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U.S.-IAEA Safeguards Agreement

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Overview

Purpose and Background

Entry into Force
December 9, 1980

Signatories/Parties
United States and
IAEA

The U.S.-International Atomic Energy Agency (IAEA) Safeguards Agreement (INFCIRC/288) [long title: Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America] originated from concerns arising during negotiations of the Nuclear Non-Proliferation Treaty (NPT) in the 1960s. Non-nuclear weapon states (NNWS) argued that their industries would be at a competitive disadvantage relative to those in nuclear-weapon states (NWS).

The NNWS contended that they would have to pay for expensive verification measures, called safeguards, on their peaceful nuclear activities—and possibly compromise the development of their nuclear industries—while the NWS would incur no such costs. Safeguards were to be imposed by the IAEA to detect the diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices.

By the late 1960s, the safeguards issue had grown to become a serious obstacle to acceptance of the NPT by major industrialized NNWS. To remove this obstacle, in 1967, U.S. President Lyndon B. Johnson announced that the United States would not ask any country to accept safeguards the United States itself was unwilling to accept. Accordingly, the United States offered to permit the IAEA to apply the same safeguards it applies in NNWS to "all nuclear activities in the United States, excluding only those with direct national security significance."

This offer—often called the Voluntary Offer because the NPT does not require NWS to submit to IAEA safeguards—and a similar offer by the United Kingdom were instrumental in gaining acceptance of the NPT by major

industrialized NNWS. Intended to provide the timely detection of the diversion of a significant quantity of nuclear material, IAEA safeguards utilize a comprehensive, integrated system of:

- accounting and reporting procedures;
- on-site inspections;
- nuclear material measurements; and
- containment and surveillance techniques.

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Potential Facility Impacts

Key Verification Measures

Under the U.S.-IAEA Safeguards Agreement, the United States provides the IAEA with a list of facilities eligible for IAEA safeguards. (The list excludes those facilities with "direct national security significance.") All U.S. facilities selected by the IAEA under this Agreement are required to submit design information, receive IAEA inspectors to verify the information, maintain safeguard records, and submit safeguard reports to the IAEA.

Each listed facility negotiates a separate agreement with the IAEA regarding how the facility and the IAEA will apply safeguards, which depends primarily on the nature and size of the facility. As noted previously, the IAEA uses the same procedures it does in similar facilities in non-nuclear weapon states party to the NPT.

The primary security concern for the United States is the potential loss of classified and proprietary information to IAEA inspectors at privately and government-owned facilities. The source of concern is the level of access permitted during the implementation of IAEA safeguards.

Facility owners may participate in safeguards implementation negotiations at any privately owned facility licensed by the Nuclear Regulatory Commission (NRC). The close cooperation of the facility manager is especially critical because the facility manager may use his/her knowledge of the plant and its operations to:

- help the IAEA identify efficient and effective measures to achieve inspection objectives; and
- cooperate with inspectors to facilitate the conduct of inspection-related measures.

By 1998, 214 NRC-licensed facilities and 36 DOE license-exempt facilities at 11 DOE sites were eligible for the application of IAEA safeguard inspections. (The United States notifies the IAEA whenever it removes or adds a site to the list.) In early 1981, the IAEA selected an initial complement of facilities at which safeguards, including inspections, were to be applied. Two operating commercial power reactors and one active commercial fuel fabrication plant

were selected.

From 1981 – 1988, the IAEA selected different commercial fuel fabrication plants and power reactors for the application of safeguards at approximately 2-year intervals. From 1990 - 1993, the IAEA did not select any U.S. facilities due to budgetary constraints. In 1993, President Clinton announced that fissile material the United States considered to be beyond its defense needs would be placed under IAEA safeguards. The initiative helped demonstrate transparency and the irreversibility of the dismantlement process while underscoring U.S. support for the NPT. The IAEA resumed inspections in 1994 and is reimbursed by the United States for associated expenses.

At present, the following materials at the following four sites have been placed under IAEA safeguards and are inspected monthly by IAEA inspectors:

- Highly enriched uranium (HEU) at the DOE Y-12 Plant at Oak Ridge National Laboratory in Oak Ridge, Tennessee (safeguards inspections are expected to end in 2005, after materials have been transferred to the Savannah River site);
- Plutonium at the DOE Pacific Northwest National Laboratory - Hanford Site in Hanford, Washington;
- HEU at the DOE storage facility in Savannah River, South Carolina; and
- HEU transferred from Kazakhstan under Project Sapphire at the BWX facility (an NRC facility) in Lynchburg, Virginia.

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Current Activities

Inspection Status

Safeguards are applied routinely at over 900 facilities in 71 countries. At a rate of more than 2,000 inspections annually, over 40,000 IAEA safeguards inspections have been conducted since 1980 at declared facilities in NNWS. In addition, a special inspection could be conducted anywhere in an NNWS should the IAEA Director-General decide that information obtained from routine inspections is not sufficient for the IAEA to fulfill its safeguards responsibilities. This level of inspection activity is expected to continue indefinitely.

In the United States, over 250 civil nuclear facilities have been made eligible for IAEA safeguards inspection. These include a large number of power reactors and research reactors, commercial fuel fabrication plants, uranium enrichment plants, as well as other types of facilities. Currently, only four U.S. facilities are under IAEA Safeguards and are inspected monthly.

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