

- [Conferences & Symposia](#)
- [Documents for Comment](#)
- [Facilitating Stakeholder Involvement](#)
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- [Public Meeting Schedule](#)
- [Adjudications \(Hearings\)](#)
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  - [Basic References](#)
  - [Document Collections](#)
  - [ADAMS Public Documents](#)
  - [Public Document Room](#)
  - [Get Copies of Documents](#)
  - [FOIA & Privacy Act Requests](#)
  - [Photos & Video](#)
  - [Records Management](#)
  - [Withholding of Sensitive Information](#)
  - [FAQ Index](#)
  - [Electronic Hearing Docket](#)
- [About NRC](#)
  - [The Commission](#)
  - [Governing Legislation](#)
  - [Plans, Budget, & Performance](#)
  - [Organization & Functions](#)
  - [Locations](#)
  - [History](#)
  - [Values](#)
  - [Direction-Setting & Policymaking](#)
  - [Radiation Protection](#)
  - [Fire Protection](#)
  - [How We Regulate](#)
  - [Emergency Preparedness & Response](#)
  - [Public Affairs](#)
  - [Congressional Affairs](#)
  - [International Programs](#)
  - [State & Tribal Programs](#)
  - [Alternative Dispute Resolution Programs](#)
  - [Employment Opportunities](#)
  - [Contracting Opportunities](#)
  - [Grant Opportunities](#)
  - [Civil Rights](#)

[Print](#)

[Home](#) > [NRC Library](#) > [Document Collections](#) > [NRC Regulations \(10 CFR\)](#) > [Part Index](#) > § 73.21 Protection of Safeguards Information: Performance Requirements.

## § 73.21 Protection of Safeguards Information: Performance Requirements.

(a) *General performance requirement.* (1) Each licensee, certificate holder, applicant, or other person who produces, receives, or acquires Safeguards Information (including Safeguards Information with the designation or marking: Safeguards Information —Modified Handling) shall ensure that it is protected against unauthorized disclosure. To meet this general performance requirement, such licensees, certificate holders, applicants, or other persons subject to this section shall:

(i) Establish, implement, and maintain an information protection system that includes the applicable measures for Safeguards Information specified in § 73.22 related to: Power reactors; a formula quantity of strategic special nuclear material; transportation of or delivery to a carrier for transportation of a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel; uranium hexafluoride production or conversion facilities; fuel fabrication facilities; uranium enrichment facilities; independent spent fuel storage installations; and geologic repository operations areas.

(ii) Establish, implement, and maintain an information protection system that includes the applicable measures for Safeguards Information specified in § 73.23 related to: Panoramic and underwater irradiators that possess greater than 370 TBq (10,000 Ci) of byproduct material in the form of sealed sources; manufacturers and distributors of items containing source material, or byproduct or special nuclear material in greater than or equal to Category 2 quantities of concern; research and test reactors that possess special nuclear material of moderate strategic significance or special nuclear material of low strategic significance; and transportation of source, byproduct, or special nuclear material in greater than or equal to Category 1 quantities of concern.

(iii) Protect the information in accordance with the requirements of § 73.22 if the Safeguards Information is not described in paragraphs (a)(1)(i) and (a)(1)(ii) of this section.

(2) Information protection procedures employed by Federal, State, Tribal, and local law enforcement agencies are presumed to meet the general performance requirement in paragraph (a)(1) of this section.

(b) *Commission Authority.* (1) Pursuant to Section 147 of the Atomic Energy Act of 1954, as amended, the Commission may impose, by order or regulation, Safeguards Information protection requirements different from or in addition to those specified in this Part on any person who produces, receives, or acquires Safeguards Information.

(2) The Commission may require, by regulation or order, that information within the scope of Section 147 of the Atomic Energy Act of 1954, as amended, related to facilities or materials not specifically described in §§ 73.21, 73.22 or 73.23 be protected under this Part.

[46 FR 51724, Oct. 22, 1981, as amended at 54 FR 17704, Apr. 25, 1989; 59 FR 38899, Aug. 1, 1994; 69 FR 2281, Jan. 14, 2004; 73 FR 63574, Oct. 24, 2008; 77 FR 34205, Jun. 11, 2012]

*Page Last Reviewed/Updated Thursday, July 25, 2013*

## Home

- [News Releases](#)
- [Event Reports](#)
- [ADAMS](#)
- [Open Gov](#)
- [Digital Government](#)
- [Students & Teachers](#)
- [Photos & Video](#)
- [For Developers](#)

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- [Perf & Accountability Rept](#)
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- [Employment](#)
- [NRC Ethics](#)
- [Agency Status](#)
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- [Plain Writing](#)
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