



DoD INSTRUCTION 2060.03

APPLICATION OF THE NATIONAL SECURITY EXCLUSION TO THE AGREEMENTS BETWEEN THE UNITED STATES OF AMERICA AND THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR THE APPLICATION OF SAFEGUARDS IN THE UNITED STATES OF AMERICA

Originating Component: Office of the Under Secretary of Defense for Acquisition and Sustainment

Effective: September 10, 2019

Releasability: Cleared for public release. Available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.

Reissues and Cancels: DoD Instruction 2060.03, "Application of the National Security Exclusion to the Agreements Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America" November 13, 2008

Approved by: Ellen M. Lord, Under Secretary of Defense for Acquisition and Sustainment

Purpose: In accordance with the authority in DoD Directive (DoDD) 5134.01, the July 13, 2018, Deputy Secretary of Defense Memorandum, and DoDD 2060.01, this issuance:

- Implements policy and assigns responsibilities for DoD planning and application of the national security exclusion (NSE) under agreements between the United States and the International Atomic Energy Agency (IAEA) for implementation of IAEA safeguards.
- Prescribes DoD requirements and procedures, in accordance with U.S. policy and law, for applying the NSE and for using managed access at or near locations, sites, and facilities as well as associated information and activities with direct national security significance to DoD.

TABLE OF CONTENTS

SECTION 1: GENERAL ISSUANCE INFORMATION	3
1.1. Applicability	3
1.2. Policy	3
1.3. Information Collections	3
SECTION 2: RESPONSIBILITIES	5
2.1. Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)).....	5
2.2. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs	5
2.3. Under Secretary of Defense for Policy(USD(P)).....	5
2.4. DoD Component Heads	5
2.5. Chairman of the Joint Chiefs of Staff	6
SECTION 3: PROCEDURES	7
3.1. Background	7
3.2. Applying the NSE Under the IAEA Agreement.....	7
a. Applying the NSE During Periodic Reviews of Proposed EFLs.....	7
b. Applying the NSE Under IAEA Safeguards Due to a Change in Circumstances.	8
3.3. Applying the NSE Under the AP.....	8
a. Timely DoD Assessments and Application of the NSE.....	8
b. Applying the NSE Under the AP During Data Calls for Potential AP Declarations.....	9
c. Applying NSE Under the AP During the Review of Periodic Updates to the AP Declaration.....	10
d. Applying the NSE to a Declared Activity Under the AP Due to a Change in Circumstances	11
e. Applying the NSE Under the AP During Complementary Access.....	11
SECTION 4: U.S.-IAEA AP REPORTING REQUIREMENTS SECTION 1: GENERAL ISSUANCE INFORMATION	13
4.1. Reporting Periods.....	13
4.2. Declarable Activities.....	13
GLOSSARY	15
G.1. Acronyms	15
G.2. Definitions.....	15
REFERENCES	18
TABLES	
Table 1. AP Declarations and Reporting Requirements	13

SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, DoD Field Activities, and all other organizational entities within DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY. In accordance with DoDD 2060.01:

a. All DoD activities related to IAEA safeguards will fully comply with the NSE provisions of the December 9, 1980 Agreement Between the United States of America and the IAEA (IAEA Agreement); and the June 12, 1998 Protocol Additional to the Agreement Between the United States of America and the IAEA for the Application of Safeguards in the United States of America (commonly referred to as the Additional Protocol (AP)).

b. DoD will not declare or make eligible any current or former locations, sites, facilities, or associated information or activities of direct national security significance for the purpose of IAEA access under the provisions of the IAEA Agreement and the AP.

c. The NSE excludes IAEA access under IAEA safeguards to all current or former DoD-owned or -leased locations, sites, and facilities (or associated information or activities) of direct national security significance, including but not limited to: operations and training; intelligence; materiel production, maintenance, and supply; research, development, testing, and evaluation; and infrastructure and personnel.

d. The NSE excludes any other facility under the IAEA Agreement, as well as any location, site, facility, or associated information or activities of direct national security significance under the AP, from AP Declaration requirements and from IAEA access where its proximity to or association with a DoD location, site, or facility could result in IAEA access. The NSE does not apply to U.S. Government assets outside of the United States. Any exclusion of U.S. Government assets outside of the United States should be addressed with the host country through the applicable host country agreements.

e. Managed access, consistent with the AP, the July 12, 1998 Subsidiary Arrangement to the Protocol Additional to the Agreement Between the United States of America and the IAEA and the March 31, 2004, Senate Resolution of Ratification, will be used to the maximum extent possible by DoD during any IAEA inspection or visit, including those involving complementary access, to ensure that the IAEA has no access to DoD locations, sites, facilities, or associated information or activities of direct national security significance. Where or when DoD finds that these managed access provisions will not prevent IAEA access as required, DoD will apply the NSE.

1.3. INFORMATION COLLECTIONS. DoD Component reports to the Nuclear Treaty Manager (NTM), as referred to in Paragraph 3.2.a and throughout this issuance, do not require

licensing with a report control symbol in accordance with Enclosure 3, Paragraph 1.b.(9) of Volume 1 of DoD Manual 8910.01.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT (USD(A&S)). The USD(A&S) will designate the NTM to facilitate DoD Component reviews of U.S. eligible facilities for IAEA safeguards under the IAEA Agreement or declarable activities under the AP. The NTM will review the recommendation to apply the NSE through the procedures under this issuance.

2.2. ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS. Under the authority, direction, and control of the USD(A&S), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs:

- a. Chairs and convenes a DoD Compliance Review Group (CRG) as needed to address and resolve compliance issues in a timely manner.
- b. Certifies through the appropriate chains of command that the DoD Component reviews of eligible facilities and declarable activities are complete and the NSE is applied as required.
- c. Ensures that the above responsibilities are carried out in accordance with DoDD 5205.07, DoD Instruction 5205.11, and Volume 1 of DoD Manual 5205.07.
- d. Oversees the NTM, or a designated representative, to serve as the single DoD point of contact for the annual vetting of the eligible facilities list (EFL) and the AP Declarations made by the Department of Energy (DOE), the Department of Commerce (DOC), and the Nuclear Regulatory Commission (NRC).

2.3. UNDER SECRETARY OF DEFENSE FOR POLICY(USD(P)). The USD(P) in coordination with the NTM:

- a. Provides advice and assistance for application of the NSE and addresses related compliance matters in consultation with the CRG, as appropriate.
- b. Represents the Secretary of Defense on matters related to DoD's application of the NSE involving the National Security Council (NSC) staff, the Department of State (DOS), and other federal departments and agencies with responsibility for national security policy in accordance with DoDD 2060.01.

2.4. DOD COMPONENT HEADS The DoD Component heads:

- a. Ensure DoD Component compliance with the policy and procedures in this issuance.
- b. Designate an implementation and compliance review manager in accordance with DoDD 2060.01 to report to the NTM and to initiate recommendations for application and/or

removal of the NSE, provide justification for use of the NSE as required, and address associated managed access or compliance matters.

c. Develop requirements and procedures for managed access, Military Department equity database management, as applicable, and security and counterintelligence training necessary to protect DoD equities.

2.5. CHAIRMAN OF THE JOINT CHIEFS OF STAFF. In addition to the responsibilities in Paragraph 2.4., the Chairman of the Joint Chiefs of Staff:

a. Provides advice and assistance for application of the NSE and address related compliance matters in consultation with the CRGs, as appropriate.

b. Coordinates reviews of eligible facilities and declarable activities by the Military Departments and Combatant Commands for the application of the NSE and managed access.

c. Coordinates time-sensitive applications of the NSE by the Military Departments or Combatant Commands and address associated managed access or compliance matters.

d. Provides military advice on matters related to the DoD application of the NSE involving the NSC staff, the DOS, and other Federal departments and agencies with responsibility for national security policy.

e. Manages and provides secure communications to OSD regarding all Military Departments and Combatant Command equities.

SECTION 3: PROCEDURES

3.1. BACKGROUND. DoD will apply the NSE through the following implementation and compliance procedures.

a. Each DoD Component must make this determination in accordance with its specific security requirements, applicable DoD acquisition regulations, security and countermeasures policies, coordinated military guidance, relevant defense threat assessments and counterintelligence, and the results of any necessary security vulnerability assessments.

b. If essential information required to make this determination for any facility is not available during this review, the NSE will be applied to that facility until such time that the required information is available and a determination can be made.

3.2. APPLYING THE NSE UNDER THE IAEA AGREEMENT. DoD will apply the NSE provision of the IAEA Agreement during periodic reviews of proposed U.S. nuclear facilities eligible for IAEA safeguards whenever circumstances require action to prevent IAEA access to current or former DoD locations, sites, facilities or activities of direct national security significance.

a. Applying the NSE During Periodic Reviews of Proposed EFLs. DoD will periodically review proposed EFLs to identify facilities in proximity to DoD equities and apply the NSE as described in this issuance. These reviews must be completed and the NSE applied, as necessary, before any proposed EFL or update is submitted to Congress for approval and subsequent transmittal to the IAEA.

(1) The NTM will receive proposed updates to the EFL from DOE and the NRC, verify essential information with the U.S. lead agencies responsible for those facilities, and promptly disseminate this information to DoD Components for action.

(2) DoD Components will review the proposed EFL, or EFL updates, and identify those facilities that must be eliminated from the list to prevent IAEA access (under the IAEA Agreement) to any activity or associated facility of direct national security significance. Each DoD Component will make this determination according to its specific security requirements as described in the introductory paragraph to this section.

(3) DoD Components will complete their reviews of the proposed EFL, or EFL updates, within 60 calendar days of receipt from the NTM. The designated implementation and compliance review managers must notify the NTM through the appropriate chains of command of any facilities that require removal from the EFL.

(4) The NTM will consolidate the DoD Components' notifications into a summary report of DoD applications of the NSE to the proposed EFL. The NTM will then provide the findings to the Subgroup on IAEA Safeguards in the United States with a copy to the USD(A&S), the USD(P), and the Chairman of the Joint Chiefs of Staff.

(5) Before the proposed EFL is transmitted to Congress for its approval and subsequent transmittal to the IAEA, the NTM will notify the DOS and responsible departments and agencies of the facilities that the DoD requires to be excluded under the NSE.

(6) Interagency issues related to application of the NSE to a proposed eligible facility by the DoD will be addressed in accordance with DoDD 2060.01 and the IAEA Agreement.

b. Applying the NSE Under IAEA Safeguards Due to a Change in Circumstances. At any time, a DoD Component may determine that a change in operations, acquisitions, threats, vulnerabilities, security requirements, or other circumstances requires the NSE promptly be applied to a facility on the EFL to prevent IAEA access to any activity or associated facility of direct national security significance. This change in circumstances may require the facility, including those already under IAEA safeguards, to be removed from the EFL for a defined time period or indefinitely.

(1) The DoD Component implementation and compliance review manager, or designated representative, must notify the NTM through the appropriate chain of command of the requirement to apply the NSE due to a change in circumstances, specifying the facility or facilities to be removed and the date or dates required for removal.

(2) The NTM must promptly review this requirement and submit it to the USD(A&S) with copies to the USD(P) and the Chairman of the Joint Chiefs of Staff.

(3) The NTM will promptly notify the DOS and the U.S. lead agency responsible for the eligible facility subject to the DoD application of the NSE based on a change in circumstances to prevent IAEA access under the provisions of the IAEA Agreement.

(4) DoD will address interagency issues related to a change in circumstances and the application of the NSE to facilities on the EFL in accordance with the National Security Presidential Directive (NSPD) 57.

3.3. APPLYING THE NSE UNDER THE AP. DoD will apply the NSE to exclude IAEA access under the AP to all current and former DoD locations, sites, and facilities as well as associated information and activities of direct national security significance. This includes DoD-owned or -leased spaces, structures, facilities, installations, or land, as well as all DoD-funded programs, activities, or information associated with military, national security, or homeland defense, including but not limited to: operations and training; intelligence; materiel production, maintenance, and supply; research, development, test and evaluation; and infrastructure and personnel.

a. Timely DoD Assessments and Application of the NSE. The following situations require timely DoD assessments and application of the NSE where appropriate:

(1) During reviews of periodic data calls and proposed updates to the AP Declaration, but before such updates are submitted for Congressional approval (see Section 4 for periodic reporting requirements).

(2) Whenever a change in circumstances requires prompt action by DoD to exclude a proposed declaration from the AP Declaration to avoid compromising the security of a defense equity.

(3) Whenever IAEA complementary access, even with managed access by a U.S. host team, would result in IAEA access to a current or former DoD location, site, or facility or associated information or activities of direct national security significance. In accordance with the NSPD 57 and the Senate Resolution of Ratification, DoD must also define the necessary requirements and develop procedures for managing access at or near locations of the DoD equities excluded under the NSE.

b. Applying the NSE Under the AP During Data Calls for Potential AP Declarations.

DoD will not declare any activity under the AP, explicitly applying the NSE as needed. In addition, NSPD 57 designates DoD as one of the U.S. lead agencies responsible for ensuring that no classified information is provided to the IAEA, and that proliferation-sensitive and commercially sensitive and proprietary information is protected to the fullest extent permitted by law. To mitigate potential compromise of classified or sensitive defense equities by the other departments and agencies, the DoD is required to review all potential AP Declarations and to apply the NSE as instructed here.

(1) The NTM will coordinate and facilitate DoD review of data collected by the DOE, the NRC, the DOC, or other organizations responsible for collecting, preparing, or reporting such declarations. The NTM will monitor these declaration processes; request, receive, and verify necessary information from these departments or agencies; and disseminate that information to the DoD Components in a timely, secure manner for action.

(2) DoD Components will promptly review and assess the information collected from government departments and agencies, public or private institutions, or commercial businesses and identify those potential declarations that could include classified or other sensitive information related to their DoD equities. DoD Components must make this initial assessment based on their specific operations and acquisition security requirements and coordinated military guidance, as well as those DoD security and countermeasures policies implemented in accordance with DoDD 2060.01. DoD Components may request additional information from the NTM, the responsible U.S. lead agency, or the declaring entity to support their assessments.

(3) DoD Components must approve potential declarations not associated with a location, site, or facility, or related information or activity, of direct security significance to DoD.

(4) DoD Components must identify potential declarations determined to involve a location, site, or facility or related information or activity of direct national security significance and report those potential declarations to the NTM for exclusion from reporting.

(5) If essential information required to make this determination for any facility is not available during this review, the potential declaration will be excluded from reporting until such time that the required information is available and a determination can be made.

(6) DoD Components' designated implementation and compliance review managers will notify the NTM of the potential declarations to be excluded within 60 calendar days of receiving

the initial information from the NTM. This notification specifies that the NSE is needed either to mitigate IAEA access to a DoD equity or because the information provided is inadequate to determine if the potential declaration may compromise a classified or sensitive defense equity, or both. Those potential declarations not identified for exclusion will be approved by the DoD Component and reported to the NTM.

(7) The NTM must verify the required exclusions and coordinate requests for additional information to resolve uncertainties, if required. The NTM will consolidate the DoD Components' exclusion requirements after receiving written notifications from all DoD Components that their necessary reviews are complete. The NTM must ensure that the DoD review of the data call is complete and submit the list of all required exclusions to the DOC with copies to the USD(A&S), the USD(P), and the Chairman of the Joint Chiefs of Staff.

(8) Issues related to these exclusions by the DoD must be addressed in accordance with DoDD 2060.01 and NSPD 57.

c. Applying NSE Under the AP During the Review of Periodic Updates to the AP Declaration. DoD will review information from periodic data calls and proposed updates to the AP Declaration. DoD Components will complete these periodic reviews and apply the NSE before any proposed updates to the AP Declaration are submitted to Congress for approval and subsequent transmittal to the IAEA.

(1) The NTM must monitor, request, and receive information from periodic data calls by U.S. lead agencies. The NTM must verify this information with the responsible U.S. lead agencies, as necessary, and will promptly disseminate it to DoD Components.

(2) DoD Components will review proposed updates to the AP Declaration and identify those facilities that must be excluded from the list to prevent IAEA access under the AP to any location, site, or facility or associated information or activity of direct national security significance. Each DoD Component must make this determination according to its specific security requirements as described in the introductory paragraph of this section. If the information required to make this determination for any declaration is not available during this review, then the DoD Component will notify the NTM that the declaration will be excluded under the NSE from the AP Declaration until such time that the required information is available and a determination can be made.

(3) DoD Component implementation and compliance review manager must notify the NTM through the appropriate chain of command of those proposed declarations to be excluded under the NSE. DoD Components must also notify the NTM that they have completed any necessary operations security and information security reviews and security vulnerability assessments and have updated requirements and procedures for managed access as well as security and counterintelligence training related to the proposed declaration or update.

(4) If a DoD Component identifies a previous declaration that requires elimination under the NSE, the DoD Component implementation and compliance review manager should notify the NTM of the requirement for exclusion of that declaration from the AP Declaration.

(5) The NTM will consolidate DoD Components' notifications into a summary report to document the relevant DoD NSE requirements. This report will be compiled and reviewed by the NTM with copies sent to the USD(P) and the Chairman of the Joint Chiefs of Staff. The NTM must record DoD exclusions to the proposed update and notify the DOC and the U.S. lead agencies responsible for the proposed updates of DoD exclusions, as necessary. The NTM must also verify that the NSE has been applied by the responsible U.S. lead agencies, as required. Conflicts related to the use of the NSE by DoD will be addressed in accordance with DoDD 2060.01 and NSPD 57.

d. Applying the NSE to a Declared Activity Under the AP Due to a Change in Circumstances. At any time, a DoD Component may determine that the NSE must be applied to an activity already included in the AP Declaration because of a change in operations, acquisitions, threats, vulnerabilities, security policies or requirements, or other circumstances in order to prevent IAEA access to a location, site, or facility or associated information or activity of direct national security significance. This change in circumstances may require that the declared activity be excluded for a defined time period or indefinitely. Some circumstances may also require that a declared activity be removed from the AP Declaration.

(1) The DoD Component will notify the NTM through the appropriate chain of command of the requirement to apply the NSE, specifying the declared activity to be excluded as well as the dates, or duration, the NSE is required.

(2) The NTM will review this requirement with the DoD Component and representatives of the USD(P) and the Chairman of the Joint Chiefs of Staff; document the requirement to apply the NSE in the DoD consolidated summary report; and forward the requirement to the USD(P) and the Chairman of the Joint Chiefs of Staff.

(3) The NTM will notify the DOS and the U.S. lead agencies with jurisdiction over the declaration (or other Federal officials) that DoD is applying the NSE to the declared activity.

(4) Issues related to DoD application of the NSE will be addressed in accordance with DoDD 2060.01 and NSPD 57.

e. Applying the NSE Under the AP During Complementary Access. DoD will apply the NSE to exclude IAEA complementary access under the AP to current or former DoD-owned or -leased locations, sites, and facilities as well as associated information and activities of direct national security significance. DoD will also apply the NSE to exclude any other activity, location, or information during complementary access where, even with managed access by a U.S. host team, an inspection would result in IAEA access to a current or former DoD location, site, or facility or associated information or activities of direct national security significance.

(1) In accordance with NSPD 57 and the Senate Resolution of Ratification, DoD Components must define the requirements and develop procedures necessary for managing access at or near locations of their equities excluded under the NSE.

(2) DoD host team members will coordinate the managed access requirements of the affected DoD Component with the host team leader and the NTM. DoD host team members will also monitor the development and implementation of the inspection plan for IAEA

complementary access and ensure that IAEA inspector activities do not compromise the DoD NSE or managed access requirements.

(3) As required and practical, DoD host team members must communicate potential managed access issues from the affected DoD Component or Components to the NTM and the Chairman of the Joint Chiefs of Staff and seek to address the IAEA's requirements through other means. Where or when DoD host team members are advised or independently determine that managed access will not prevent IAEA access as required, they will withhold consensus within the host team, exercise the DoD right to request an NSE of the affected activity, and elevate the decision to the appropriate forum for disposition.

(4) Time permitting, DoD will address issues related to the application of the NSE in accordance with DoDD 2060.01 and NSPD 57. In the case that treaty timelines do not allow for formal resolution of issues related to the application of the NSE, DoD host team members must, by default, apply the NSE until such time as the conflict can be resolved.

SECTION 4: U.S.-IAEA AP REPORTING REQUIREMENTS SECTION 1: GENERAL ISSUANCE INFORMATION

4.1. REPORTING PERIODS. Table 1 lists the required reporting periods for the United States to provide its annual AP Declaration updates to the IAEA. These reporting periods establish the frequency of the periodic reviews and associated application of the NSE by DoD.

Table 1. AP Declarations and Reporting Requirements

Declarations¹	Reporting to the IAEA
Annual Update of the AP Declaration ²	May 15 of each year
Declaration of Imports and Exports of Nuclear Material	May 15 of each year
Declaration of Exports (Annex 2 equipment and non-nuclear materials)	Quarterly, to be provided within 60 days of the end of each quarter
Declaration of Nuclear Waste	180 days before processing is carried out; annual update by May 15 of each year
Declaration for Safeguards Effectiveness and Efficiency	United States and IAEA to establish timing and frequency
Declaration of Imports ³ (Annex 2 equipment and non-nuclear materials)	Within 60 days of the agency's request
¹ The IAEA will have access to all declared locations. ² The annual update of the AP Declaration is under Article 3(b) of the AP. ³ The Declaration of Imports is under Article 3(g) the AP. Since this Declaration of Imports would be used by the IAEA to verify another nation's declaration of its exports to the United States, the IAEA could request complementary access to the U.S. activity.	

4.2. DECLARABLE ACTIVITIES. The AP Declarations are made in accordance with Article 3, Paragraphs (b)-(g) of the AP, and included the following declarable activities specified under Article 2:

- a. Nuclear fuel cycle-related research and development activities not involving nuclear material carried out anywhere that are funded, specifically authorized, or controlled by or carried out on behalf of the U.S. Government (pursuant to Subparagraph 2(a)(i) of the AP).
- b. Design information for a site (pursuant to Subparagraph 2(a)(iii) of the AP).

c. Scale of operations for each location engaged in Annex 1 activities (assembly or manufacture of nuclear and nuclear-related equipment (pursuant to Subparagraph 2(a)(iv) of the AP).

d. Mines and concentration plants (pursuant to Subparagraph 2(a)(v) of the AP).

e. Information, including quantity, chemical composition, and use or intended use (both nuclear and non-nuclear), for source material that has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched. This must be declared for each location in the United States where inventory is greater than 10 metric tons of uranium and/or 20 metric tons of thorium, as well as for other locations with quantities of more than 1 metric ton; or the aggregate for the United States as a whole if the aggregate exceeds 10 metric tons of uranium or 20 metric tons of thorium (pursuant to Subparagraph 2(a)(vi)(a) of the AP).

f. Nuclear material exempt from safeguards under Articles 37 or 36(b) of the IAEA Agreement.

g. General plans for the next 10 years of development of the nuclear fuel cycle, when approved by U.S. officials (pursuant to Subparagraph 2(a)(x) of the AP).

h. Research and development not involving nuclear material specifically related to enrichment or the reprocessing of nuclear fuel or waste carried out anywhere in the United States but not funded, specifically authorized, controlled by, or carried out on behalf of the United States (pursuant to Subparagraph 2(b)(i) of the AP).

GLOSSARY

G.1. ACRONYMS.

AP	Additional Protocol
CRG	compliance review group
DOC	Department of Commerce
DoDD	DoD Directive
DOE	Department of Energy
DOS	Department of State
EFL	eligible facilities list
IAEA	International Atomic Energy Agency
NRC	Nuclear Regulatory Commission
NSC	National Security Council
NSE	national security exclusion
NSPD	National Security Presidential Directive
NTM	Nuclear Treaty Manager
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment
USD(P)	Under Secretary of Defense for Policy

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

activities of direct national security significance. Any current or former DoD Component activity associated with military, national security, or homeland defense capability or intent including but not limited to: operations and training; intelligence; materiel production, maintenance, and supply; research, development, test, and evaluation; and infrastructure support, manning, or readiness.

AP Declaration. A list of those peaceful nuclear or nuclear-related activities disclosed by the United States to the IAEA for verification, pursuant to Article 2 of the AP. The IAEA may request complementary access to verify the completeness or correctness of declared activities.

at or near. With regard to IAEA access, the proximity (or relative position, space, or time) of DoD locations, sites, and facilities as well as associated information and activities with direct national security significance to an eligible or potentially eligible facility under the IAEA Agreement; or a declared or potentially declarable activity under the AP.

information associated with activities of direct national security significance. Any unclassified or classified information (including data, text, drawings, or graphics) that is communicated or recorded in any form (including hardcopy, electronic or softcopy, oral, or as imagery, signals, or materials) related to national security or homeland defense, including but not limited to: military operations or training; intelligence; materiel production, maintenance, or supply; research, development, test, or evaluation; infrastructure or personnel.

locations, sites, and facilities as well as associated information and activities with direct national security significance. Any current or former DoD-owned, -leased, -funded, or -used space, structure, facility, installation, or land occupied by, or associated with, national security or homeland defense, including but not limited to: military operations or training; intelligence; materiel production, maintenance, or supply; research, development, test, or evaluation; infrastructure or personnel.

EFL. The list of facilities containing special fissionable material, or nuclear source material, that the United States makes eligible for IAEA safeguards pursuant to Article 1(b) of the IAEA Agreement. A facility is subject to IAEA safeguards when selected from the list by the IAEA.

host team. The group of designated U.S. Government representatives responsible for accompanying and negotiating with the IAEA inspection team during a complementary access visit under the AP.

IAEA inspection with complementary access. The exercise of the IAEA's access rights as set forth in Articles 4 to 6 of the AP. Access provided by the United States to IAEA inspectors in accordance with the provisions of the AP will be:

To assure the absence of undeclared nuclear material and activities at sites, mines, concentration plants, and other locations where nuclear material has been declared.

To resolve a question on the correctness or completeness of the information provided by the United States pursuant to Article 2 of the AP, or to resolve an inconsistency relating to that information.

To confirm, for IAEA safeguards purposes, the decommissioned status of a facility where nuclear material was customarily used.

IAEA safeguards. The combination of the IAEA Agreement (U.S. Voluntary Offer Agreement).

inspector activities. Those activities described in Article 6 of the AP.

managed access. Procedures outlined in the Subsidiary Arrangement to the Protocol Additional to the IAEA Agreement to avoid compromise of national security, proprietary, or proliferation-sensitive business information, or safety requirements while facilitating IAEA access to activities, locations, or information relevant to demonstrating U.S. compliance with integrated safeguards.

NSE. The unilateral right of any U.S. lead agency with national security equities to exclude the IAEA from access to locations, sites, or facilities, or associated information or activities, of direct national security significance (IAEA Agreement AP, and NSPD 57).

nuclear treaty manager. A nuclear treaty manager for oversight of implementation and compliance for each existing and prospective arms control agreement covered by DoDD 2060.01.

security vulnerability assessment. Assessments conducted by DoD pursuant to Section 8001 of Title 22, United States Code, to determine the risk of exposure of DoD locations, sites, or facilities, or associated information or activities, of direct national security significance to IAEA inspectors during an inspection under the AP.

U.S. lead agencies. Those executive agencies designated in NSPD 57 as having jurisdiction over locations of declarable activities and/or national security equities as well as responsibility for implementation of the AP's requirements to provide information or declarations to the IAEA and/or to arrange for and provide complementary access. The U.S. lead agencies are the Departments of Energy, Defense, Commerce, and State; the Central Intelligence Agency; and the Nuclear Regulatory Commission.

REFERENCES

- Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States, December 9, 1980
- DoD Directive 2060.01, "Implementation of, and Compliance with, Arms Control Agreements," January 9, 2001, as amended
- DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended
- DoD Directive 5205.07, "Special Access Program (SAP) Policy," July 1, 2010, as amended
- DoD Manual 5205.07, Volume 1, "DoD Special Access Program (SAP) Security Manual: General Procedures," June 18, 2015, as amended
- DoD Instruction 5205.11, "Management, Administration, and Oversight of DoD Special Access Programs (SAPs)," February 6, 2013, as amended
- DoD Manual 8910.01, Volume 1, "DoD Information Collections Manual: Procedures for DoD Internal Information Collections," June 30, 2014, as amended
- National Security Presidential Directive 57, "United States Implementation of the Additional Protocol to the U.S. - IAEA Safeguards Agreement (U)," February 4, 2008
- 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, June 12, 1998
- Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018
- Senate Resolution of Ratification, Congressional Record [Pages: S3511-S3512], "Protocol to the Agreement of the International Atomic Energy Agency Regarding Safeguards in the United States, with 2 Conditions and 8 Understandings," March 31, 2004
- Subsidiary Arrangement to 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, July 12, 1998
- United States Code, Title 22