection reports that disclosed the size, armament, and disposition of on-site reserve forces and the size, identity, armament, and arrival times of off-site forces committed to respond to Safeguards emergencies at a nuclear power plant.

Unauthorized Disclosure Could Have Adverse Impact

The public disclosure of this type of information could significantly increase the probability of unauthorized entry into the plant, and the information could be of considerable value to a potential saboteur in considering or planning sabotage.

Assurance That Only the Minimum Amount of Information Was Withheld

The withholding of this type of Safeguards Information does not deny the public basic information concerning the level of protection afforded at a nuclear facility. A line-by-line review of the documents was conducted to ensure that only the minimum amount of information was withheld.

Attachment:

Specific Types of Information

Protected From Unauthorized Disclosure



**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 process formula quantities of strategic special nuclear material at 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 time, 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.
- (xiii) Information required by the Commission pursuant to 10 CFR 73.55 (c) (8) and (9).

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 inspection 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; for example, the Freedom of Information Act (5 U.S.C. 552).

This check list is to be submitted with each document (or group of Qs/As) sent for processing into the CCS.

- COMMENTS:**

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