

U.S. Department of Energy
Washington, D.C.

ORDER

DOE 5630.13

2-3-88

SUBJECT: MASTER SAFEGUARDS AND SECURITY AGREEMENTS

1. PURPOSE. To establish the Department of Energy (DOE) policy, requirements, responsibilities, and authorities for the development and implementation of Master Safeguards and Security Agreements (MSSA's).
2. SCOPE. The provisions of this Order apply to Departmental Elements and contractors performing work for the Department as provided by law and/or contract and as implemented by the appropriate contracting officer.
3. APPLICABILITY.
 - a. Facilities which have Category I quantities of special nuclear material (SNM) or those facilities that have Category II quantities within the same protected area that roll-up to a Category I quantity,
 - b. Facilities which have a radiological sabotage threat which would cause an unacceptable impact on the health and safety of the public,
 - c. Facilities which have an industrial sabotage threat which would cause an unacceptable impact to those DOE programs supporting national defense and security, and/or
 - d. Other facilities that Heads of Departmental Elements deem appropriate.
4. POLICY.
 - a. Levels of protection shall be provided in consideration of the potential risks to national security and the health and safety of the public.
 - b. The levels of protection identified in approved facility MSSA's shall be the basis for facility planning, executing, and evaluating the protection program.

DISTRIBUTION:
All Departmental Elements

INITIATED BY:
Office of Safeguards and
Security

5. DEFINITIONS. See Attachment 1.6. CONCEPT OF OPERATIONS.

- a. The MSSA establishes a formal agreement requiring the joint approval of the field element manager, outlay program office manager(s), and the Assistant Secretary for Defense Programs for the levels of protection of graded safeguards and security interests from theft, sabotage, and other malevolent acts associated with SNM or vital assets which may adversely affect national security or the health and safety of the public. Such agreements take into account DOE policy applicable to specific sites and/or programs, to achieve acceptable protection levels that minimize inherent risks on a cost-effective basis. The format, content, and specific guidance for the development of MSSA's will be published in the future.
- b. The MSSA's contain summary level information adequate to describe the basis supporting the agreement, assumptions, exceptions, and conclusions.
- c. The MSSA includes statements of the facility's safeguards and security performance levels based on the status of several complementary performance indicators such as the results of vulnerability assessments, system performance tests, surveys, inspections, evaluations, and training levels as well as the field managers' judgment of the effectiveness of the protection system.
- d. MSSA's are supported by backup documentation, adequate to validate the MSSA maintained at the field organization or contractor facility. This may include vulnerability assessments, cost/benefit analyses, implementation procedures, guidelines, performance exercises, and other studies.
- e. The MSSA may be used to document exceptions to safeguards and security policy and to provide the basis for relief from certain safeguards and security requirements.
- f. Each signatory agrees to support the safeguards and security commitments set forth in MSSA's under their cognizance to the fullest extent practicable. Planning and budget submittals shall be consistent with the commitments made in the MSSA. Funding constraints applied as part of the budget submission and authorization process may necessitate changes in plans documented in the MSSA's.
- g. The MSSA is reviewed and updated annually.
- h. If tests or other indicators demonstrate that the actual level of protection is less than that approved in the MSSA, action must be taken to compensate for identified vulnerabilities.

7. RESPONSIBILITIES AND AUTHORITIES.

- a. All Departmental Elements managing facilities included in paragraph 3 shall prepare MSSA's. An MSSA shall designate facility levels of protection which the appropriate field organization, program office, and Headquarters safeguards and security responsible official acknowledge to be adequate.
- b. Assistant Secretary for Defense Programs (DP-1) shall:
 - (1) Establish safeguards and security policies, threat statements, standards, and guidance for the DOE.
 - (2) Approve all MSSA's.
 - (3) Support commitments made in the MSSA to the fullest extent possible through the budget process.
- c. Deputy Assistant Secretary for Security Affairs (DP-30) through the Office of Safeguards and Security (DP-34), shall:
 - (1) Formulate safeguards and security policies, threat statements, standards, and guidance for DOE.
 - (2) Issue guidelines for the preparation, review, revision, and approval of MSSA's.
 - (3) Review, comment, and concur in the MSSA.
 - (4) Coordinate the review and approval process with all appropriate organizations.
 - (5) Verify MSSA's to ensure that they are complete, the assumptions are supported by technical justification, and that the conclusions are supported by appropriate analyses and detailed documentation.
 - (6) Support commitments made in the MSSA to the fullest extent possible through the budget process.
- d. Office of Security Evaluations (DP-4) shall verify compliance with specific provisions of the MSSA's through inspections and evaluations.

e. Program Secretarial Officers (except the Assistant Secretary for Environment, Safety, and Health) shall:

- (1) Approve MSSA's that apply to their programs (including subsequent modifications requiring Headquarters approval).
- (2) Support commitments made in the MSSA to the fullest extent possible through the budget process.

f. Deputy Assistant Secretary for Military Application (DP-20) and Deputy Assistant Secretary for Nuclear Materials (DP-10) shall:

- (1) Approve MSSA's that apply to their programs (including subsequent modifications requiring Headquarters approval).
- (2) Support commitments made in the MSSA to the fullest extent possible through the budget process.

g. Heads of Field Elements shall:

- (1) Prepare, review, and approve MSSA's for selected safeguards and security interests under their jurisdiction.
- (2) Implement, enforce, and maintain the protection measures and terms of the MSSA's under their management jurisdiction.
- (3) Prepare and maintain adequate documentation for validation of MSSA's in support of the requirement of paragraph 6d.
- (4) Inspect, evaluate, and review protection systems to validate assumptions made in the formulation of MSSA's.
- (5) Direct the review and consolidation of appropriate changes and updates to the MSSA's.
- (6) Advise the Office of Safeguards and Security, and appropriate Program Secretarial Officers of significant delays in implementing protection features documented in the MSSA.
- (7) Support commitments made in the MSSA to the fullest extent possible through the budget process.

8. REVIEW AND REVISION OF MSSA'S.

- a. Changes that significantly alter the agreed-on protection philosophy or performance standards of protection systems shall require the approval of DP-1, the cognizant program manager(s), and the Head of the Field Element.
- b. Changes that are consistent with agreed-on protection policy may be made by the Heads of Field Elements with a copy of changes provided to the Office of Safeguards and Security and the cognizant program manager(s).

BY ORDER OF THE SECRETARY OF ENERGY:



LAWRENCE F. DAVENPORT
Assistant Secretary
Management and Administration

DEFINITIONS

1. ACCEPTED RISK is the acknowledgment that the effectiveness of the current protection system is at a level such that the potential for loss of some safeguards and security interests is acceptably minimized.
2. CATEGORY I AND CATEGORY II QUANTITIES OF SPECIAL NUCLEAR MATERIAL. See DOE 5632.2A, PHYSICAL PROTECTION OF SNM AND VITAL EQUIPMENT.
3. CONTRACTOR is any business entity doing work for the Department including subcontractors, vendors, consultants, bidders, recipients of financial assistance agreements, and other Federal agencies in the case of interagency acquisition.
4. EVALUATIONS are determinations of the effectiveness of protection program topical areas as implemented across the DOE.
5. FACILITY is an institution, manufacturing/assembly/process plant, laboratory, office building, or other complex utilized by the Department, its contractors, or subcontractors, for the performance of work under the jurisdiction of the Department.
6. GENERIC THREAT GUIDANCE is the Departmental threat guidance issued by the Assistant Secretary for Defense Programs (DP-1).
7. INSPECTIONS are examinations of the effectiveness of the implementation of DOE protection programs in selected topical areas at a specific field facility.
8. LEVEL OF PROTECTION is the degree of safeguards and security provided to protect Departmental interests.
9. MASTER SAFEGUARDS AND SECURITY AGREEMENT is a formal agreement between the responsible DOE Headquarters and Field Elements regarding the safeguards and security interests to be protected, the prescribed levels of protection, the accepted risk, and the plans to increase protection system effectiveness, if required.

10. PROGRAM SECRETARIAL OFFICERS are Headquarters first level officials who have lead line responsibility for the execution of authorized programs with appropriated funds.
11. ROLL-UP is the accumulation, within a single event, of Category I quantities of SNM from Category II quantity locations within the same protected area.
12. SABOTAGE.
 - a. Industrial. Any deliberate act which could have unacceptable impact to DOE programs supporting national defense and security.
 - b. Radiological. Any deliberate act directed against an SNM facility, an SNM or weapon security shipment, or a component of such facility or shipment which could have unacceptable dangers to the health and safety of the public.
13. THEFT is the removal of property from Government-authorized physical boundaries without permission and contrary to law.
14. VALIDATION refers to the confirmation that the MSSA assumptions are accurate and in agreement with DOE policy, that the agreement adequately covers all safeguards and security interests, and that their performance objectives are being attained.
15. VULNERABILITY ASSESSMENT is a systematic evaluation process in which qualitative and/or quantitative techniques are applied to arrive at the system effectiveness level for specific targets.