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OFFICE OF THE SECRETARY
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SECNAVINST 5710.28
ASN(RD&A)/SSP
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SECNAV INSTRUCTION 5710.28

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY IMPLEMENTATION OF, AND COMPLIANCE WITH, THE UNITED STATES-INTERNATIONAL ATOMIC ENERGY AGENCY INTEGRATED SAFEGUARDS AGREEMENTS

Ref: (a) Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States, signed 18 Nov 77
(b) 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, signed 12 Jun 98
(c) DoD Directive 2060.1 of 9 Jan 2001
(d) DoD Instruction 2060.03 of 13 Nov 2008
(e) SECNAVINST 5710.23C

1. Purpose. To implement Department of the Navy (DON) requirements and procedures for readiness to implement and comply with United States Government obligations under references (a) and (b), as set forth in references (c) and (d), whose combined activities are henceforth considered "integrated safeguards" for the purpose of this instruction.

2. Background. U.S.-International Atomic Energy Agency (IAEA) integrated safeguards will impact the DON in an indirect manner. The Department of Defense (DoD) will not make any declarations under this agreement. However, DON equities may be impacted because they are at, near, or associated with a declared facility or activity. DON equities are particularly vulnerable in the case of complementary access inspections.

a. All DoD installations and defense-funded research and development, technologies and materials, military capabilities, equipments, and operations, including intelligence activities, are of direct national security significance and will not be subject to integrated safeguards.

b. The U.S. declarations will include Department of Commerce, Department of Energy (DOE), and Nuclear Regulatory Commission (NRC) -licensed facilities, activities, and programs. However, because DON equities may be impacted by complementary access inspections due to their proximity or association with a declared facility, program, or activity, the following actions will ensure that DON implementation and compliance objectives are met:

(1) Identification of affected DON equities and assessment of potential impacts, via annual or special data calls, on-site visits, and on-going liaison activities;

(2) Execution of an effective outreach/awareness program;

(3) Support in developing and implementing security and vulnerability assessments;

(4) Identification of DON activities that will require notification of integrated safeguards activities; and

(5) Development, maintenance, and implementation of a DON notification plan.

c. The DON will utilize a centralized management approach to integrated safeguards implementation and compliance planning. This includes, but is not limited to, treaty training, the hosting of awareness seminars, conducting outreach activities, annual reviews of U.S. declarations, participation in the vetting of IAEA inspectors, conducting vulnerability assessments, notification of inspections, and the production of training materials.

d. Reference (a) requires the United States to declare only commercial nuclear power reactors, research reactors, and fuel fabrication plants for safeguards inspection. Under this agreement, IAEA inspectors regularly visit U.S. nuclear facilities to verify records of nuclear material in domestic storage, to check and maintain IAEA-installed instruments and surveillance equipment, and to confirm physical inventories of nuclear material. The United States submitted to the IAEA a

list of more than 250 eligible facilities, including facilities licensed by the NRC and eligible license-exempt facilities of the DOE.

e. Reference (b) entered into force on 6 January 2009. This additional protocol requires the United States to declare additional nuclear fuel-cycle-related facilities. As part of this agreement, the IAEA has the right to conduct short notice complementary access inspections of declared and undeclared facilities. The United States included managed access provisions and a national security exclusion (NSE) in its additional protocol with the IAEA. The managed access provisions allow measures to be applied at any time to protect materials, activities, facilities, and information of direct national security significance and those of a proprietary nature for private industry. Such protective measures can include the shrouding of sensitive equipment, shutting down or logging off computers, restricting the use of radiation detection instruments or environmental sampling, and controlling access routes and their timing. The NSE allows the United States to preclude the application of IAEA safeguards to materials, activities, and facilities of direct national security significance or to locations or information associated with such activities.

3. Policy. The DON will comply with U.S.-IAEA integrated safeguards. These compliance actions do not remove other command responsibilities to ensure compliance with Navy and Marine Corps safety and security regulations and directives.

a. Without prior approval by the DON, the IAEA will not be granted access to any DON facility, program, or activity, as they are considered of direct national security significance, nor will the IAEA be granted access to programs or activities that the DON sponsors, funds, or are executed on its behalf. Nevertheless, the IAEA may request complementary access to these facilities, programs, or activities.

(1) International inspectors and their U.S. Government escorts do not exercise command authority over Navy and Marine Corps facilities. Under U.S. Navy Regulations and the recognized principals of sovereign immunity, the commanders of Navy and Marine Corps assets are responsible for the routine conduct of operations, control of access to their facilities,

ships, vessels, and aircraft, the safety of visitors, the protection of national security information, and compliance with arms control and other international agreements.

(2) Program managers are responsible for protecting national security and sensitive information regarding their programs through existing security plans, managed access, or other appropriate means.

b. Where necessary, managed access shall be employed in providing access to IAEA inspectors and their U.S. Government escorts.

(1) Access shall not be granted to national security information, or to information controlled as restricted data or formerly restricted data under the Atomic Energy Act of 1954, as amended.

(2) In accordance with DON policy, access shall not be granted to naval nuclear propulsion spaces. Access to nuclear propulsion spaces is considered access to classified information because of the unique design and configuration of propulsion plants. The application of managed access tools, such as shrouding and or covering of nuclear propulsion spaces, is considered inadequate for necessary shielding of sensitive and classified information from observation and, therefore, the application of managed access tools is likely to prevent essential monitoring of the propulsion plant.

4. Responsibilities. In accordance with reference (e):

a. Assistant Secretary of the Navy for Research, Development and Acquisition (ASN(RD&A)) is responsible for integrated safeguards implementation and compliance within the DON.

b. The Chief of Naval Operations and Commandant of the Marine Corps formulate DON policy positions during integrated safeguards negotiations and provide operational input to DON implementation and compliance planning.

c. Office of the General Counsel and the Office of the Judge Advocate General shall provide legal assistance at all levels regarding integrated safeguards interpretation.

d. Director, Special Programs Division (OPNAV (N89)) shall ensure DON special access programs are prepared to demonstrate compliance with integrated safeguards during verification activities without compromise of sensitive program information.

e. Director, Strategic Systems Programs (SSP) is the DON executive agent for all DON implementation and compliance functions for integrated safeguards. Within SSP, the Naval Treaty Implementation Program (NTIP) is the lead office for all integrated safeguards implementation and compliance activities. Director, NTIP under the direction of Director, SSP shall:

(1) Establish and execute implementation and compliance plans and procedures to ensure that the DON complies with its obligations for integrated safeguards.

(2) Coordinate, when necessary, with DON echelon 2 commands, program executive officers, and program managers to ensure that plans, programs, and budgets are implemented regarding integrated safeguards and upon request, provide guidance and technical assistance.

(3) Notify DON activities of integrated safeguards inspections, as required.

(4) Conduct annual and periodic data calls to determine integrated safeguards activity impacts to DON equities, managed access requirements, or the need to use the NSE.

(5) Coordinate with Naval Criminal Investigative Service (NAVCRIMINSERV) to produce an integrated safeguards pre- and post-inspection assessment that evaluates risks to national security interests, determines the effectiveness of precautionary measures, and provides feedback to activities where a concern may exist.

(6) Prepare educational materials on integrated safeguards and provide training when requested. Ensure that these materials are available to the DON.

(7) Provide integrated safeguards expertise for DON activities requesting such support. Assistance may consist of treaty information packets, training seminars, and assist team visits, as required.

f. Director, NAVCRIMINSERV shall provide integrated safeguards security and counterintelligence support, including pre- and post-inspection intelligence assessment support.

g. Echelon 2 commanders, program executive officers, and program managers shall identify points of contact responsible for integrated safeguards actions to the SSP NTIP. Points of contact will be responsible for coordinating actions within their organizations, including subordinate commands.

5. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy (SECNAV) Manual (M-)5210.1 of November 2007.

6. Reports Control. Reports contained within this instruction are exempt from reports control per SECNAV M-5214.1 of December 2005.



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