

Order Number 610B

## U.S.-IAEA Additional Protocol Implementation

On January 6, 2009, the Additional Protocol (AP) to the nuclear Safeguards Agreement between the International Atomic Energy Agency (IAEA) and the United States entered into force (EIF). As of January 2009, 119 countries had signed an AP with the IAEA; of these 89 are in force. The United States signed the AP on June 12, 1998 and the Senate provided its advice and consent to ratification on March 31, 2004.

Leading up to EIF, the necessary security vulnerability assessments (SVAs) were required to be conducted for all DoD equities located at or near facilities declared by lead agencies other than DoD. On February 4, 2008, the President issued an executive order directing lead agencies to plan AP implementation, and in June 2008 the DoD Treaty Manager issued guidance establishing DoD minimum standards for conducting SVAs. DoD Components augmented these standards with equity-specific procedures as needed. The purpose of the SVAs was to ensure that DoD equities located at or near declared sites would be appropriately protected from inadvertent disclosure during IAEA inspection activities and in the event complementary access was provided.

The Model AP (INFCIRC/540) expands the number and types of locations to be declared. It also expands the types of inspection activities the IAEA may conduct when needed to assure the absence of undeclared nuclear activities in non-nuclear weapon states (NNWS) parties to the Nuclear Non-Proliferation Treaty (NPT). The AP requires all civilian nuclear fuel cycle-related activities to be declared—not just end of fuel cycle-related activities. These may include certain activities *not* involving nuclear material such as importing or exporting non-nuclear, dual-use material and equipment; using source materials; and conducting research and development activities. Other locations to be declared may include manufacturing plants and uranium mining and concentration plants.

As a nuclear weapon state (NWS) under the NPT, the United States is not obligated to declare its nuclear activities or to conclude safeguards agreements, such as the AP, with the IAEA. The United States voluntarily declares its civil nuclear activities to demonstrate its support for these nuclear safeguards agreements and to assist the IAEA with developing the procedures, tools, and techniques it needs to detect secret nuclear activities in NNWS.

The rights of the United States to protect national security as well as proprietary and proliferation sensitive information are included as provisions of U.S. safeguards agreements with the IAEA. These provisions include the right to manage access and to invoke the national security exclusion (NSE).



IAEA seal

The NSE allows the United States

to exclude all locations, assets, information, and activities which have national security significance. All DoD equities are excluded under the NSE. When the United States chooses to allow access to its civil nuclear facilities, it will be primarily for IAEA training purposes.

Although the U.S. AP contains provisions allowing the IAEA to request complementary access (Article 4) and to request location-specific (Article 6) or wide-area (Article 9) environmental sampling, the United States foresees no circumstances under which the IAEA would need to conduct these activities in this country. Any such requests would be preceded by consultations with the United States and would require the approval of the IAEA Board of Governors. The United States always has the option of conducting managed access procedures or invoking the NSE. In addition, when providing complementary access to any location, a DoD representative would be present.

In the event the IAEA were to request wide area environmental sampling, such sampling could only be provided at locations *not* excluded under the NSE. When the United States is not able to provide access to a requested location, a reasonable effort will be made to satisfy the IAEA's requirements at another location or through alternative means.

The United States' rights to manage access are specified in Article 1, Article 7, and in a Subsidiary Arrangement on managed access. The stated purposes for which the United States intends to manage access include preventing the dissemination of proliferation-sensitive information, protecting proprietary information, and maintaining U.S. safety and security standards.

For more information on AP implementation and SVAs, contact the DTIRP Outreach Program Coordinator at 1-800-419-2899 or by email at [dtirpoutreach@dtra.mil](mailto:dtirpoutreach@dtra.mil). You may also visit the DTIRP website at <http://dtirp.dtra.mil> or contact your Defense Security Service (DSS) Industrial Security representative, your government sponsor, or the DoD Treaty Manager.