

MANUAL

DOE M 142.2-1

Approved: 9-4-08

MANUAL FOR IMPLEMENTATION OF THE VOLUNTARY OFFER SAFEGUARDS AGREEMENT AND ADDITIONAL PROTOCOL WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY



U.S. DEPARTMENT OF ENERGY
Office of Defense Nuclear Nonproliferation

AVAILABLE ONLINE AT:
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INITIATED BY:
National Nuclear Security Administration
Office of International Regimes and Agreements

**MANUAL FOR IMPLEMENTATION OF THE VOLUNTARY OFFER
SAFEGUARDS AGREEMENT AND ADDITIONAL PROTOCOL
WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY**

1. PURPOSE. To prescribe Department of Energy (DOE) requirements and procedures for implementation of the Agreement Between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States (hereafter the Agreement); the Original Protocol to the Agreement; the Additional Protocol to the Agreement signed by the United States and the IAEA on June 12, 1998 (hereafter the Additional Protocol or AP); and the Interagency Procedures for the Implementation of the U.S.-IAEA Safeguards Agreement (hereafter the Interagency Procedures). The Agreement and Original Protocol are hereafter referred to as the Voluntary Offer Agreement, or VOA. This Manual supplements DOE O 142.2A, *Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency*, dated 12-15-06.
2. CANCELLATION. None.
3. APPLICABILITY.
 - a. DOE Elements. Except for the exclusion in paragraph 3c, this Manual applies to all DOE elements, including those created after the Manual is issued. (Go to <https://www.directives.doe.gov/references/DOEDepartmentalElements.pdf> for the current listing Departmental elements.)

The Administrator of the National Nuclear Security Administration (NNSA) will assure that NNSA employees comply with their responsibilities under this Manual. Nothing in this Manual should be construed to interfere with the NNSA Administrator's authority under section 3212(d) of Public Law (P.L.) 106-65 to establish Administration specific policies, unless disapproved by the Secretary.
 - b. DOE Contractors. The Contractor Requirements Document (CRD) will apply to the extent set forth in each contract. Except for the exclusions listed in paragraph 3c, the CRD (Attachment 1) sets forth requirements that are intended to be applied to site or facility management and/or operation contracts.
 - c. Exclusion.
 - (1) In accordance with the responsibilities and authorities assigned by Executive Order 12344 and to ensure consistency throughout the joint Navy/DOE Naval Nuclear Propulsion Program, the Deputy Administrator for Naval Reactors will implement and oversee requirements and practices pertaining to this Manual for activities under the Deputy Administrator's cognizance.
 - (2) The following DOE elements also are excluded: Energy Information Administration, Office of Economic Impact and Diversity, Office of

Electricity Delivery and Energy Reliability, Office of Energy Efficiency and Renewable Energy, Office of Fossil Energy, Office of Hearings and Appeals, Office of the Inspector General, Office of Public Affairs, Bonneville Power Administration, Southeastern Power Administration, Southwestern Power Administration, Western Area Power Administration

4. SUMMARY. This Manual provides direction for DOE personnel in matters relating to DOE interactions with the IAEA under the VOA and AP. The Manual contains information as well as mandatory procedures and management processes as follows:
 - a. Chapter I discusses pertinent background documents and provides an overview of program administration.
 - b. Chapter II covers U.S. actions related to the designation of IAEA inspectors.
 - c. Chapter III discusses the process for identification and IAEA selection of DOE facilities eligible for the application of IAEA safeguards under the VOA.
 - d. Chapter IV covers the process for preparing and negotiating facility attachments under the VOA and Interagency Procedures.
 - e. Chapter V discusses the process for withdrawal, transfer, and exemption of nuclear material subject to safeguards under the VOA.
 - f. Chapter VI covers information reporting under the VOA.
 - g. Chapter VII covers preparation for IAEA inspections under the VOA.
 - h. Chapter VIII covers information reporting for DOE declarations made under the AP.
 - i. Chapter IX discusses complementary access by the IAEA to DOE activities and associated locations that are accessible to the IAEA under the AP.
 - j. Chapter X covers preparation for upcoming IAEA complementary access visits under the AP.
 - k. Chapter XI covers responsibilities of DOE personnel during IAEA inspections and complementary access visits.
 - l. Chapter XII covers the process of establishing managed access requirements.
 - m. Chapter XIII covers responsibilities of DOE personnel in response to requests by IAEA inspectors to conduct sampling under the VOA and AP.
 - n. Attachment 1 contains the contractor requirements document.

5. DEFINITIONS. The definitions in paragraph 6 of DOE O 142.2A, Article 90 of the Agreement, Article 18 of the AP, and section 203 of the United States Additional Protocol Implementation Act apply to this Manual. In addition, the following definitions apply.
 - a. Activities and information of direct national security significance. In the context of the AP, activities that are classified by the U.S. Government classification guides, classified commercial (e.g., centrifuge technology), Naval Nuclear Propulsion Information, and/or international traffic in arms regulation information. If information contained in “Classified—Foreign Government Information—Modified Handling” documents would be considered classified in the context of the U.S. Government program, then this information should also be considered of direct national security significance.
 - b. Locations, sites, and facilities of direct national security significance. Current and former DOE locations, sites, and facilities are to be considered of direct national security significance when managed access can not be used to effectively protect activities and/or information of direct national security significance.

6. REFERENCES.
 - a. P.L. 83-703, Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. Online at: www.nrc.gov/about-nrc/governing-laws.html.
 - b. P.L. 79-291, International Organizations Immunities Act, 22 U.S.C. 288a. Online at: www.gpoaccess.gov/uscode/index.html.
 - c. U.S. Department of State, *Interagency Procedures for the Implementation of the U.S.-IAEA Safeguards Agreement*, *Federal Register*, vol. 63, 7041-7044, February 11, 1998. Online at: www.gpoaccess.gov/fr/retrieve.html.
 - d. *Agreement for the Application of Safeguards in the United States, with Protocol*. Done at Vienna November 18, 1977; entered into force December 9, 1980. Online at: <https://www.ap.doe.gov/>.
 - e. *Protocol Additional to 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*. Online at: <https://www.ap.doe.gov/>.
 - f. *Subsidiary Arrangements to the Agreement Between the Government of the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America*, June 1, 1978.
 - g. DOE Office of Safeguards and Security, *Handbook for the Implementation of IAEA Inspection Activities at Department of Energy Nuclear Facilities*, May 1997.

- h. DOE O 142.1, *Classified Visits Involving Foreign Nationals*, dated 1-3-04. Online at: www.directives.doe.gov/directives/read.html.
 - i. DOE O 142.2A, *Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency*, dated 12-15-06. Online at: www.directives.doe.gov/directives/read.html.
 - j. DOE O 142.3, *Unclassified Foreign Visits and Assignments Program*, dated 6-18-04. Online at www.directives.doe.gov/directives/read.html.
 - k. Foreign Assistance Act of 1961, 22 U.S.C. 2371. Online at: <http://www.gpoaccess.gov/uscode/index.html>.
 - l. Letter from Ambassador Kenneth Brill, United States Mission to International Organizations in Vienna, to Dr. Mohamed ElBaradei, Director General, IAEA, April 30, 2002.
 - m. P.L. 106-65, National Defense Authorization Act for Fiscal Year 2000, as amended. Online at: <http://thomas.loc.gov/bss/d106/d106laws.html>.
 - n. P.L. 109-401, Title II, United States Additional Protocol Implementation Act. Online at: <http://thomas.loc.gov/bss/d109/d109laws.html>.
 - o. Title 10 Code of Federal Regulations (CFR) Part 810, “Assistance to Foreign Atomic Energy Activities.” Online at: www.gpoaccess.gov/cfr/index.html.
 - p. U.S. Senate Resolution of Advice and Consent to Ratification of the Protocol Additional to 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 Annexes. *Congressional Record*, March 31, 2004 (Senate), pages S3511—S3515. Online at: www.fas.org/nuke/control/usiaea/docs/usiaea4.htm.
 - q. Pacific Northwest National Laboratory, *U.S. Additional Protocol Handbook*, PNNL-15129. 2007.
7. CONTACT. Questions concerning this Manual should be addressed to the Office of International Regimes and Agreements at (202) 586-0589.

BY ORDER OF THE SECRETARY OF ENERGY:

JEFFREY



F. KUPFER
Acting Deputy Secretary

ACRONYMS USED IN THIS MANUAL

AP	Additional Protocol
CFR	Code of Federal Regulations
CRD	Contractor Requirements Document
DDA	Declaration Decision Assistant
DOE	U.S. Department of Energy
DRA	Declaration Review Assistant
DWA	Declaration Writing Assistant
IAEA	International Atomic Energy Agency
ISC	IAEA Steering Committee
NMMSS	Nuclear Materials Management and Safeguards System
NNSA	National Nuclear Security Administration
NRC	U.S. Nuclear Regulatory Commission
PSO	Program Secretarial Officer
SISM	Subcommittee on International Safeguards and Monitoring
SISUS	Subgroup on IAEA Safeguards in the United States
U.S.	United States
U.S.C.	United States Code
VOA	Voluntary Offer Agreement

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CHAPTER I.

BACKGROUND DOCUMENTS AND PROGRAM ADMINISTRATION

1. BACKGROUND DOCUMENTS.

- a. Agreement Between the United States and the IAEA for the Application of Safeguards in the United States and the Original Protocol to the Agreement.
- (1) The Agreement between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States (hereafter the Agreement) was signed in Vienna, Austria on November 18, 1977. The Original Protocol to the Agreement was also signed in Vienna on November 18, 1977.
 - (2) The Agreement and Original Protocol (hereafter the Voluntary Offer Agreement or VOA) were ratified by the U.S. Senate on July 31, 1980 and subsequently ratified by President Carter on July 31, 1980.
 - (3) They entered into force on December 9, 1980 and were proclaimed by President Carter on December 31, 1980.
 - (4) Under Article 1 of the Agreement, the United States permits the IAEA to apply safeguards on all source or special fissionable material in all facilities within the United States except those facilities associated with activities with direct national security significance.
 - (5) The United States maintains a list of facilities that are eligible for the application of IAEA safeguards under the VOA (i.e., the "eligible list").
 - (6) The IAEA may select facilities from the list for the application of IAEA safeguards.
 - (7) The United States has negotiated Subsidiary Arrangements to the Agreement with the IAEA that describe in general terms the methods of implementing IAEA safeguards at U.S. facilities.
 - (8) After a facility is selected for safeguards, a facility attachment (for inspection and reporting) or a transitional facility attachment (for reporting only) are negotiated with the IAEA that describe in detail how safeguards will be implemented for the particular facility.
 - (9) Article 10 of the Agreement states that the International Organizations Immunities Act applies to IAEA inspectors in the United States and to any property used by inspectors. The Act provides that property and assets of international organizations, wherever located and by whomsoever held,

shall be immune from search, unless such immunity is expressly waived, and from confiscation.

b. Additional Protocol to the Agreement.

- (1) The United States and the IAEA signed the AP on June 12, 1998.
- (2) The AP is a bilateral treaty that supplements and amends the VOA. The AP strengthens safeguards by providing for a broad declaration to the IAEA about a country's nuclear programs and nuclear-related activities and by expanding the access rights of the IAEA.
- (3) The AP applies to technical activities (e.g., civil nuclear fuel cycle related research and development not involving nuclear materials) that are not subject to traditional IAEA nuclear material accountancy type safeguards under the VOA.
- (4) The Subsidiary Arrangement to the AP lists illustrative managed access measures that the United States may implement.
- (5) The U.S. Senate gave its advice and consent to ratification of the AP on March 31, 2004.
- (6) The President signed the United States Additional Protocol Implementation Act on December 18, 2006.
- (7) Both the Senate's advice and consent and the AP Implementation Act contain a number of conditions and understandings that impose certain additional implementation requirements on DOE that are not found in the AP.

c. Interagency Procedures for the Implementation of the U.S.-IAEA Safeguards Agreement.

- (1) The Interagency Procedures for implementing the AP are periodically issued by the Department of State.
- (2) The Procedures set forth that the interagency mechanism for coordinating policy and resolving disputes relating to implementation of the Agreement in the United States is the IAEA Steering Committee (ISC).
- (3) A subcommittee of the ISC is the Subcommittee on International Safeguards and Monitoring (SISM).
- (4) A subgroup of the SISM is the Subgroup on IAEA Safeguards in the United States (SISUS), which establishes a Negotiating Team to negotiate

Subsidiary Arrangements, eligible facilities, and other matters with the IAEA.

- (5) DOE is a member of the ISC, the SISM, and the SISUS.
 - d. DOE O 142.2A. This Manual was prepared to supplement DOE O 142.2A, *Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency*, dated 12-15-06, which covers DOE requirements and responsibilities related to the VOA and AP.
 - e. DOE Additional Protocol Web Site (<https://www.ap.doe.gov>) contains information and tools to assist Headquarters, field elements, and contractors in implementing the AP. The site allows for secure access to AP-related documents, frequently asked questions, links to other AP-related web sites, computer-based AP training modules, online AP help, downloads of AP Reporting System software, and the Declaration Review Assistant (DRA). The DRA is a web-based application used by designated DOE Headquarters personnel to import declaration data from DOE installations, facilitate DOE review of the submitted data, export DOE-approved declaration data to the U.S. Government-wide system, and accommodate long-term management of the data.
2. OVERVIEW OF PROGRAM ADMINISTRATION. Managers charged with responsibilities in this Manual may delegate authority to another DOE manager or staff person.
- a. NNSA Deputy Administrator for Defense Nuclear Nonproliferation.
 - (1) As set out in DOE O 142.2A, participates in the resolution of additions or deletions to the eligible list of DOE facilities under the VOA and the DOE portion of the U.S. declaration under the AP.
 - (2) Reviews DOE declarations under the AP.
 - (3) Prepares DOE certifications to satisfy the U.S. Senate Resolution of Advice and Consent to Ratification of the AP.
 - (4) Oversees DOE compliance with the AP Implementation Act.
 - b. NNSA Assistant Deputy Administrator for Nonproliferation and International Security.
 - (1) Has the lead responsibility for fulfilling DOE obligations under the VOA, AP, Subsidiary Arrangements, and Interagency Procedures.
 - (2) Serves as the DOE representative on the ISC.
 - (3) Exercises much of his responsibility through the Office of International Regimes and Agreements.

- c. Director of the Office of International Regimes and Agreements or Designee.
- (1) Serves as the DOE representative on the SISM and the SISUS.
 - (2) Is the principal point of contact between DOE and other Federal agencies and the IAEA on matters relating to the VOA and AP.
 - (3) Coordinates DOE actions in response to the conditions and understandings in the AP Implementation Act and the U.S. Senate Resolution of Advice and Consent to Ratification of the AP, including the list of locations associated with DOE activities declared under the AP.
 - (4) Has lead DOE responsibility relating to the negotiation of Subsidiary Arrangements and facility attachments with the IAEA.
 - (5) Has the lead DOE responsibility for fulfilling duties assigned to DOE as a responsible agency under the Interagency Procedures.
 - (6) Is responsible for verifying the portion of the DOE declaration under Article 2 of the AP concerning export and import of uranium, thorium, and specified equipment and non-nuclear material.
 - (7) Has specific responsibilities related to DOE's implementation of Article 2 of the AP and to the release of export controlled information as set out in DOE O 142.2A.
- d. Chief Health, Safety and Security Officer.
- (1) Issues guidance on safeguards and security policy governing the protection of National Security and other critical assets entrusted to the Department.
 - (2) Develops and maintains policies and procedures for reporting nuclear materials transactions, material balances, and inventory information to and from the Nuclear Materials Management and Safeguards System, as necessary for reporting such information to the Department of State for transmittal to the IAEA.
 - (3) Under the VOA—
 - (a) participates in decision making regarding whether a non-NNSA DOE facility should be placed on or removed from the eligible list;
 - (b) issues procedures related to DOE's reporting obligations; and
 - (c) reviews facility attachments for non-NNSA DOE facilities.

- (4) Under the AP—
 - (a) reviews DOE AP declarations for non-NNSA DOE activities;
 - (b) participates in decision making regarding when the national security exclusion in Article 1b of the AP should be invoked at non-NNSA DOE facilities, locations, and sites;
 - (c) advises PSOs and DOE field element heads on the need for managed access at non-NNSA DOE facilities, locations, and sites; and
 - (d) provides guidance to DOE elements on safeguards and security programs to facilitate IAEA activities while protecting and accounting for nuclear materials and sensitive information.
- e. NNSA Associate Administrator for Defense Nuclear Security.
 - (1) Develops and maintains procedures for controlled release of classified national security information and other sensitive DOE information to the IAEA.
 - (2) Provides safeguards and security program guidance to DOE field elements to facilitate IAEA activities while protecting and accounting for nuclear materials and sensitive information.
 - (3) Apprises the Office of International Regimes and Agreements of interactions with other Federal agencies relative to the VOA or the Additional Protocol, as appropriate.
 - (4) In consultation with the Office of International Regimes and Agreements, develops and maintains procedures for controlled release of sensitive nuclear technology and export-controlled information to the IAEA.
 - (5) Reviews and provides to the head of the field element comments on site safeguards and security plans for IAEA inspections and complementary access visits to DOE facilities, locations, and sites.
 - (6) Monitors implementation of domestic safeguards and security requirements as they pertain to VOA, the Additional Protocol, and Subsidiary Arrangements, and ensures that potential problems are identified to responsible PSOs, NNSA Deputy or Associate Administrators, and to field elements.
 - (7) Participates with the Director of the Office of International Regimes and Agreements and the responsible PSO's NNSA deputy or associate

administrator in determining whether a facility should be placed on or deleted from the list of DOE facilities eligible for application of safeguards under the VOA or whether an activity should be added to or deleted from the list of DOE activities and associated locations declared under the Additional Protocol.

- (8) Participates with the Office International Regimes and Agreements to certify NNSA declared activities for national security exclusion, managed access, declared locations, site security assessments, and added locations. (P.L. 109-401 Subtitle G)
 - (9) When complementary access to declared activities cannot be granted without disclosing protected information, consults with the responsible PSO or NNSA deputy or associate administrator and the Office of International Regimes and Agreements to determine whether reasonable efforts have been made to satisfy IAEA requirements at adjacent locations or through other means, without delay. (Additional Protocol, Articles 1b, 1c, 5b, and 7)
 - (10) Under the VOA, participates in decision making regarding whether a NNSA facility should be placed on or removed from the eligible list and reviewing facility attachments for NNSA facilities.
 - (11) Under the AP—
 - (a) reviews DOE AP declarations for NNSA activities;
 - (b) participates in decision making regarding when the national security exclusion in Article 1b of the AP should be invoked at NNSA facilities, locations, and sites; and
 - (c) advises NNSA deputy and associate administrators and DOE field element heads on the need for managed access at NNSA facilities, locations, and sites.
- f. Program Secretarial Officers and NNSA Deputy and Associate Administrators or Designees.
- (1) Oversee field implementation of the VOA and AP.
 - (2) Participate with the Office of International Regimes and Agreements, the Office of Health, Safety and Security and the Office of Defense Nuclear Security, and the responsible DOE field element head in—
 - (a) determining whether a particular DOE facility should be added to or deleted from the eligible list under the VOA;

- (b) ensuring the completeness and accuracy of the declaration of activities they sponsor in the DOE portion of the U.S. AP declaration; and
 - (c) participating as appropriate in decision making regarding when the national security exclusion in Article 1b of the AP should be invoked at DOE facilities, locations, and sites for which they are responsible.
 - (3) Ensure that obligations to the IAEA are fully integrated into program planning.
- g. Chief Financial Officer participates with the Office of International Regimes and Agreements in establishing procedures for the reimbursement of extraordinary expenses as a result of specific requests from IAEA inspectors as provided for in Article 14 of the Agreement.
- h. DOE Heads of Field Elements or Designees.
 - (1) Follow the direction of the PSO or NNSA deputy or associate administrator with responsibility for facilities, locations, or sites that are eligible, selected, or otherwise affected by IAEA safeguards.
 - (2) Participate in the process of identifying eligible DOE facilities under the VOA.
 - (3) Develop and submit to the Office of International Regimes and Agreements AP declarations for activities at locations under their cognizance.
 - (4) Complete all security assessments and counterintelligence training requirements at locations of direct national security significance identified in those declarations as required by the AP Implementation Act and the U.S. Senate Resolution of Advice and Consent to Ratification of the AP.
 - (5) Provide oversight of IAEA inspections under the VOA and complementary access visits under the AP to ensure that—
 - (a) site personnel are prepared for each inspection and visit;
 - (b) IAEA inspectors are properly identified and appropriately hosted and escorted;
 - (c) IAEA inspectors are allowed to carry out their duties as authorized by the VOA, AP, Subsidiary Arrangements, facility attachments, and in compliance with all applicable statutory and regulatory requirements and any managed access procedures in place;

- (d) IAEA inspectors follow applicable health, safety, and security procedures; and
 - (e) information provided to IAEA inspectors is limited to that required under DOE O 142.2A, the VOA, and the AP.
- (6) Ensure that—
- (a) information regarding facilities selected for IAEA safeguards and activities declared under the AP at locations for which he/she is cognizant is accurately collected and submitted in a timely manner under the appropriate DOE process for the VOA or the AP to the appropriate DOE Headquarters element;
 - (b) appropriate clauses relating to IAEA activities are included in contracts entered into;
 - (c) suitable instructions are given to DOE contractors to enable DOE to fulfill its obligations under the VOA and AP;
 - (d) DOE obligations to the IAEA are integrated fully into program planning; and
 - (e) DOE's internal reporting requirements following an IAEA inspection or complementary access visit are satisfied.
- (7) Designate IAEA safeguards coordinators and AP coordinators to carry out the duties listed above that are related to the VOA and AP, respectively.
- i. Director of the Office of Intelligence and Counterintelligence.
- (1) Reviews IAEA inspectors proposed by the IAEA for service in the United States.
 - (2) Provides feedback on the proposed inspectors to the Director of the Office of International Regimes and Agreements.

CHAPTER II.

DESIGNATION OF IAEA INSPECTORS

1. DESIGNATION PROCESS.

- a. The process for designating IAEA inspectors is set out in Articles 9 and 83 of the Agreement, Article 11 of the AP, and section K of the Interagency Procedures.
- b. Article 1a of the AP provides that in the case of conflict between the provisions of the Agreement and the AP, the provisions of the AP will apply.
- c. Section 262(a) of the AP Implementation Act provides that no national of a country designated by the Secretary of State under section 620A of the Foreign Assistance Act of 1961 as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the AP or a related safeguards agreement.
- d. Under Article 11 of the AP, the IAEA notifies the United States of proposed IAEA inspectors for the United States.
- e. Under section K of the Interagency Procedures, such proposals are referred to the SISUS for consideration.
- f. Under Article 11 of the AP, the United States must notify the IAEA within three months if the United States rejects an inspector.
- g. Under Article 9 of the Agreement, if the United States rejects an inspector, the IAEA will propose an alternative designation.
- h. United States acceptance of IAEA designated inspectors constitutes access approval for the designated inspectors for purposes of paragraph 5g(2)(a) of DOE O 142.1 and paragraph 4h of DOE O 142.3.

2. RESPONSIBILITIES.

- a. NNSA Assistant Deputy Administrator for Nonproliferation and International Security concurs in any DOE request to the SISUS that a proposed IAEA inspector be rejected.
- b. Director of the Office of International Regimes and Agreements.
 - (1) Transmits lists of proposed IAEA inspectors for the United States to the Offices of Intelligence and Counterintelligence, Defense Nuclear Security, and Health, Safety and Security for review.

- (2) Notifies the SISUS of a DOE request to reject a particular inspector. The notification must be sufficiently in advance that the three-month notification schedule in Article 11 of the AP can be achieved.
 - (3) Transmits the current list of IAEA inspectors formally designated for service in the United States to DOE heads of field elements responsible for DOE facilities, locations, and sites subject to IAEA inspections and complementary access visits.
- c. NNSA Associate Administrator for Defense Nuclear Security must respond to information requests from the Director of the Office of International Regimes and Agreements regarding proposed IAEA inspectors within the time frame noted in the request.
 - d. Director of the Office of Intelligence and Counterintelligence must respond to information requests from the Director of the Office of International Regimes and Agreements regarding proposed IAEA inspectors within the time frame noted in the request.
 - e. Chief Health, Safety and Security Officer must respond to information requests from the Director of the Office of International Regimes and Agreements regarding proposed IAEA inspectors within the time frame noted in the request.

CHAPTER III.

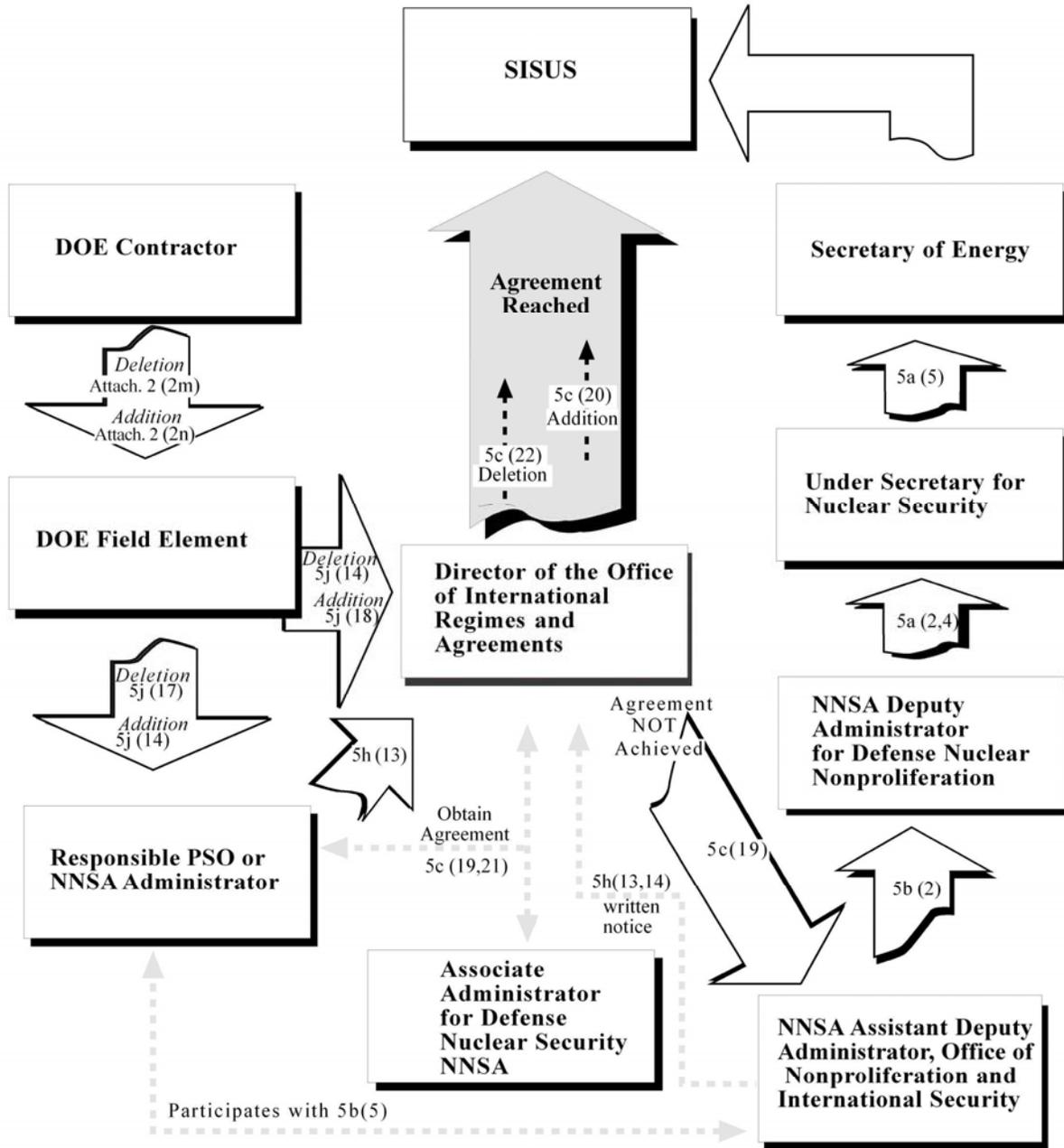
IDENTIFICATION AND SELECTION OF DOE FACILITIES ELIGIBLE FOR APPLICATION OF IAEA SAFEGUARDS UNDER THE VOA

1. IDENTIFICATION AND SELECTION PROCESS.

- a. Article 1(a) of the Agreement permits the IAEA to apply safeguards on all source or special fissionable material in all facilities within the United States except facilities associated with activities with direct national security significance to the United States.
- b. Article 1(b) requires the United States to submit a list of facilities eligible for the application of safeguards to the IAEA.
- c. Article 34 of the Agreement authorizes the United States to add or remove facilities from the eligible list.
- d. The IAEA can designate facilities for application of safeguards under Articles 2(b) and 39(b) of the Agreement and Article 2 of the Original Protocol.
- e. The process of making changes to the eligible list is set out in section F of the Interagency Procedures.
- f. The process for additions and deletions to the list of DOE facilities eligible for IAEA inspection under the VOA is shown in Figure III-1.

2. RESPONSIBILITIES FOR IDENTIFICATION AND SELECTION.

- a. NNSA Deputy Administrator for Defense Nuclear Nonproliferation participates in the resolution of additions or deletions of DOE facilities to the eligible list as set out in DOE O 142.2A.
- b. NNSA Assistant Deputy Administrator for Nonproliferation and International Security participates in the resolution of additions or deletions of DOE facilities to the eligible list as set out in DOE O 142.2A.
- c. Director of the Office of International Regimes and Agreements.
 - (1) Prepares procedures to identify DOE facilities that should be added to or deleted from the eligible list.



References refer to sections in DOE O 142.2A

Figure III-1. The process for additions and deletions to the list of DOE facilities eligible for IAEA inspection under the VOA.

- (2) Confers on and obtains agreement with the responsible PSO and the Chief Health, Safety and Security Officer for non-NNSA DOE facilities and the responsible NNSA deputy or associate administrator and the NNSA Associate Administrator for Defense Nuclear Security for NNSA facilities regarding possible additions to or deletions from the eligible list of DOE facilities.
 - (3) Maintains the list of DOE facilities eligible for application of safeguards by the IAEA under the VOA.
 - (4) Notifies the SISUS of changes in the status of any DOE facility relative to possible addition to or removal from the eligible list.
- d. Chief Health, Safety and Security Officer participates with the Director of the Office of International Regimes and Agreements and the responsible PSOs in determining whether a non-NNSA DOE facility should be placed on or deleted from the eligible list.
- e. NNSA Associate Administrator for Defense Nuclear Security participates with the Director of the Office of International Regimes and Agreements and the responsible NNSA deputy or associate administrator in determining whether a NNSA facility should be placed on or deleted from the eligible list.
- f. Program Secretarial Officers and NNSA Deputy and Associate Administrators.
- (1) Inform the Director of the Office of International Regimes and Agreements whenever the PSO or NNSA deputy or associate administrator believes that a DOE facility under his/her responsibility should either be added to or deleted from the eligible list.
 - (2) For facilities under his/her responsibility, confer and obtain agreement with the Director of the Office of International Regimes and Agreements regarding possible additions to or deletions from the eligible list as provided for in DOE O 142.2A.
 - (3) Instruct DOE heads of field elements to notify the responsible PSO or NNSA deputy or associate administrator and the Director of the Office of International Regimes and Agreements whenever a facility under his/her responsibility should be added to or deleted from the eligible list.
 - (4) Participate with the Office of International Regimes and Agreements to ensure that planning for new DOE facilities will take account of, from inception, IAEA safeguards requirements and whether the facility would be placed on the eligible list.

g. DOE Heads of Field Elements.

- (1) Instruct DOE heads of field elements to notify the responsible PSO or NNSA deputy or associate administrator and the Director of the Office of International Regimes and Agreements whenever a facility under his/her responsibility should be added to or deleted from the eligible list.
- (2) Instruct DOE contractors to notify the DOE field element head whenever a facility managed by the contractor should be considered for addition to or deletion from the eligible list.

CHAPTER IV.

FACILITY ATTACHMENTS AND TRANSITIONAL FACILITY ATTACHMENTS UNDER THE VOA

1. PREPARATION AND NEGOTIATION.

- a. A facility attachment is that portion of the Subsidiary Arrangements that pertains to a particular facility that has been identified by the IAEA pursuant to Article 39(b) of the Agreement.
- b. A transitional facility attachment is that portion of the Transitional Subsidiary Arrangements to the Original Protocol that pertains to a particular facility that has been identified by the IAEA pursuant to Article 2(a) of the Original Protocol.
- c. Facility attachments typically describe and specify the facility; the arrangements for safeguarding nuclear material at the facility; the accounts and records to be kept; the location of key measurement points; the containment and surveillance measures to be carried out by DOE; and the mode, scope, and frequency of IAEA inspections.
- d. The process for preparing and negotiating facility attachments and transitional facility attachments is set out in section D of the Interagency Procedures. DOE, with the assistance of the Negotiating Team, and the IAEA prepare a draft attachment for each DOE facility selected by the IAEA from the eligible list.
- e. The final text of the attachment is negotiated with the IAEA by the Negotiating Team under the guidance of the SISM.

2. RESPONSIBILITIES.

- a. NNSA Assistant Deputy Administrator for Nonproliferation and International Security concurs in draft facility attachments and draft transitional facility attachments.
- b. Director of the Office of International Regimes and Agreements or Designee.
 - (1) Ensures fulfillment of all responsibilities assigned to DOE as a responsible agency under section D of the Interagency Procedures.
 - (2) Arranges for the affected DOE field element head to prepare or revise draft facility attachments in conjunction with the facility operator.
 - (3) Provides the Negotiating Team an opportunity to review draft facility attachments.

- (4) Responds to information requests addressed to DOE by the Negotiating Team.
- c. Chief Health, Safety and Security Officer reviews and concurs in draft facility attachments and draft transitional facility attachments affecting non-NNSA DOE facilities.
- d. NNSA Associate Administrator for Defense Nuclear Security reviews and concurs in draft facility attachments and draft transitional facility attachments affecting NNSA facilities.
- e. Program Secretarial Officers and NNSA Deputy and Associate Administrators review draft facility attachments and respond to information requests from the Director of the Office of International Regimes and Agreements regarding draft facility attachments and draft transitional facility attachments.
- f. DOE Heads of Field Elements.
 - (1) Respond to information requests from the Director of the Office of International Regimes and Agreements and the Negotiating Team regarding draft facility attachments and draft transitional facility attachments.
 - (2) Participate, as requested by the Director of the Office of International Regimes and Agreements and responsible PSOs and NNSA deputy or associate administrators, in the preparation of draft facility attachments and draft transitional facility attachments.
 - (3) Involve the facility operator in the preparation process as appropriate.
 - (4) Notify the Director of the Office of International Regimes and Agreements and the responsible PSO or NNSA deputy or associate administrator when changes to a facility attachment are needed.

CHAPTER V.

WITHDRAWAL, TRANSFER, AND EXEMPTION OF NUCLEAR MATERIAL AT DOE FACILITIES SUBJECT TO SAFEGUARDS UNDER THE VOA

1. PROCESS FOR WITHDRAWAL OF NUCLEAR MATERIAL.

- a. Article 12(a) of the Agreement entitles the United States to withdraw nuclear material from facilities that previously had been identified by the IAEA pursuant to Article 2(b) and 39(b) of the Agreement as being subject to IAEA safeguards and to transfer such material to a facility that is not on the U.S. list of eligible facilities established and maintained under Articles 1(b) and 34 of the Agreement.
- b. The United States is to notify the IAEA in advance of any such withdrawal. Under Code 3.7 of the Subsidiary Arrangements to the Agreement, notification is not needed for samples of less than 0.01 kg. After withdrawal, the material will cease to be subject to IAEA safeguards.

2. RESPONSIBILITIES FOR WITHDRAWAL OF NUCLEAR MATERIAL.

- a. Director of the Office of International Regimes and Agreements.
 - (1) Notifies the Department of State and SISUS of planned withdrawals of nuclear material.
 - (2) Ensures that the withdrawals notification package is consistent with the Subsidiary Arrangements and the Interagency Procedures.
 - (3) Ensures that withdrawn nuclear material is reflected in inventory change and material balance reports provided to the IAEA under Article 61 of the Agreement.
- b. Program Secretarial Officers and NNSA Deputy and Associate Administrators with responsibility for facilities where nuclear material subject to IAEA safeguards is to be withdrawn and/or facilities to which the material will be transferred.
 - (1) Notify the Director of the Office of International Regimes and Agreements of a planned withdrawal of nuclear material.
 - (2) Based on input from DOE field element heads and other DOE offices, determine when a withdrawal of nuclear material can occur and notify affected DOE field element heads.

c. DOE Heads of Field Elements.

- (1) Make appropriate recommendations to the responsible PSO or NNSA deputy or associate administrator regarding proposed withdrawals of nuclear material.
- (2) Notify appropriate site personnel of planned withdrawals and the effective dates of withdrawal.

3. PROCESS FOR TRANSFER OF NUCLEAR MATERIAL.

- a. Articles 12(b) and 89 of the Agreement recognize the right of the United States to transfer nuclear material subject to IAEA safeguards into or out of the United States.
- b. Codes 7.2 and 7.3 of the Subsidiary Arrangements provide for advance notification to the IAEA of expected transfers of nuclear material out of or into the United States, respectively.
- c. Code 3.6 of the Subsidiary Arrangements contains date and time limits for such notification.

4. RESPONSIBILITIES FOR TRANSFER OF NUCLEAR MATERIAL.

a. Director of the Office of International Regimes and Agreements.

- (1) Notifies the Department of State and SISUS of planned DOE transfers of nuclear material into or out of the United States.
- (2) Ensures that a transfer notification package is consistent with the Subsidiary Arrangements and the Interagency Procedures.
- (3) Ensures that transferred nuclear material is appropriately reflected in inventory change and material balance reports provided to the IAEA under Article 61 of the Agreement.

b. Program Secretarial Officers and NNSA Deputy and Associate Administrators with responsibility for the facility where nuclear material subject to IAEA safeguards is to be transferred to or from.

- (1) Notify the Director of the Office of International Regimes and Agreements of a planned transfer.
- (2) Based on input from the head of the affected DOE field element and other DOE offices, determine when a transfer of nuclear material can occur and notify the affected DOE field element head.

c. DOE Heads of Field Elements.

- (1) Make appropriate recommendations to the responsible PSO or NNSA deputy or associate administrator regarding proposed transfers of nuclear material.
- (2) Notify appropriate facility personnel of planned transfers and effective dates of such transfers.

5. PROCESS FOR EXEMPTIONS OR TERMINATIONS FROM SAFEGUARDS.

- a. Articles 13 and 36-38 of the Agreement cover the process of exempting nuclear material from the application of IAEA safeguards. Nuclear material can be exempted if used in non-nuclear activities; e.g., production of alloys or ceramics, if the nuclear material is recoverable.
- b. Other provisions of Articles 36 and 37 provide for exemptions of nuclear materials subject to specific concentration and quantity limits.
- c. Article 38 provides that exempted nuclear material becomes subject to the application of safeguards if it is processed or stored with material subject to safeguards.
- d. Article 35 of the Agreement covers the termination of safeguards on nuclear material. Safeguards will terminate when the IAEA determines that the nuclear material has been consumed or sufficiently diluted so that it is no longer usable for weapons purposes. Safeguards will also terminate on nuclear material used in non-nuclear activities when the United States and the IAEA agree that the nuclear material is practicably irrecoverable.

6. RESPONSIBILITIES FOR EXEMPTIONS/TERMINATIONS FROM SAFEGUARDS.

a. Director of the Office of International Regimes and Agreements.

- (1) Notifies the Department of State and the SISUS of DOE plans to seek an exemption from application of IAEA safeguards or a termination of safeguards on specified DOE nuclear material.
- (2) Notifies the Department of State and SISUS if DOE nuclear material previously exempted should now be subject to IAEA safeguards.
- (3) Ensures that the notification package of information regarding exemption/termination requests provided to the Department of State and the SISUS is consistent with the Subsidiary Arrangements and the Interagency Procedures.

- (4) Notifies the responsible PSO or NNSA deputy or associate administrator when the specified DOE nuclear material has been exempted from the application of IAEA safeguards or when safeguards have been terminated.
- (5) Ensures that exempted/terminated DOE nuclear material is reflected in inventory change and material balance reports provided to the IAEA under Article 61 of the Agreement.

b. Program Secretarial Officers and NNSA Deputy and Associate Administrators.

- (1) Notify the Director of the Office of International Regimes and Agreements of a planned exemption/termination request for DOE nuclear material subject to IAEA safeguards.
- (2) Notify the Director of the Office of International Regimes and Agreements when DOE nuclear material previously exempted should now be subject to the application of safeguards and the reasons for such reapplication.
- (3) Determine when an exemption/termination request should occur based on input from the affected DOE field element head and other DOE elements and inform the DOE field element head of the determination.

c. DOE Heads of Field Elements.

- (1) Make appropriate recommendations regarding exemption/termination requests to the responsible PSO or NNSA deputy or associate administrator.
- (2) Make appropriate recommendations to the responsible PSO or NNSA deputy or associate administrator regarding reapplication of safeguards to DOE nuclear material previously exempted.

CHAPTER VI.

INFORMATION REPORTING UNDER THE VOA

1. INFORMATION REPORTING REQUIREMENTS. The VOA, Subsidiary Arrangements, and Interagency Procedures call for a variety of information and reports to be submitted to the IAEA. The Interagency Procedures provide that U.S. submissions to the IAEA under the VOA are to be transmitted from the Department of State through the Mission of the United States to the IAEA. Code 3 of the Subsidiary Arrangements contains date and time limits for information to be provided to the IAEA under the VOA. Code 10 of the Subsidiary Arrangements specifies the contents, format, and structure for reports submitted to the IAEA under the VOA.

Information and reports to be provided to the IAEA under the VOA, Subsidiary Arrangements, and Interagency Procedures include the items set out in Table VI-1.

Table VI-1. Information Reporting Requirements under the VOA, Subsidiary Arrangements, and Interagency Procedures

Information Item	Applicable Agreement Articles	Applicable Original Protocol Articles	Applicable Subsidiary Arrangements Code	Applicable Section of Interagency Procedures
Design information (and subsequent modifications) for facilities selected by the IAEA from the eligible list.	8, 40, 42-45	6, 8-10	3.1	E(2)
Information on organizational responsibility for material accountancy and control measures applied to nuclear material subject to safeguards at facilities selected by the IAEA from the eligible list.	44 7,	8		
Information on health and safety procedures for IAEA inspectors.	44 7		3.2	
Information on radiation doses received by IAEA inspectors during the performance of their inspection functions carried out at DOE facilities.			3.2.3	
Initial report on nuclear material at a facility selected by the IAEA from the eligible list.	60 21		3.3	E(1)(a)
Inventory change reports.	61-63	22-24	3.4	
Material balance reports.	49, 61, 65	22, 25	3.4	

Table VI-1. Information Reporting Requirements under the VOA, Subsidiary Arrangements, and Interagency Procedures (cont'd)

Information Item	Applicable Agreement Articles	Applicable Original Protocol Articles	Applicable Subsidiary Arrangements Code	Applicable Section of Interagency Procedures
Special reports concerning loss of nuclear material or change in containment to an extent that unauthorized removal of safeguarded nuclear material is possible.	66, 89(b)		3.5	E(1)(b)
Annual report stating the total amount and composition of nuclear material that would be subject to safeguards in the United States under agreements for which the application of safeguards has been suspended and advance notification of expected changes in the amount and composition.	22	3.8		O
Information concerning U.S. intent to withdraw nuclear material from facilities subject to IAEA safeguards and transfer the material to facilities not subject to safeguards.	12		3.7	E(2)
Information concerning nuclear material exported from and imported into the United States.	89(a)		3.6	E(2)

2. RESPONSIBILITIES.

- a. NNSA Assistant Deputy Administrator for Nonproliferation and International Security ensures that DOE meets its information and reporting obligations under the VOA.
- b. Director of the Office of International Regimes and Agreements.
 - (1) Submits to the Department of State documentation to fulfill DOE information reporting and monitoring requirements under the VOA.
 - (2) Request from PSOs, NNSA deputy and associate administrators, DOE heads of field elements, and managers of the Nuclear Materials Management and Safeguards System (NMMSS) information that enables the Director to assemble the documentation to be submitted by DOE to the Department of State under the VOA. Such information is to be requested sufficiently in advance to ensure that reporting schedules in the VOA are satisfied. Not less often than once per year or as appropriate to meet the reporting requirements shown in Table VI-1.

- (3) Collect information to satisfy DOE reporting requirements under Article 89 of the Agreement related to export and import of nuclear material.
- c. Chief Health, Safety and Security Officer.
 - (1) Issues procedures for reporting nuclear materials transactions, material balance, and inventory information to the Department of State under the VOA.
 - (2) Issues procedures for releasing classified and sensitive information to the IAEA.
 - (3) Provides guidance to DOE elements on safeguards and security programs to facilitate IAEA activities while protecting and accounting for nuclear materials and sensitive information.
 - d. Program Secretarial Officers and NNSA Deputy and Associate Administrators.
 - (1) Respond to information requests from the Director of the Office of International Regimes and Agreements according to the schedule identified in the request.
 - (2) Prior to submitting information—
 - (a) PSOs must review the information with the Office of Health, Safety and Security; and
 - (b) NNSA deputy and associate administrators must review the information with the NNSA Office of Defense Nuclear Security.
 - e. DOE Heads of Field Elements.
 - (1) In accordance with applicable DOE directives, submit to the NMMSS information needed for reporting to the IAEA under Code 10 of the Subsidiary Arrangements.
 - (2) Respond to information requests from the Director of the Office of International Regimes and Agreements, PSOs, and NNSA deputy and associate administrators according to the schedule identified in the request.

3. REQUIREMENTS.

- a. All DOE submittals to fulfill information reporting and monitoring requirements under the VOA are to occur sufficiently in advance that reporting requirements are satisfied.

- b. All DOE submittals to fulfill information reporting and monitoring requirements under the VOA are to be consistent with the format specified in the Subsidiary Arrangements and as specified by the Department of State.

CHAPTER VII.

PREPARATION FOR IAEA INSPECTIONS UNDER THE VOA

1. PREPARATION PROCEDURES. Section L of the Interagency Procedures sets out procedures to be followed in preparation for IAEA inspections.
 - a. DOE field element heads and contractors do not have approval or denial authority for inspections by designated IAEA inspectors except as provided for in paragraph 4d of DOE O 142.2A.
 - b. The IAEA provides advance notification of upcoming inspections. The notice is to specify the reasons for access and the activities to be carried out during such access. Table VII-1 summarizes notification requirements under the VOA.

Table VII-1. Advance notification requirements under the VOA

Purpose of Inspection	Advance Notification Requirement	Citation
Ad hoc inspections to identify and, if possible, verify the quantity and composition of nuclear material exported from or imported into the United States.	24 hours	Article 81(a) of the Agreement
Ad hoc inspections to verify initial reports on nuclear material contained in a facility and changes since the initial report.	1 week	Article 81(a) of the Agreement
Verify design information.	1 week	Article 81(a) of the Agreement; Article 11(b) of the Original Protocol
Special inspections pertaining to unusual incidents.	As promptly as possible after U.S.-IAEA consultation	Article 81(b) of the Agreement
Routine inspections pursuant to Article 70 of the Agreement for facilities involving plutonium or uranium enriched to more than 5 percent.	24 hours	Article 81(c) of the Agreement
Other routine inspections pursuant to Article 70 of the Agreement.	1 week	Article 81(c) of the Agreement; Article 11(b) of the Original Protocol
Routine inspections in accordance with the principle of random sampling.	None	Article 82 of the Agreement

2. RESPONSIBILITIES. Responsibilities of DOE managers related to preparation for IAEA inspections under the VOA are set out below.
 - a. Director of the Office of International Regimes and Agreements.
 - (1) Provides to the Department of State the following information:
 - (a) current DOE contact information for notifications regarding upcoming IAEA inspections at DOE facilities; and
 - (b) names and telephone numbers of DOE staff or contractors available on a 24-hour basis to resolve IAEA inspectors' questions, complaints, or requests for assistance.
 - (2) Informs IAEA safeguards points of contact at the DOE facility of upcoming IAEA inspections.
 - (3) Prepares and submits to the Department of State any DOE response to IAEA inspection requests as required.
 - (4) After consultation with the appropriate DOE IAEA safeguards point of contact, determines whether a request from a SISUS member to be present during an inspection will be accommodated.
 - (5) Determines whether a person from the Director's staff should be present at an IAEA inspection of a DOE facility.
 - (6) Verifies that the number, intensity, duration, timing, and mode of IAEA inspections of DOE facilities are consistent with the VOA and applicable facility attachment and notifies the Department of State if an inconsistency is found.
 - (7) For each IAEA inspection, makes arrangements for the information shown in Appendix A to DOE O 142.1 to be collected and maintained for a period of five years except that the following information does not need to be collected: home address of the inspector, sponsoring program office, program office with approval authority, name of approving official, date of approval, and date security assurance received.
 - b. Chief Health, Safety and Security Officer provides guidance for the application of safeguards and security measures that will facilitate IAEA inspections at non-NNSA DOE facilities while protecting activities with direct national security significance to the United States.
 - c. NNSA Deputy Administrator for Defense Nuclear Nonproliferation provides guidance for the application of safeguards and security measures that will facilitate IAEA inspections at NNSA facilities while protecting activities with direct national security significance to the United States.

d. DOE Heads of Field Elements.

- (1) Designate one or more IAEA safeguards points of contact and one or more backups for matters relating to IAEA inspections and inform the Office of International Regimes and Agreements and the applicable PSO or NNSA deputy or associate administrator of the persons' names and contact information.
- (2) For each affected contractor, inform the Office of International Regimes and Agreements and the applicable PSO or NNSA deputy or associate administrator of the contractor IAEA safeguards points of contact and backups and contact information.
- (3) Coordinate with the IAEA preparation for inspections, including advance notification by the IAEA.
- (4) Ensure that the notice provisions in Table VII-1 are satisfied before an IAEA inspection is allowed to commence.
- (5) Verify that DOE facilities that the IAEA wishes to inspect are under safeguards pursuant to Article 39 of the Agreement.
- (6) Arrange for IAEA inspectors to be accompanied by one or more trained hosts in unsecured areas and one or more trained escorts when the inspectors are in secure areas.
- (7) Ensure that site safeguards and security plans are in place to cover inspections by IAEA personnel under the VOA before IAEA inspections and that the plan is revised and maintained as appropriate.
- (8) Direct questions or concerns related to implementation or interpretation of the VOA and related documents to the Office of International Regimes and Agreements.
- (9) Ensure that plans and procedures are in place to provide IAEA inspectors with appropriate security, health, and safety training prior to commencing their inspection.
- (10) Ensure that IAEA inspectors are covered by the safety and radiation protection measures in force at the DOE facility to be inspected including emergency assistance and, if available, medical care in case of injury or accident.
- (11) Provide information on radiation exposure received by IAEA inspectors at facilities under their purview according to the procedures in Code 3.2.3 of the Subsidiary Arrangements to the Agreement.

- (12) Ensure that protective force personnel at DOE facilities subject to IAEA inspections receive periodic training relating to IAEA inspections.
- (13) Designate onsite workspace for use by IAEA inspectors upon request by the IAEA.

3. REQUIREMENTS.

- a. Hosts and escorts who accompany IAEA inspectors may be DOE staff or DOE contractor staff. When the facility to be inspected involves work that DOE is conducting for other entities, the DOE field element head may authorize a representative of one or more of the entities to be a co-escort. When appropriately trained, an individual can be both a host and an escort. Both hosts and escorts must have appropriate security clearances; be familiar with the role of the IAEA and the role of IAEA inspectors including the rights and responsibilities of inspectors under the VOA, Subsidiary Arrangements, and applicable facility attachment; and have current knowledge regarding DOE procedures for release of information to IAEA inspectors.
- b. Escorts who accompany IAEA inspectors must:
 - (1) Have specific knowledge of the areas at the DOE facility to be inspected or visited that are open to IAEA inspectors under the VOA, Subsidiary Arrangements, facility attachment, and applicable managed access procedures.
 - (2) Have specific knowledge of activities with direct national security significance at the DOE facility to be inspected or visited. Such activities must be protected from disclosure to IAEA inspectors through the use of managed access measures.
 - (3) Have specific training covering the counterintelligence, health, safety, safeguards, and security requirements applicable to the facility to be inspected.
 - (4) Have specific training covering procedures for inspection of IAEA equipment to be used during an inspection.
 - (5) Have specific training covering implementation of any managed access procedures in place at the facility to be inspected.
 - (6) Know whom to contact if disagreements arise between IAEA inspectors and the escort or other DOE or DOE contractor personnel, or questions arise that cannot be immediately answered by the escort.
 - (7) Have specific knowledge of the DOE requirements in 10 CFR Part 810 which prohibit the unauthorized transfer of sensitive nuclear technology.

- (8) Understand the system for nuclear material control and accountability as applied at the facility to be inspected.
 - (9) Understand the procedures for information reporting to the NMMSS.
 - (10) Have experience and training in fields related to nuclear material assay and accounting, including nuclear chemistry, physics, and/or statistics.
 - (11) Have specific training regarding procedures to be followed when IAEA inspectors desire to take samples of nuclear material in accordance with Article 73 of the Agreement.
- c. Site safeguards and security plans must include information on articles that cannot be brought into the facility.
 - d. The plans must also cover the protocol for entry and exit searches of IAEA personnel and their equipment and managed access.
 - e. Any searches of IAEA personnel must be consistent with the International Organizations Immunities Act.
 - f. Generally, training for IAEA inspectors should be the same training as that required for persons requiring the same escorted access as IAEA inspectors to the facilities to be inspected.
 - g. Equivalent training received by IAEA inspectors, irrespective of their country of origin, can be substituted for DOE training if documentation of the training is made available to the DOE field element head.
 - h. DOE field element heads must not arbitrarily require that IAEA inspectors repeat training that they have previously received or require that IAEA inspectors pass a test as part of any training they receive at a DOE facility.
 - i. Radiation exposure received by IAEA inspectors at DOE facilities must be within the limits for general employees set out in 10 CFR 835 Subpart C.
 - j. Exposure received by IAEA inspectors at non-DOE facilities, locations, or sites need not be considered in determining whether the exposure limits in Subpart C have been exceeded.
 - k. Protective force personnel at DOE facilities subject to IAEA inspections should receive periodic training relating to IAEA inspections include the nature and purpose of IAEA inspections, IAEA documentation that may be encountered during an IAEA inspection under the VOA such as IAEA property tags, procedures for inspection of IAEA equipment, and the rights of IAEA inspectors under the International Organizations Immunities Act.

CHAPTER VIII.

INFORMATION REPORTING FOR AP DECLARATIONS

1. INFORMATION REPORTING REQUIREMENTS.

- a. Information to be provided to the IAEA under the AP is to be in the form of a declaration as set out in Article 2 of the AP.
 - (1) The time frame for providing the information and periodic updates to the information is in Article 3 of the AP.
 - (2) DOE declarations under the AP are submitted to the Department of Commerce, which collects all AP declaration information for the United States.
- b. DOE is the Lead Agency for implementing the AP at all locations that are owned, operated, or leased by or for DOE, including activities on DOE installations that are licensed or certified by the U.S. Nuclear Regulatory Commission (NRC), and in coordination with the U.S. Department of Defense, non-military locations on installations that store or process naval reactor fuel. This responsibility extends to any civil nuclear fuel cycle-related activities at such locations, including private sector activities taking place in DOE owned or leased facilities.
- c. Section 261(a) of the AP Implementation Act provides that no current or former DOE location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspections under the AP.
- d. Section 261(b) of the AP Implementation Act provides that no information of direct national security significance regarding any location, site, or facility associated with DOE activities shall be provided under the AP.
- e. DOE has developed the electronic AP Reporting System to aid the submission and review of DOE's declarations and periodic updates under the AP.
 - (1) The system consists of—
 - (a) a Declaration Decision Assistant (DDA) to help determine what is declarable,
 - (b) a Declaration Writing Assistant (DWA) to help prepare the declaration, and
 - (c) a Declaration Review Assistant (DRA) to help DOE Headquarters offices review draft declarations submitted by DOE heads of field elements.

- (2) The features of these tools and information on how to obtain them are available from the Office of International Regimes and Agreements.
- (a) Declaration input submitted by DOE heads of field elements must conform to the format and content of the DWA.
- (b) DOE heads of field elements are to ensure that management contractors at locations with declarable activities collect, review, and submit for approval (via the AP Reporting System) declarations prepared in accordance with Articles 2 and 3 of the AP.
- f. Generally, additions to and deletions from the DOE Declaration will be made only as part of DOE's annual update to the Article 2 declaration.
- (1) Where a new risk of disclosure of sensitive information on a national security activity is identified that requires invoking the national security exclusion in Article 1b of the AP in the middle of a declaration period, DOE will invoke the national security exclusion only if the IAEA requests complementary access to that location.
- (2) Otherwise, the affected declaration line item would be deleted in DOE's next annual declaration update.
- g. Information to be declared by DOE under the AP is summarized in Table VIII-1. The applicable articles of the AP must be reviewed for specific information reporting requirements. The terms *facility* and *site* are defined in Article 18 of the AP. Section 203 of the AP Implementation Act defines the term *location*.
- h. Detailed DOE guidance for information reporting under the AP is in the Additional Protocol Handbook. Additional guidance is in DOE's web-based AP training, found at <https://www.ap.doe.gov>.

Table VIII-1. Information Reporting Requirements under the AP

Information Item	Applicable AP Article	Submission Date [Applicable AP Article]
General description of and location of nuclear fuel cycle-related research and development activities not involving nuclear material.	2a(i)	Within 180 days of entry into force. Updates by May 15 of each year. [3a and 3b].
Information on operational activities of safeguards relevance at facilities and locations outside facilities where nuclear material is customarily used.	2a(ii)	To be negotiated with the IAEA [3f].
General description of each building on each site including use, contents, and a map.	2a(iii)	Within 180 days of entry into force. Updates by May 15 of each year. [3a and 3b].

Table VIII-1. Information Reporting Requirements under the AP (cont'd)

Information Item	Applicable AP Article	Submission Date [Applicable AP Article]
Description of the scale of operations for each location engaged in activities specified in Annex I of the AP (nuclear-related manufacturing).	2a(iv)	Within 180 days of entry into force. Updates by May 15 of each year [3a and 3b].
Information on the location, operational status, and annual production capacity of uranium mines and concentration plants.	2a(v)	Within 180 days of entry into force. Updates by May 15 of each year [3a and 3b].
Information on the quantities, chemical composition, and use or intended use of source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched (for locations at which uranium is present in quantities exceeding 10 metric tons and/or thorium is present in quantities exceeding 20 metric tons).	2a(vi)(a)	Within 180 days of entry into force. Updates by May 15 of each year [3a and 3b].
Information on the quantities, chemical composition, and destination for the export for non-nuclear purposes of source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched [for quantities as specified in Article 2a.(vi)(b)].	2a(vi)(b)	By May 15 of each year for the preceding calendar year [3c].
Information on the quantities, chemical composition, current location, and use or intended use for the import for non-nuclear purposes of source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched [for quantities as specified in Article 2a.(vi)(c)].	2a(vi)(c)	By May 15 of each year for the preceding calendar year [3c].
Information regarding the quantities, uses, and locations of nuclear material exempted from safeguards under Article 37 of the Agreement and under Article 36(b) of the Agreement for materials not yet in a non-nuclear end use form and in quantities exceeding those set out in Article 37.	2a(vii)	Within 180 days of entry into force. Updates by May 15 of each year [3a and 3b].

Table VIII-1. Information Reporting Requirements under the AP (cont'd)

Information Item	Applicable AP Article	Submission Date [Applicable AP Article]
Information on the location or further processing of intermediate or high-level waste containing plutonium, high enriched uranium, or uranium-233 on which safeguards have been terminated pursuant to Article 11 of the Agreement.	2a(viii)	180 days before further processing is carried out. By May 15 of each year regarding information on changes in location for the prior year [3e].
The identity, quantity, location of intended use, and date of export for equipment and non-nuclear material listed in Annex II of the AP that is exported.	2a(ix)(a)	On a quarterly basis, within 60 days of the end of the reported quarter [3d].
Confirmation of U.S. imports of equipment and non-nuclear material listed in Annex II of the AP that is reported by another country.	2a(ix)(b)	Within 60 days of IAEA request [3g].
General plans for the succeeding 10-year period for development of the nuclear fuel cycle (including planned nuclear fuel cycle-related research and development activities) when approved by the appropriate authorities in the United States.	2a(x)	Within 180 days of entry into force. Updates by May 15 of each year [3a and 3b].
General description of and information specifying the location of nuclear fuel cycle-related research and development activities not involving nuclear material which are related to enrichment, reprocessing, or the processing of intermediate or high-level waste containing plutonium, high enriched uranium, or uranium-233 that are carried out in the United States but not funded, authorized, controlled by, or carried out on behalf of the United States.	2b(i)	Within 180 days of entry into force. Updates by May 15 of each year [3a and 3b].

2. RESPONSIBILITIES.

a. NNSA Deputy Administrator for Defense Nuclear Nonproliferation.

- (1) Reviews DOE declarations and updates under the AP.
- (2) Participates in resolving additions or deletions of DOE activities, facilities, locations, or sites to DOE declarations under Article 2 of the AP, as required and as set out in DOE O 142.2A.

- (3) Before the initial AP declaration and subsequent annual updates to be submitted to the President through the NNSA Administrator and the Secretary of Energy, prepares certification of compliance with Subtitle G of the AP Implementation Act and sections 2 and 3 of the Senate Resolution of Advice and Consent to Ratification of the AP.
- b. NNSA Assistant Deputy Administrator of the Office of Nonproliferation and International Security.
- (1) Ensures that DOE meets its information and reporting obligations under the AP.
 - (2) As set out in DOE O 142.2A, participates in resolving additions or deletions of DOE activities, facilities, locations, or sites to DOE declarations under Article 2 of the AP.
- c. Director of the Office of International Regimes and Agreements.
- (1) Maintains a list of DOE facilities, locations, and sites accessible to the IAEA under Article 5 of the AP.
 - (2) Confers with and obtains agreement of responsible PSOs and the Chief Health, Safety and Security Officer on the content of DOE AP declarations for non-NNSA DOE locations and with the responsible NNSA deputy or associate administrator and the Associate Administrator for Defense Nuclear Security for NNSA locations.
 - (3) Submits DOE declarations under the AP to the Department of Commerce for inclusion in the U.S. declaration submitted by the Department of Commerce to the IAEA.
 - (4) Maintains records of each DOE declaration.
 - (5) Requests information, not less often than once per year or as appropriate to meet the reporting requirements shown in Table VIII-1, from PSOs, NNSA deputy and associate administrators, and DOE heads of field elements. Such information is to be requested sufficiently in advance that reporting schedules in the AP are satisfied.
 - (6) Develops and maintains the AP Reporting System, which is used by the DOE Complex (including contractors) to submit and process AP declarations.
 - (7) Coordinates the preparation of DOE input, including certification requirements, for Congress and the President to satisfy the requirements of Subtitle G of the AP Implementation Act and sections 2 and 3 of the U.S. Senate Resolution of Advice and Consent to Ratification of the AP.

- (8) Verifies the portion of DOE declarations under Article 2 of the AP concerning export and import of uranium, thorium, and specified equipment and non-nuclear material.
 - (9) Verifies that DOE declarations under the AP do not contain export-controlled information.
- d. Chief Health, Safety and Security Officer.
- (1) Issues procedures for releasing classified or sensitive information to the IAEA.
 - (2) Reviews DOE declarations for all non-NNSA DOE facilities, locations, and sites to ensure there is no information associated with activities of direct national security significance or information or locations associated with such activities, and no classified or proliferation-sensitive information.
 - (3) Participates with the Director of the Office of International Regimes and Agreements and responsible PSOs in determining whether the national security exclusion in Article 1b of the AP should be invoked for an activity occurring at a non-NNSA DOE facility, location, or site.
- e. NNSA Associate Administrator for Defense Nuclear Security.
- (1) Reviews DOE declarations for all NNSA facilities, locations, and sites to ensure there is no information associated with activities of direct national security significance or information or locations associated with such activities, and no classified or proliferation sensitive information.
 - (2) Participates with the Director of the Office of International Regimes and Agreements and the responsible NNSA deputy and associate administrators in determining whether the national security exclusion in Article 1b of the AP should be invoked for an activity occurring at a NNSA facility, location, or site.
- f. Program Secretarial Officers and NNSA Deputy and Associate Administrators.
- (1) Respond to information requests and declaration input from the Director of the Office of International Regimes and Agreements according to the schedule identified in the request.
 - (2) Review declaration line items describing activities they sponsor in DOE declarations under the AP for technical accuracy and completeness.
 - (3) At the request of the Director of the Office of Security and Safety Performance or the NNSA Associate Administrator for Defense Nuclear

Security, review locations of declared activities at DOE sites where the PSO is the site landlord.

- (4) Confer with and obtain agreement from the Director of the Office of International Regimes and Agreements regarding possible deletions of activities that are not declarable.
- (5) Instruct DOE heads of field elements regarding their responsibility to notify the PSO or NNSA deputy or associate administrator and the Director of the Office of International Regimes and Agreements whenever a concern exists that
 - (a) due to security concerns, a declared activity should be removed from the DOE declaration or
 - (b) a previously excluded activity can be added to the declaration.

Such changes to the declaration would take place as part of the annual declaration process unless a complementary access visit is requested that requires more immediate action.

g. DOE Heads of Field Elements.

- (1) Respond to information requests from the Director of the Office of International Regimes and Agreements, PSOs, and NNSA deputy and associate administrators according to the schedule identified in the request.
- (2) Designate AP coordinators. The AP coordinator may be an employee of a DOE contractor as long as the field element maintains and accepts responsibility for the declarations.
- (3) Notify responsible PSOs or NNSA deputy or associate administrators and the Director of the Office of International Regimes and Agreements whenever a concern exists that
 - (a) due to security concerns, a declared activity should be removed from the DOE declaration or
 - (b) a previously excluded activity may be added to the declaration.
- (4) Instruct DOE contractors to notify the field element head whenever an activity should be considered for addition to or deletion from the DOE declaration.
- (5) Develop written procedures governing DOE contractor implementation of any AP-related responsibilities for which contractor assistance is required.

(6) Further responsibilities are in DOE O 142.2A, paragraph 5(j).

h. AP Coordinator, together with a DOE field element team which may include DOE contractor employees, reviews draft declarations for the field element.

3. REQUIREMENTS.

- a. Procedures governing DOE contractor implementation of any AP-related responsibilities for which contractor assistance is required will provide that a contractor AP Coordinator can submit an installation declaration to DOE Headquarters only upon written direction of the field element to do so, following completion of all field element technical and security reviews of the declaration.
- b. Information for DOE's declaration under the AP should be submitted through the AP Reporting System.
- c. Prior to submission of information for the DOE declaration under the AP, the DOE field element head must ensure that—
 - (1) security assessments and counterintelligence requirements have been met at all locations of direct national security significance that are included in the site declarations for which the DOE field element head is responsible; and
 - (2) security plans for managing complementary access by IAEA personnel have been prepared.

CHAPTER IX.

COMPLEMENTARY ACCESS UNDER THE AP

1. Generally, the IAEA is entitled to complementary access at all DOE facilities, locations, and sites that are declared under Article 2 of the AP plus—
 - a. any decommissioned facility or decommissioned location outside facilities where nuclear material was customarily used [Article 5a(iii) of the AP], and
 - b. locations where the United States will permit wide-area or location-specific environmental sampling (Articles 5c and 9 of the AP).
2. Environmental sampling is discussed in Chapter XIII of the Manual. The Article 2 declaration is updated on an annual basis as provided for in Article 3(b) of the AP.
3. Table IX-1 summarizes the DOE facilities, locations, and sites that are potentially available for complementary access (NOTE: DOE does not have facilities, locations, or sites in all of the categories listed in Table IX-1). The facilities, locations, and sites listed in Table IX-1 are based on the declaration required under Article 2 of the AP and summarized in Table VIII-1 of this Manual. Article 1(b) of the AP permits the IAEA to apply the provisions of the AP except in instances where application would result in access by the IAEA to activities with direct national security significance to the United States or to locations or information associated with such activities. The United States is entitled to apply managed access procedures. Managed access procedures are discussed in Chapter XII of the Manual.
4. DOE is the lead agency for implementing the AP at all locations that are owned, operated, or leased by or for DOE, including NRC-licensed or certified activities on DOE installations, and, in coordination with the U.S. Department of Defense, at non-military locations on installations that store or process naval reactor fuel.
5. The terms *facility* and *site* are defined in Article 18 of the AP. Section 203 of the AP Implementation Act incorporates these definitions and also defines the term *location*. Note that the terms *site* and *facility* have specific meanings under the AP that do not correspond to how those terms are commonly used within DOE.
6. Detailed DOE guidance for complementary access under the AP is in the Additional Protocol Handbook. Additional guidance is in DOE's web-based AP training, found at <https://www.ap.doe.gov>.

Table IX-1. Facilities, Locations, and Sites Potentially Accessible to the IAEA under the AP

Facility, Location, or Site	Applicable AP Articles	Permissible Reason for IAEA Access
Any place on a site (including a closed-down facility).	4a(i), 5a(i), 2a(iii)	To assure, on a selective basis, the absence of undeclared nuclear material and activities.
Uranium mines, uranium concentration plants, thorium concentration plants.	4a(i), 5a(ii), 2a(v)	
Locations where source material is present in quantities exceeding one metric ton.	4a(i), 5a(ii), 2a(vi)(a)	
Locations of small quantities of nuclear material exempted from safeguards under Article 36 or 37 of the Agreement.	4a(i), 5a(ii), 2a(vii)	
Locations of intermediate or high-level waste containing plutonium, high enriched uranium, or uranium-233 on which safeguards have been terminated under Article 11 of the Agreement.	4a(i), 5a(ii), 2a(viii)	
Locations of declared nuclear fuel cycle-related research and development activities not involving nuclear material.	4a(ii), 5b, 2a(i), 2b(i)	To resolve a question relating to the correctness and completeness of the information submitted by the United States under Article 2 of the AP or to resolve an inconsistency related to the information submitted.
Locations conducting declared activities listed in Annex I of the AP.	4a(ii), 5b, 2a(iv)	
Any location (see Chapter XIII)	4a(ii), 5c, 9	To carry out location-specific or wide area environmental sampling.
Any decommissioned facility or decommissioned location outside facilities where nuclear material was customarily used.	4a(iii), 5a(iii)	To confirm, for safeguards purposes, the declaration of the decommissioned status of a facility or of a location outside facilities where nuclear material was customarily used.

CHAPTER X.

**PREPARATION FOR IAEA COMPLEMENTARY
ACCESS VISITS UNDER THE AP**

1. PREPARATION PROCEDURES.

- a. The IAEA provides advance notification of upcoming complementary access visits. Article 4c of the AP specifies that advance notice will be in writing. The notice is to specify the reasons for access and the activities to be carried out during such access.
- b. DOE field element heads and DOE contractors do not have approval or denial authority for complementary access visits by designated IAEA inspectors except as provided for in paragraph 4d of DOE O 142.2A.
- c. Table X-1 summarizes notification requirements under the AP.

Table X-1. Advance Notification Requirements under the AP

Purpose of Complementary Access Visit	Advance Notification Requirement	Citation
Access to any place on a <i>site</i> as defined in Article 18b of the AP in conjunction with an IAEA design information visit or ad hoc or routine inspections under the VOA.	At least 2 hours but, in exceptional circumstances, it may be less.	Article 4b(ii) of the AP
Other complementary access visits under the AP.	24 hours	Article 4b(i) of the AP

2. RESPONSIBILITIES.

- a. Director of the Office of International Regimes and Agreements.
 - (1) Provides to the Department of State the following information:
 - (a) current DOE contact information for notifications regarding upcoming IAEA complementary access visits at DOE facilities, locations, and sites; and
 - (b) names and telephone numbers of DOE staff who can be contacted on a 24-hour basis to resolve questions, complaints, or requests for assistance made by IAEA inspectors.
 - (2) Provides to the DOE Office of Emergency Operations the names, facsimile numbers, and telephone numbers of the points of contact for

DOE facilities, locations, or sites subject to complementary access visits by the IAEA.

- (3) Informs the point of contact at the DOE facility, location, or site of upcoming IAEA complementary access visits. (NOTE: Notification of upcoming visits can also be given by the DOE Office of Emergency Operations.)
 - (4) Prepares and submits to the Department of State any DOE response to an IAEA complementary access request, as required and appropriate.
 - (5) After consultation with the appropriate onsite DOE official, determines whether a SISUS member's request to be present during a complementary access visit should be accommodated.
 - (6) Determines whether a person from the Director's staff should be present at an IAEA complementary access visit to a DOE facility, location, or site.
 - (7) Verifies that the nature of IAEA complementary access visits to DOE facilities, locations, and sites is consistent with the AP and notifies the Department of State if an inconsistency is found.
 - (8) For each IAEA complementary access visit, makes arrangements for the information shown in Appendix A to DOE O 142.1 to be collected and maintained for five years.
- b. Chief Health, Safety and Security Officer provides guidance for the application of safeguards and security programs that will facilitate IAEA complementary access visits at DOE facilities, locations, and sites, while protecting and accounting for nuclear materials and classified and sensitive information.
- c. DOE Heads of Field Elements.
- (1) Designate one or more points of contact and an AP Coordinator (can be the same person) for matters relating to IAEA complementary access visits.
 - (2) Inform the Office of International Regimes and Agreements and the applicable PSO or NNSA deputy or associate administrator of the points of contact names and contact information.
 - (3) For each support contractor that manages facilities, locations, or sites subject to IAEA complementary access visits, inform the Office of International Regimes and Agreements and the applicable PSO or NNSA deputy or associate administrator of contractor points of contact name and contact information.
 - (4) Coordinate preparation for complementary access visits with the IAEA.

- (5) Ensure that the notice provisions set out in Table X-1 and in Article 4c of the AP are satisfied before an IAEA complementary access visit is allowed to commence.
- (6) Verify that the permissible reason for IAEA access shown in Table IX-1 is satisfied.
- (7) Verify that DOE facilities, locations, and sites that the IAEA wishes to visit are accessible under Article 5 of the AP.
- (8) Arrange for IAEA inspectors to be accompanied by one or more trained hosts in unsecured areas and one or more trained escorts when the inspectors are in secure areas.
- (9) Ensure that the requirements for hosts and escorts are satisfied.
- (10) Ensure that safeguards and security plans that address risks of disclosure of protected information, activities, and locations are in place prior to submittal of a DOE installation's AP declaration to DOE Headquarters for review.
- (11) Ensure that requirements related to safeguards and security plans are satisfied.
- (12) Direct questions or concerns related to implementation or interpretation of the AP and any related documents to the Office of International Regimes and Agreements.
- (13) Ensure that plans and procedures are in place to provide IAEA inspectors with appropriate security, health, and safety training prior to commencing their complementary access visit.
- (14) Ensure that IAEA inspectors are covered by the safety and radiation protection measures in force at the location to be visited including emergency assistance and, if available, medical care in case of injury or accident.
- (15) Provide site information on radiation exposure received by IAEA inspectors according to the procedures in Code 3.2.3 of the Subsidiary Arrangements to the Agreement.
- (16) Ensure that protective force personnel receive periodic training relating to IAEA visits.
- (17) Designate onsite workspace for use by IAEA inspectors upon request by the IAEA.

3. REQUIREMENTS.

- a. The following information does not need to be collected for IAEA complementary access visits:
 - (1) home address of the inspector
 - (2) sponsoring program office
 - (3) program office with approval authority
 - (4) name of approving official
 - (5) date of approval
 - (6) date security assurance received.
- b. At least one host or escort must be a DOE Federal employee in accordance with section 262(b) of the AP Implementation Act. When appropriately trained, an individual can be both a host and an escort.
- c. When the facility, location, or site to be visited involves work that DOE is conducting for other entities, the Field Element Head may authorize representatives of one or more of the entities to be co-escorts.
- d. Hosts and escorts must:
 - (1) have appropriate security clearances;
 - (2) be familiar with the role of the IAEA and the role of IAEA inspectors including the rights and responsibilities of inspectors under the VOA and AP; and
 - (3) have current knowledge regarding DOE procedures for release of information to IAEA inspectors.
- e. Escorts must meet the following requirements:
 - (1) Have specific knowledge of the areas to be visited that are open to IAEA inspectors under the AP and applicable managed access procedures.
 - (2) Have specific knowledge of the locations of activities with direct national security significance, which are therefore not open to IAEA inspectors.
 - (3) Have specific knowledge of the permissible reasons for IAEA access under the AP as set out in Table IX-1.

- (4) Have specific training covering the counterintelligence, health, safety, safeguards, and security requirements applicable to the facility, location, or site to be visited.
 - (5) Have specific training covering procedures for inspection of IAEA equipment to be used during a complementary access visit.
 - (6) Have specific training covering implementation of any managed access procedures in place at the facility, location, or site to be visited.
 - (7) Know whom to contact if disagreements arise between IAEA inspectors and the escort or other DOE or DOE contractor personnel, or questions arise that cannot be immediately answered by the escort.
 - (8) Have specific knowledge of the DOE requirements in 10 CFR Part 810, which prohibit the unauthorized transfer of sensitive nuclear technology.
- f. Safeguards and security plans must:
- (1) be based on security assessments;
 - (2) address risks identified in assessments at locations of national security significance before submittal of an AP declaration to DOE Headquarters;
 - (3) be verified prior to allowing complementary access;
 - (4) include information on articles that cannot be brought into the facility, location, or site;
 - (5) address managing IAEA access starting at the point of IAEA entrance to the DOE installation;
 - (6) meet the requirements in section 253 of the AP Implementation Act to preclude IAEA location-specific environmental sampling under the AP except where all applicable U.S. statutory requirements have been met;
 - (7) cover the protocol for entry and exit searches of IAEA personnel and their equipment (NOTE: searches must be voluntary in accordance with the International Organizations Immunities Act); and
 - (8) ensure that the national security interests of all U.S. Government agencies are taken into account in security assessments and managed access planning.
- g. Training for IAEA inspectors is to be the same training as that required for escorted visitor access to the facilities, locations, and sites to be visited.

- h. Equivalent training received by IAEA inspectors, irrespective of their country of origin, can be substituted for DOE training if documentation of the training is made available to the DOE field element head.
- i. DOE field element heads must not arbitrarily require that IAEA inspectors repeat training that they have previously received or require that IAEA inspectors pass a test as part of any training they receive at a DOE facility, location, or site.
- j. Radiation exposure received by IAEA inspectors at DOE facilities, locations, and sites must be within the limits for general employees set out in 10 CFR 835 Subpart C.
- k. Exposure received by IAEA inspectors at non-DOE facilities, locations, or sites need not be considered in determining whether the exposure limits in Subpart C have been exceeded.
- l. Protective force personnel are to receive periodic training relating to IAEA visits. Training topics are to include—
 - (1) the nature and purpose of IAEA complementary access visits;
 - (2) IAEA documentation that may be experienced during an IAEA complementary access visit such as IAEA property tags;
 - (3) procedures for inspection of IAEA equipment; and
 - (4) the rights of IAEA inspectors under the International Organizations Immunities Act.

CHAPTER XI.

RESPONSIBILITIES DURING IAEA INSPECTIONS AND COMPLEMENTARY ACCESS VISITS

1. APPLICABLE PROVISIONS.

- a. Article 48 of the Agreement authorizes IAEA inspectors to verify design information provided to the IAEA.
- b. Articles 69-71 of the Agreement authorize ad hoc, routine, and special inspections.
- c. Articles 72 and 73 of the Agreement list specific activities that IAEA inspectors may engage in while conducting inspections pursuant to Articles 69-71.
- d. Article 74 of the Agreement specifies locations, facilities, and strategic points that IAEA inspectors can access.
- e. Article 85 of the Agreement states that IAEA inspectors may not operate a facility or direct DOE or DOE contractor personnel to carry out any operation. IAEA inspectors can, however, request DOE or DOE contractor personnel to carry out an operation in furtherance of inspector activities authorized by Articles 72 and 73 of the Agreement.
- f. Article 1a of the AP provides that the provisions of the Agreement apply to the AP to the extent they are relevant to and compatible with the AP.
- g. Articles 4, 5, and 9 of the AP cover access by IAEA inspectors to DOE facilities, locations, and sites.
- h. Article 6 of the AP specifies activities that IAEA inspectors may engage in when visiting DOE facilities, locations, and sites.
- i. Section 262(b) of the AP Implementation Act specifies that IAEA inspectors will be accompanied at all times by U.S. Government personnel when inspecting sites, locations, facilities, or activities in the United States under the AP.

2. RESPONSIBILITIES.

- a. Director of the Office of International Regimes and Agreements.
 - (1) Makes a staff person available to respond to questions or requests from DOE field personnel.
 - (2) Considers and responds to questions, complaints, or requests from a DOE field element head regarding actions by an IAEA inspector.

- (3) Refers questions, complaints, or requests from the field element to the SISUS, SISM, ISC, Negotiating Team, DOE Office of General Counsel, or NNSA Office of Chief Counsel, as appropriate.
- (4) Notifies the IAEA of the need to suspend or terminate an inspection or complementary access visit pending implementation of an acceptable security plan that protects Restricted Data or Formerly Restricted Data from disclosure.
- (5) In cooperation with the appropriate PSO and Office of Health, Safety and Security for DOE facilities, locations, and sites or the NNSA deputy or associate administrator and the Associate Administrator for Defense Nuclear Security for NNSA facilities, locations, and sites, determines whether all reasonable efforts have been made to satisfy IAEA requirements without delay at adjacent locations or through other means where complementary access to declared DOE activities cannot be granted without disclosing protected information.

b. DOE Heads of Field Elements.

- (1) Ensure that each IAEA inspector:
 - (a) carries a passport and a U.S. visa from his/her country of origin and a valid Laissez-Passer (a United Nations passport);
 - (b) carries current and valid inspection assignment papers issued by the IAEA; and
 - (c) is included on the current list of IAEA inspectors formally designated for service in the United States.
- (2) Ensure that inspections or visits to DOE facilities, locations, or sites by IAEA personnel who do not meet each of the preceding three criteria are conducted in accordance with requirements of DOE O 142.1 or DOE O 142.3, as appropriate.
- (3) Ensure that IAEA inspectors are issued badges that identify them as authorized IAEA inspectors.
- (4) Ensure that IAEA inspectors are notified of the health, safety, and security procedures with which they must comply.
- (5) Provide training to IAEA inspectors on these health, safety and security procedures as needed.
- (6) Ensure that IAEA inspectors are accompanied by trained hosts in non-secure areas and by trained escorts in secure areas.

- (7) Notify the Director of the Office of International Regimes and Agreements and the appropriate PSOs or NNSA deputy or associate administrator before granting access to IAEA inspectors for unannounced inspections or complementary access visits.
- (8) Take necessary steps to ensure that IAEA inspectors can effectively discharge their inspection functions authorized by the VOA, AP, Subsidiary Arrangements, and facility attachment.
- (9) Facilitate the procurement of services or equipment as needed by IAEA inspectors pursuant to Article 86 of the Agreement.
- (10) Direct questions, complaints, or requests relating to IAEA inspections, complementary access visits, or actions by an IAEA inspector or other IAEA personnel to the Office of International Regimes and Agreements as appropriate.
- (11) Permit and protect official communication between IAEA inspectors and IAEA offices as provided for in Article 14 of the AP.
- (12) Ensure that IAEA inspectors do not enter DOE facilities, locations, or sites of direct national security significance for which the U.S. Government has exercised the national security exclusion in Article 2 of the Agreement or Article 1 of the AP.
- (13) Ensure that IAEA property searches are carried out under the supervision of an IAEA inspector in accordance with the International Organizations Immunities Act.
- (14) Ensure that information revealed, released, or transmitted to an IAEA inspector or other IAEA personnel meets the requirements set out in paragraph 4 of DOE O 142.2A.
- (15) Temporarily suspend inspections or complementary access visits in accordance with paragraph 4 of DOE O 142.2A when the inspection or access visit would result in disclosure of Restricted Data or Formerly Restricted Data.
 - (a) When a temporary suspension occurs, immediately notify the Office of International Regimes and Agreements.
 - (b) For DOE facilities, locations, or sites, notify the cognizant PSO, or, for NNSA facilities, locations, or sites notify the cognizant NNSA deputy or associate administrator and the Associate Administrator for Defense Nuclear Security.

3. REQUIREMENTS.

- a. At least one member of the host team during a complementary access visit under the AP must be a DOE Federal employee.
- b. IAEA inspections and complementary access visits are limited to the facilities, locations, and sites specified in the inspection or visit request provided such facilities, locations, and sites are either under safeguards pursuant to Article 39 of the Agreement or are accessible under Article 5 of the AP.
- c. In accordance with Article 85 of the Agreement, IAEA inspectors must not be permitted to operate any facility or portion thereof themselves or direct DOE or DOE contractor personnel to carry out any operation.
- d. IAEA inspectors can request that an operator carry out a particular operation.
- e. Escorts are to determine whether to carry out requested operations taking into account the need to protect activities with direct national security significance to the United States and information associated with such activities.
- f. Any documents requested by an IAEA inspector during an inspection or complementary access visit are not to be given directly to the inspector but are to be sent to the Office of International Regimes and Agreements for transfer to the IAEA through diplomatic channels following appropriate DOE review.

CHAPTER XII.

MANAGED ACCESS UNDER THE VOA AND AP

1. APPLICABLE PROVISIONS.

- a. Article 1b of the AP permits the IAEA to implement the AP except in instances where its application would result in access by IAEA inspectors to activities with direct national security significance to the United States or to locations or information associated with such activities.

Article 1c of the AP allows the United States to use managed access to control the access of IAEA inspectors to activities with direct national security significance to the United States or to locations or information associated with such activities. Program offices that own the information will determine if the information is DNSS.

“*Activities and/or information* should be considered to be of "Direct National Security Significance" in the context of the Additional Protocol to the US/IAEA Voluntary Offer Agreement if they are classified by the USG classification guides, classified commercial (i.e., centrifuge technology), Naval Nuclear Propulsion Information, and International Traffic in Arms Regulation (ITAR) information. If information contained in "Classified –Foreign Government Information – Modified Handling" documents would be considered classified in the context of the USG program, then this information should also be considered Direct National Security Significance.”

- b. Under Article 7a of the AP, managed access can also be used to—
- (1) prevent the dissemination of proliferation sensitive information;
 - (2) meet safety or physical protection requirements; or
 - (3) protect proprietary or commercially sensitive information.
- c. Article 74(d) of the Agreement provides for extended limitations on IAEA access due to unusual circumstances. Such limitations are considered “managed access” for purposes of this Manual.

2. POTENTIAL MANAGED ACCESS MEASURES.

- a. Under the Subsidiary Arrangement to the AP, managed access measures may include but are not limited to—
- (1) removing sensitive papers from office spaces;
 - (2) shrouding sensitive displays, stores, and equipment;

- (3) shrouding sensitive pieces of equipment such as computers or electronic systems;
 - (4) logging off computer systems and turning off data indicating devices;
 - (5) restricting safeguards instrumentation or environmental sampling to the purpose of the access; and
 - (6) in exceptional cases, giving only individual inspectors access to certain parts of the location.
 - b. In order to comply with the requirements of sections 252 and 253 of the AP Implementation Act and Article 1b of the AP, all site safeguards and security plans will contain elements to ensure that IAEA inspectors do not conduct environmental sampling except where all statutory requirements in the AP Implementation Act have been met.
3. AD HOC MANAGED ACCESS UNDER THE VOA. DOE employees who are escorting IAEA inspectors and who have received prior authorization from the DOE field element head may apply ad hoc managed access as necessary and as consistent with the applicable provisions of the VOA.
4. RESPONSIBILITIES.
 - a. Director of the Office of International Regimes and Agreements.
 - (1) Coordinates preparation of DOE's certification, in response to the U.S. Senate Resolution of Advice and Consent to Ratification of the AP, that managed access provisions will be appropriately implemented.
 - (2) Makes recommendations on the need for managed access to protect export-controlled information, as appropriate.
 - b. Chief Health, Safety and Security Officer advises responsible PSOs and heads of field elements on the need for managed access at non-NNSA DOE facilities, locations, and sites subject to IAEA inspections and/or complementary access visits.
 - c. Associate Administrator for Defense Nuclear Security advises responsible NNSA deputy and associate administrators and DOE heads of field elements on the need for managed access at NNSA facilities, locations, and sites subject to IAEA inspections and/or complementary access visits.
 - d. Program Secretarial Officers and NNSA Deputy and Associate Administrators confer with the responsible DOE heads of field elements regarding the possible need for managed access measures.

e. DOE Heads of Field Elements.

- (1) Determine which specific methods for managed access are needed at a facility, location, site, or portion thereof to protect DOE activities with national security significance, prevent dissemination of proliferation sensitive information, meet safety or physical protection requirements, or protect proprietary or commercially sensitive information.
- (2) Conduct risk assessments as part of security assessments to identify risks and show how specific managed access measures will adequately mitigate those risks.

5. REQUIREMENTS.

- a. Managed access measures must balance cost and security with the access that can reasonably be provided to the IAEA.
- b. Subject to the U.S. rights to protect certain categories of information under Articles 7a and 1c of the AP, managed access measures must not preclude IAEA inspectors from conducting activities necessary to provide credible assurance of the absence of undeclared nuclear material and activities at the facility, location, or site, including the resolution of questions relating to the correctness, consistency, and completeness of information declared by the United States under Article 2 of the AP.

CHAPTER XIII.

SAMPLING BY IAEA INSPECTORS UNDER THE VOA AND AP

1. APPLICABLE PROVISIONS.

- a. Article 73 of the Agreement enables the IAEA to take, if necessary, samples of materials under IAEA safeguards.
- b. Articles 6a, 6b, and 6c of the AP authorize the IAEA to take environmental samples from facilities, locations, and sites available for complementary access under Articles 5a and 5b of the AP.
- c. Article 5c of the AP allows the IAEA to conduct location-specific environmental sampling.
- d. Article 9 of the AP allows the IAEA to conduct wide-area environmental sampling following approval by the IAEA Board of Governors and consultations between the IAEA and the United States.
- e. The terms *location-specific environmental sampling* and *wide-area environmental sampling* are defined in Article 18 of the AP.
- f. Article 6b of the AP allows the IAEA to conduct nondestructive measurements and sampling at locations identified by the United States under Article 2a(v)-(viii) of the AP.
- g. Environmental sampling by the IAEA under the AP in the United States is subject to sections 252 and 253 of the AP Implementation Act, Presidential guidance, DOE directives, and the April 30, 2002 letter from Ambassador Kenneth Brill to the Director General of the IAEA.
 - (1) The environmental sampling provisions in the AP Implementation Act do not apply to environmental sampling taking place under inspections under the VOA at a U.S. facility that is subject to the IAEA safeguards.
 - (2) In general, environmental sampling in the United States by the IAEA is not permitted with respect to locations, information, and activities of direct national security significance to the United States.
 - (3) All decisions on environmental sampling by the IAEA at DOE sites are to be made at DOE Headquarters.
 - (4) DOE heads of field elements will refer all questions regarding environmental sampling by the IAEA to the Office of International

Regimes and Agreements and the applicable PSO or NNSA deputy or associate administrator.

- h. Shipment of nuclear material or environmental samples collected by IAEA inspectors under the VOA or AP (should environmental sampling be allowed under the AP) must be in compliance with applicable DOE, NRC, U.S. Department of Transportation, and state and local regulatory requirements. Shippers and handlers of IAEA safeguards samples are exempt from the requirements in sections 53 and 54 of the Atomic Energy Act for a license issued by the NRC to export special nuclear material provided the NRC requirements at 10 CFR 110.11 are satisfied and the samples are in quantities not exceeding a combined total of 100 grams of contained plutonium, uranium-233, and uranium-235 per facility per year.

2. RESPONSIBILITIES.

- a. Director of the Office of International Regimes and Agreements.
 - (1) Participates in interagency discussions on environmental sampling under the AP and VOA.
 - (2) Represents DOE in any consultations between the United States and the IAEA concerning wide-area environmental sampling under Article 9 of the AP or environmental sampling under the VOA.
 - (3) Represents DOE in any consultations between the United States and the IAEA concerning alternative means to satisfy IAEA requirements related to Article 5c of the AP when DOE determines that it cannot provide access for location-specific environmental sampling.
- b. Program Secretarial Officers and NNSA Deputy and Associate Administrators participate with the Director of the Office of International Regimes and Agreements and the Chief Health, Safety and Security Officer or the Associate Administrator for Defense Nuclear Security, as appropriate, to reach agreement regarding whether sampling by IAEA inspectors should be permitted at a DOE facility, location, or site.
- c. Chief Health, Safety and Security Officer participates with the Director of the Office of International Regimes and Agreements and the applicable PSO to reach agreement regarding whether sampling by IAEA inspectors should be permitted at a non-NNSA DOE facility, location, or site.
- d. Associate Administrator for Defense Nuclear Security participates with the Director of the Office of International Regimes and Agreements and the applicable NNSA deputy or associate administrator to reach agreement regarding

whether sampling by IAEA inspectors should be permitted at a NNSA facility, location, or site.

e. DOE Heads of Field Elements.

- (1) Notify the responsible PSO or NNSA deputy or associate administrator of any concerns of direct national security significance related to IAEA sampling.
- (2) Upon direction from DOE Headquarters elements, prepare procedures for DOE facilities, locations, and sites under their responsibility covering requests by IAEA inspectors to conduct location-specific environmental sampling under Article 5c of the AP.

3. REQUIREMENTS.

Procedures for DOE facilities, locations, and sites under their responsibility covering requests by IAEA inspectors to conduct location-specific environmental sampling under Article 5c of the AP must take into account the need to protect information and activities with direct national security significance, the need to protect proprietary or commercially sensitive information, existing DOE directives and Presidential guidance, any applicable legislation, and any applicable procedures issued by the Chief Health, Safety and Security Officer or the Associate Administrator for Defense Nuclear Security.

CONTRACTOR REQUIREMENTS DOCUMENT

DOE M 142.2-1, Manual for Implementation of the Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency

Regardless of the performer of the work, the contractor is responsible for complying with the requirements of this Contractor Requirements Document (CRD). The contractor is responsible for flowing down the requirements to subcontractors at any tier to the extent necessary to ensure the contractor's compliance with the requirements.

1. Implementation. The Department of Energy (DOE) has requirements and procedures for implementation of the Agreement Between the United States of America and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States (hereafter the Agreement); the Original Protocol to the Agreement; the Additional Protocol to the Agreement signed by the United States and the IAEA on June 12, 1998 (hereafter the Additional Protocol or AP); and the Interagency Procedures for the Implementation of the U.S.-IAEA Safeguards Agreement (hereafter the Interagency Procedures). The Agreement and Original Protocol are hereafter referred to as the Voluntary Offer Agreement, or VOA.
 - a. U.S. Department of State, *Interagency Procedures for the Implementation of the U.S.-IAEA Safeguards Agreement*, Federal Register, vol. 63, 7041-7044, February 11, 1998. Online at: www.gpoaccess.gov/fr/retrieve.html
 - b. *Agreement for the Application of Safeguards in the United States, with Protocol*. Done at Vienna November 18, 1977; entered into force December 9, 1980. Online at: <https://www.ap.doe.gov/>
 - c. Protocol Additional to 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. Online at: <https://www.ap.doe.gov/>
2. AP Coordinator.

If a contractor employee acts as the AP coordinator at a DOE site, the contractor employee will review draft declarations for the DOE field element. (See Chapter VIII, paragraph 1, of DOE M 142.2-1 for additional information about AP declarations.)
3. DOE Contractor Personnel Who Act as Hosts and Escorts to Accompany IAEA Inspectors. Contractors must ensure that their personnel comply with the following requirements, which apply if DOE contractor personnel act as a host or escort.
 - a. When appropriately trained, an individual can be both a host and an escort. Both hosts and escorts must have appropriate security clearances; be familiar with the role of the IAEA and the role of IAEA inspectors including the rights and responsibilities of inspectors under the VOA, Subsidiary Arrangements, and

applicable facility attachment; and have current knowledge regarding DOE procedures for release of information to IAEA inspectors.

- b. Escorts who accompany IAEA inspectors must:
- (1) Have specific knowledge of the areas at the DOE facility to be inspected or visited that are open to IAEA inspectors under the VOA, Subsidiary Arrangements, facility attachment, and applicable managed access procedures.
 - (2) Have specific knowledge of activities with direct national security significance at the DOE facility to be inspected or visited. Such activities must be protected from disclosure to IAEA inspectors through the use of managed access measures.
 - (3) Have specific training covering the counterintelligence, health, safety, safeguards, and security requirements applicable to the facility to be inspected.
 - (4) Have specific training covering procedures for inspection of IAEA equipment to be used during an inspection.
 - (5) Have specific training covering implementation of any managed access procedures in place at the facility to be inspected.
 - (6) Know whom to contact if 1) disagreements arise between IAEA inspectors and the escort or other DOE or DOE contractor personnel, or 2) questions arise that cannot be immediately answered by the escort.
 - (7) Have specific knowledge of the DOE requirements in 10 CFR Part 810 which prohibit the unauthorized transfer of sensitive nuclear technology.
 - (8) Understand the system for nuclear material control and accountability as applied at the facility to be inspected.
 - (9) Understand the procedures for information reporting to the NMMSS.
 - (10) Have experience and training in fields related to nuclear material assay and accounting, including nuclear chemistry, physics, and/or statistics.
 - (11) Have specific training regarding procedures to be followed when IAEA inspectors desire to take samples of nuclear material in accordance with Article 73 of the Agreement.
- c. Ad hoc managed access under the VOA.
- (1) DOE contractor employees who are escorting IAEA inspectors and who have received prior authorization from the DOE field

element head may apply ad hoc managed access as necessary and as consistent with the applicable provisions of the VOA.

- (2) DOE contractor employees who are escorting IAEA inspectors without a DOE employee present and who have not received prior authorization to invoke ad hoc managed access must notify the DOE field element office of the need to apply ad hoc managed access.
 - (3) Such DOE contractor employees must receive approval from a designee of the head of the DOE field element before applying ad hoc managed access.
- d. DOE contractors must appoint a point of contact to work with DOE officials on requirements under the CRD and provide such contact information to the appropriate DOE field element.
 - e. DOE contractors must notify the DOE field element head whenever a facility managed by the contractor should be considered for addition to or deletion from the eligible list.
 - f. DOE contractors must notify the field element head whenever an activity should be considered for addition to or deletion from the DOE declaration.