

DOE 1270.2B  
6-23-92

THIS PAGE MUST BE KEPT WITH DOE 1270.2B, SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY.

DOE 1270.2B, SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY, HAS REVISED DOE 1270.2A TO REFLECT ORGANIZATIONAL TITLE, ROUTING SYMBOL, AND OTHER REVISIONS REQUIRED BY SEN-6. NO SUBSTANTIVE CHANGES HAVE BEEN MADE. DUE TO THE NUMBER OF PAGES AFFECTED BY THE REVISIONS, THE ORDER HAS BEEN ISSUED AS A REVISION.



# U.S. Department of Energy

Washington, D.C.

# ORDER

DOE 1270.2B

6-23-92

SUBJECT: SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

---

1. PURPOSE. To prescribe policies and responsibilities of the Department of Energy (DOE) for compliance with the agreement, including the associated protocol, between the Government of the United States of America (U.S.) and the International Atomic Energy Agency (IAEA) for the application of safeguards in the U.S. (hereinafter designated the "agreement" and the "protocol").
2. CANCELLATION. DOE 1270.2A, SAFEGUARDS AGREEMENT WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY, of 7-29-83.
3. SCOPE. The provisions of this Order apply to all Departmental Elements and to all contractors and subcontractors who perform work for the Department and possess or are responsible for nuclear materials subject to the agreement, and as provided by contract and/or law.
4. AUTHORITY. The agreement with its protocol is a treaty ratified by the President on 12-9-80. Copies are available in a Department of State publication (Treaties and Other International Acts, TIAS, Number 9889) which is available by DOE purchase order from the Superintendent of Documents, 044-000-92998-8, at a price of \$3.
5. REFERENCES.
  - a. Atomic Energy Act of 1954, as amended, section 142, establishes policy for controlling the classification and declassification of restricted data.
  - b. DOE 5633.4, NUCLEAR MATERIALS TRANSACTIONS: DOCUMENTATION AND REPORTING, of 2-9-88, which identifies policies, objectives, standards and criteria, authorities, and responsibilities for the Department's nuclear explosive and weapon safety program.
  - c. DOE 5633.3, CONTROL AND ACCOUNTABILITY OF NUCLEAR MATERIALS, of 2-3-88, which contains the basic definitions, principles, and requirements for control and accountability of nuclear materials.
  - d. "U.S. Agency Procedures for Implementation of the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Protocol," (the agreement or the protocol ), published in the Federal Register of 6-2-81 (46 FR 29578) .

---

**DISTRIBUTION:**

All Departmental Elements

**INITIATED BY:**

Office of Arms Control and  
Nonproliferation

6. DEFINITIONS.

- a. Safeguards. Those measures applied, pursuant to the agreement and protocol, to enable the IAEA to detect possible diversion of nuclear material.
- b. Subsidiary Arrangements. Documents setting forth details that have been mutually agreed between the U.S. and the IAEA for implementing the agreement and protocol. Subsidiary arrangements are required by the agreement and transitional subsidiary arrangements are required by the protocol. The subsidiary arrangements include a general part applicable to those facilities in the United States identified by the IAEA for the application of safeguards in accordance with the agreement and protocol. The general part identifies the substance of communications to be made, the format of documents, procedures to be followed, and time limits for various actions. A separate facility attachment is prepared for each such facility identified by the IAEA for the application of safeguards, containing all other necessary arrangements, specified in sufficient detail to permit the IAEA to fulfill its responsibilities in an effective and efficient manner.
- c. Facility. As defined under the agreement: (1) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, or a separate storage installation; or (2) any location where nuclear material in amounts greater than one effective kilogram is customarily used.
- d. Effective Kilogram. A special unit for quantities of nuclear material defined under the agreement as: (1) for plutonium, its weight in kilograms; (2) for uranium with an enrichment of 0.01 (1 percent) and above, its weight in kilograms multiplied by the square of its enrichment; (3) for uranium with an enrichment below 0.01 (1 percent) and above 0.005 (0.5 percent), its weight in kilograms multiplied by 0.0001; and (4) for depleted uranium with an enrichment of 0.005 (0.5 percent) or below, and for thorium, its weight in kilograms multiplied by 0.00005.
- e. List of Eligible Facilities. A list, provided to the IAEA by the U.S., of all facilities within the U.S. not associated with activities of direct national security significance.
- f. Design Information Questionnaire. An IAEA form used in accordance with the agreement or the protocol for providing to the IAEA information on facilities selected by the IAEA. There are different forms for different types of facilities.
- g. Interagency Steering Group for International Safeguards. An interagency group that coordinates U.S. policy for all of its safeguards relationships with the IAEA. It coordinates U.S.

assistance to help improve IAEA safeguards effectiveness and resolves interdepartmental issues relating to the agreement or the protocol. The Interagency Steering Group is composed of representatives from the Departments of State and Energy, the Nuclear Regulatory Commission, the Arms Control and Disarmament Agency, and the staff of the National Security Council. The Interagency Steering Group is chaired by the Deputy Assistant Secretary of State for Nuclear Energy and Energy Technology, or such other official as may be designated by the Secretary of State.

- h. Safeguards Agreement Working Group. A team established by the Interagency Steering Group for International Safeguards to monitor implementation of the agreement.
- i. U.S. Negotiating Team. A team established by the Interagency Steering Group for International Safeguards which includes one permanent member from the Department of Energy. It is chaired by the Department of State and shall include such additional participants from DOE as the DOE determines necessary. The U.S. negotiating team negotiates with an IAEA negotiating team to arrive at mutually agreed subsidiary arrangements to the agreement or protocol.
- j. Nuclear Materials Management and Safeguards System. The national data base and information support system for nuclear materials controlled by the U.S. Government, created to support national safeguards and management objectives in the domestic and foreign utilization of nuclear resources. The system stores data on nuclear material transactions and inventories, and produces a wide range of printed reports for use by DOE and the Nuclear Regulatory Commission. The system is used to satisfy the U.S. nuclear materials information requirements of agreements between the U.S. and foreign entities. In addition, the system provides the reporting interface between facilities selected under the provisions of the agreement and the IAEA. The system uses a centralized computer data base linked via direct data communication lines and the secure automated communications network (SACNET) to a number of facilities, DOE organizations, and Nuclear Regulatory Commission offices in the U.S.
- k. Restricted Data. As defined in the Atomic Energy Act of 1954, includes all data concerning: (1) the design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; and (3) the use of special nuclear material in the production of energy; but does not include data declassified or removed from the restricted data category pursuant to section 142 of the Atomic Energy Act of 1954.

1. Formerly Restricted Data. Classified information jointly determined by the Assistant Secretary for Defense Programs and the Department of Defense to be related primarily to the military utilization of atomic weapons, and removed by the Assistant Secretary for Defense Programs from the category of restricted data pursuant to section 142(d) of the Atomic Energy Act.
  - m. National Security Information. Information pertaining to the national defense and foreign relations of the United States, and classified in accordance with an Executive order.
7. POLICY AND OBJECTIVES.
- a. All nuclear activities in the U.S. are eligible for IAEA safeguards pursuant to the agreement, excluding only those of direct national security significance.
  - b. Procedures in this Order for establishing and changing the list of eligible facilities apply to all facilities participating in DOE programs and possibly eligible for safeguards under the agreement, including both DOE-owned and contractor-owned facilities that are either exempt from or subject to requirements for licensing by the U.S. Nuclear Regulatory Commission. Procedures in this order, other than those related to establishing and changing the list of eligible facilities, apply to DOE-owned facilities that are exempt from requirements for licensing by the U.S. Nuclear Regulatory Commission. These latter procedures include, for example, negotiating subsidiary arrangements, and reporting information to the IAEA to carry out inspections.
  - c. DOE facilities, selected by the IAEA pursuant to the agreement or protocol, shall comply with the provisions of the agreement or protocol.
  - d. Information classified as restricted data or formerly restricted data shall not be transmitted to the IAEA.
  - e. Nuclear materials transaction, material balance, and inventory information shall be transmitted to the IAEA pursuant to the agreement or protocol and shall include national security information on a controlled basis, as necessary to comply with the agreement or protocol.
  - f. Implementation activities required pursuant to terms of the agreement or protocol and the subsidiary arrangements shall avoid unnecessary interference in the operation of facilities, be consistent with prudent management practices, and incur minimal costs.

8. RESPONSIBILITIES.

a. Director of Arms Control and Nonproliferation (AN-n).

- (1) Represents the Department before the Department of State, the Congress, and the IAEA on matters pertaining to the agreement.
- (2) Approves plans and procedures developed by the Director of Export Control and International Safeguards for implementing the agreement and the protocol.
- (3) Participates in resolution of proposed changes to the list of eligible facilities, where agreement has not been achieved by responsible Heads of Headquarters Elements, as provided by the procedures on page 12, paragraph 9.
- (4) Participates or designates representatives to participate with the Department of State and the Director of Export Control and International Safeguards in policy development and decisionmaking related to areas where the agreement or protocol can affect programs and facilities under its cognizance.
- (5) Maintains the option to concur on all notifications to offices external to DOE, where implementation of the agreement or protocol can affect programs under its cognizance.
- (6) Ensures that DOE Field Offices and contractors under their cognizance fulfill the terms of the agreement or protocol.

b. Director of Export Control and International Safeguards (AN-30).

- (1) Serves as a member of the Interagency Steering Group for International Safeguards. Provides a senior staff officer to serve as a member of the safeguards agreement working group.
- (2) Provides guidance on international policy as required by other Departmental Elements for implementation of the agreement or protocol.
- (3) Participates with the Department of State in policy development and decisionmaking related to the agreement or protocol, including designation and acceptance of IAEA inspectors.
- (4) Establishes channels for transmission to the Department of State, for the IAEA, of DOE documents and reports including design information questionnaires, draft facility

attachments, and nuclear material transaction, material balance, and inventory reports, including special reports, amplifications, and clarifications as required under the agreement and protocol.

- (5) Ensures that appropriate arrangements are made with the IAEA and other countries, as appropriate and when required for compliance with article 22 of the agreement, which provide for suspension of safeguards in the U.S. under other U.S.-IAEA agreements while safeguards are in force under this agreement.
- (6) Serves as the initial DOE point of contact with other U.S. Agencies (Department of State, Arms Control and Disarmament Agency, and Nuclear Regulatory Commission) and the IAEA.
- (7) Notifies Program Secretarial Officer (PSO) responsible for relevant DOE facilities about IAEA actions under the agreement, including IAEA selections and changes in selections of DOE facilities for the application of safeguards.
- (8) Routinely informs the Department of State and, as appropriate, the Nuclear Regulatory Commission of changes in eligibility of DOE license-exempt facilities or facilities licensed by the Nuclear Regulatory Commission.
- (9) Participates with appropriate Heads of Headquarters Elements, and the Chief Financial Officer (CFO) in the development of arrangements for recovery of costs at selected facilities resulting from IAEA requests.
- (10) Ensures the opportunity for the Office's participation in interagency policy meetings and IAEA negotiations and, as appropriate, for PSOs and Managers of DOE Field Offices responsible for the facilities involved.

c. Director of International Safeguards (AN-30).

- (1) Serves as the primary source of information within DOE concerning implementation of the agreement and protocol. Provides technical guidance on safeguards as required by other Departmental Elements, and provides assistance in implementation.
- (2) Maintains a current list of DOE facilities eligible for safeguards and informs the Director of Export Control and International Safeguards of proposed additions or deletions.



- (3) Serves as, or designates, a senior staff member with experience in international safeguards to serve as the permanent DOE representative on the U.S. negotiating team chaired by the Department of State.
- (4) Advises appropriate PSOs and Managers of DOE Field Offices of actions that will be necessary to satisfy requirements of the agreement, the protocol, and subsidiary arrangements.
- (5) Approves procedures for acceptance of accreditation credentials presented by IAEA inspectors and for escorting IAEA inspectors at DOE facilities.
- (6) Arranges with PSOs and DOE Field Offices for IAEA inspections under the agreement.
- (7) Receives from DOE Field Offices copies of safeguards documents prepared in accordance with the agreement for transmittal through the Department of State to the IAEA. These safeguards documents include draft design information questionnaires, draft facility attachments, special reports, amplifications, and clarifications. Reviews and coordinates this material with cognizant Headquarters Elements for appropriateness for release to the IAEA.
- (8) Develops and maintains policy and procedures for reporting nuclear materials transaction, material balance, and inventory information to and from the nuclear materials management and safeguards system, as necessary for reporting such information obtained from facilities to the IAEA, in accordance with the provisions of the agreement or the protocol. Implementation of this responsibility is provided for in DOE 5633.3, CONTROL AND ACCOUNTABILITY OF NUCLEAR MATERIALS and 5633.4, NUCLEAR MATERIALS TRANSACTIONS: DOCUMENTATION AND REPORTING.
- (9) Maintains procedures for controlled release to the IAEA of classified national security information and any other sensitive DOE information. Coordinates procedures for protecting other DOE sensitive information processed through the computer system with the Director of Administration and Human Resource Management.
- (10)** Monitors safeguards aspects of implementation of the agreement or protocol and ensures that potential problems are identified to responsible PSO and DOE Field Offices.
- (11)** Advises the Director of Export Control and International Safeguards as to the status and plans for Headquarters and field activities associated with implementation of the agreement.

- (12) Ensures that material under safeguards pursuant to the agreement is at all times at least equivalent in amount and composition to any material which would be subject to IAEA safeguards in the U.S. under other suspended agreements between the U.S., the IAEA, and possible other parties.
- (13) Participates with the Director of Export Control and International Safeguards, appropriate Headquarters Elements, and the CFO in developing arrangements for recovery from the IAEA of certain facility costs resulting from special requests by the IAEA.
- (14) Prepares other DOE documents as required to further delineate the contents of this Order, including plans and procedures for implementation. Coordinates with Headquarters Elements where there will be a programmatic impact.

d. Program Secretarial Officers (PSOs).

- (1) Oversee field implementation pursuant to the agreement or protocol to ensure that it is effective without unnecessary impact on the operation of facilities or program implementation.
- (2) Participate, as necessary or desirable, in meetings of the interagency steering group or the safeguards agreement working group for technical discussions and decisions relating to activities that can significantly affect DOE programs and facilities.
- (3) Participate, as necessary or desirable, with the DOE representative on the U.S. negotiating team responsible for negotiation with the IAEA of subsidiary arrangements under the agreement.
- (4) When changes are being considered in the list of eligible facilities, PSOs responsible for facilities under consideration participate with the Director of Export Control and International Safeguards in determining whether a facility should be placed on or deleted from the list.
- (5) Upon notification of actions by the IAEA, including the selection of a facility for implementation of IAEA safeguards, the appropriate Headquarters element, or its designee, directs the responsible DOE Field Office to implement actions required under the agreement or protocol, including timely completion of a draft design information questionnaire and draft facility attachment; and participate

and arrange for appropriate DOE Field Office staff to participate in the preliminary discussions related to facility attachments or other understandings which have a bearing on programs or facilities.

- (6) Receive from DOE Field Offices copies of safeguards documents prepared in accordance with the agreement for transmittal through the Department of State to the IAEA, including draft design information questionnaires, draft facility attachments, and, to the extent they so wish, copies of all special reports, amplifications, and clarifications.
  - (7) Ensure that field resources are adequate for DOE responsibilities under the agreement.
  - (8) Advise the contracting officers at the time of initiation of a procurement request, or at any time that it is known that a contract will fall within the scope of this Order, so that appropriate provisions are included in the contracts.
- e. Chief Financial Officer (CR-1). Participates with the Director of Export Control and International Safeguards and responsible Headquarters Elements in the development and dissemination of principles and procedures for recovering from the IAEA those costs eligible for recovery following special IAEA requests. In general, the U.S. shall bear the expenses incurred by the U.S. in implementing its responsibilities under the agreement. However, if DOE or its contractors incur extraordinary expenses as a result of a specific request by the IAEA, the IAEA shall reimburse such expenses provided that it has agreed in advance to do so. Facility-specific cost principles may be part of the facility attachment.
- f. Managers of DOE Field Offices.
- (1) Follow direction from the PSOs with responsibility for facilities that are eligible or selected under the agreement, and consider advice from the Director of Export Control and International Safeguards as to actions required under the agreement, the protocol, and subsidiary arrangements. When directed by such PSOs, designate DOE Field Office participants and, as appropriate, contractor participants to serve as a DOE Field Office team for preliminary technical negotiations, and for drafting and reviewing draft design information questionnaires and facility attachments. The DOE Field Office team will participate as appropriate in meetings of the safeguards agreement working group when invited by a PSO, including the

Director of Export Control and International Safeguards. DOE Field Offices forward their proposed draft design information questionnaires and facility attachments to the Director of International Safeguards and the appropriate Headquarters Elements.

- (2) Ensure that implementation activities pursuant to the agreement are effective, avoid undue interference in the operation of facilities, are consistent with prudent management practices, and incur minimal costs.
- (3) Ensure that DOE contractors with facilities excluded from the list of eligible facilities, because of activities of direct national security significance, notify the DOE Field Office when such activities terminate and the facility may be added to the list. The DOE Field Office initiates the procedure for possible addition of the facility to the list by informing the PSO with responsibility for the facility and the Director of Export Control and International Safeguards, in accordance with the procedures in paragraph 9a.
- (4) Ensure that DOE contractors with facilities on the list of eligible facilities notify the DOE Field Office when negotiations or plans are initiated which could lead to the facility being judged to be engaged in activities of direct national security significance. The DOE Field Office initiates the procedure for possible removal of the facility from the list by informing the appropriate Headquarters Elements and the Director of Export Control and International Safeguards, in accordance with the procedures in paragraph 9b.
- (5) Inform facilities selected by the IAEA of their responsibilities as necessary for successful implementation of the agreement.
- (6) Prepare for visits by inspectors as soon as IAEA has identified facilities under the cognizance of that DOE Field Office for application of safeguards pursuant to the agreement or reporting pursuant to the protocol; keep readily available a file of current information for the identification of IAEA inspectors designated by the IAEA for inspections in the U.S., and maintain current arrangements for ready access and departure by these inspectors.
- (7) Ensure that IAEA inspectors are identified properly before entering a facility and are free to carry out their duties under the agreement and subsidiary arrangements after they have entered the facility.

- (8) Exercise care to ensure that classified accounting information provided to the IAEA and its inspectors is limited to information that is required to be provided to the IAEA under the terms of the agreement, protocol, and subsidiary arrangements, including facility attachments. Classified information shall be limited under ordinary circumstances to information on nuclear material accounting, including nuclear materials transactions, material balance, and inventory information, for facilities as defined on the list of eligible facilities. When questions arise as to the appropriateness of providing specific classified accounting information, the proposal for resolution shall be coordinated with the Director of International Safeguards (AN-30) and the Office of Classification (SA-20). Where classified information is provided to the IAEA and its inspectors and the information is to be protected by the IAEA under their "safeguards confidential" classification, the recipient shall be informed that the information is classified by DOE.
- (9) Ensure that IAEA inspectors are escorted during inspections. Desirable background for such escorts includes:
  - (a) Familiarity with the facility attachment for the inspected facility.
  - (b) Understanding of the facility system for material control and accountability, and procedures for information reporting to the nuclear materials management and safeguards system.
  - (c) Familiarity with the types of bulk and assay measurement equipment used at the facility.
  - (d) Academic preparation in fields related to nuclear material assay and accounting, including nuclear chemistry, physics, and/or statistics.
- (10)** Ensure that IAEA inspectors and any IAEA staff members carrying out functions under the agreement have the benefit of safety and radiation protection measures in effect at each facility, including emergency assistance, medical care in case of accidents, and all other health and safety protection required for other individuals under U.S. laws or DOE directives, or practices.
- (11) Inform the Director of Export Control and International Safeguards and the responsible PSO of unusual incidents or circumstances involving actual or possible loss of nuclear

material subject to safeguards under the agreement, where the agreement or subsidiary arrangements provide for reporting these events to the IAEA.

- (12) Inform the Director of Export Control and International Safeguards and the responsible PSO prior to termination of safeguards on nuclear materials or facilities, pursuant to the agreement, or reporting pursuant to the protocol.
- (13) Following action by the PSO with responsibilities for facilities selected under the agreement or the protocol, ensure the availability of resources and ensure that resources available to contractors are adequate to satisfy DOE obligations pursuant to the agreement and the protocol.

9. PROCEDURES.

- a. Additions to the List of Eligible Facilities. When the Director of Export Control and International Safeguards or a PSO with responsibility for a facility believes that a facility heretofore excluded should be considered for addition to the list of eligible facilities, the directors shall confer. Where agreement is reached, the Director of Export Control and International Safeguards shall notify the Department of State; the Director of International Safeguards shall record the proposed change in the list; and the responsible Headquarters Elements shall inform the appropriate DOE Field Office. Where the Directors do not reach agreement on a proposal to add a facility, the Director of Arms Control and Nonproliferation shall seek agreement of the responsible PSO. If they do not agree, the Director of Arms Control and Nonproliferation shall refer the proposal to the Office of the Secretary for resolution.
- b. Deletions from the List of Eligible Facilities. PSOs and Managers of DOE Field Offices shall inform the Director of Export Control and International Safeguards whenever a facility on the list is scheduled to be, or is reasonably expected to become, engaged in activities of direct national security significance and should, therefore, be considered for deletion from the list. The notification of the Director shall include the nature of the activity, the expected duration and commencement, the type and level of classification of the activity, the impact on national security if the facility is not deleted from the list, and any other information pertinent to a complete understanding and an objective determination as to deletion of the facility from the list. The Director shall immediately enter into discussions with the responsible PSO to determine the course of action. When a deletion from the list of eligible facilities is agreed upon, the Director of Export Control and International Safeguards shall notify the Department of State, the Director of International Safeguards shall record the proposed change in the list, and the

responsible Headquarters Element shall inform the appropriate DOE Field Office. Where the Directors do not reach agreement on a proposal to delete a facility, the Director of Arms Control and Nonproliferation shall seek agreement of the responsible PSO organizations. If they do not agree, the Director of Arms Control and Nonproliferation shall refer the proposal to the Office of the Secretary for resolution.

- c. Congressional and Other Agency Role on Additions to and Deletions from the List of Eligible Facilities. In accordance with the procedures governing implementation of the agreement (see paragraphs F(a) and F(b)(1)-(2) of the reference in paragraph 5d on page 1), DOE will seek agreement to the proposed addition(s) and/or deletion(s) from the Interagency Steering Group for International Safeguards. In the case of additions, if agreement is reached and the Congress does not pass a joint resolution opposing the action within 60 days, the additions become effective and the Department of State notifies the IAEA. **In the case of deletions, if agreement is denied or delayed, a final decision may be made by the President and the Department of State notifies the Congress and the IAEA.**

BY ORDER OF THE SECRETARY OF ENERGY:



DOLORES L. ROZZI  
Director of Administration  
and Human Resource Management

