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U.S. NRC's Preparations for Implementing the Additional Protocol

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Overview

- U.S. objectives in implementing the Additional Protocol
  - Promote U.S. nonproliferation goals
  - Demonstrate that the Additional Protocol does not place non-nuclear weapon states at a commercial disadvantage
- As an nuclear weapon state and signatory to the NPT, the U.S. is not required to accept all the provisions of the Additional Protocol
  - U.S. accepted all provisions, but subject to a national security exclusion

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Background

- The Additional Protocol will make it more difficult for a country to hide undeclared activities
  - Requires increased information reporting
  - Authorizes wider use of environmental sampling
  - Expands access to nuclear fuel cycle facilities, activities, and related locations (Complimentary Access)
- The U.S. pledge to accept the Model Additional Protocol in its entirety (with the addition of a National Security Exclusion) was critical in negotiating strong measures
- Implementation by U.S. will strengthen U.S. ability to press other States to implement
  - 125 approved by BOG, 87 in force (as of April 25, 2008)

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U.S. Additional Protocol Status

- Treaty signed by U.S. and IAEA - June 1998
- Senate Consent to Ratification - March 2004
- Implementing Legislation - December 2006
- ***Executive Order – February 2008***
- NRC Regulations (10 CFR Parts 75 and 110) – Ongoing
- DOC Regulations (15 CFR Parts 781 - 799) - Ongoing
- Information Collections and Assessments - Ongoing
- Ratification and Entry into Force - TBD
- U.S. Declarations – 180 days after entry into force

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Reportable Activities

- Certain nuclear fuel cycle-related R&D
- Activities on sites of certain nuclear facilities
- Certain nuclear fuel cycle-related manufacturing
- In-situ leach and ore processing
- Import, export, or possession of nuclear materials
- Export of certain nuclear fuel cycle-related equipment, non-nuclear material

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Implementation Responsibilities

Implementation of the Additional Protocol at U.S. commercial locations is shared among the U.S. interagency community:

- The Department of Defense (DOD) is responsible for activities that take place on DOD owned, operated or leased locations;
- The Department of Energy (DOE) is responsible for activities that take place on DOE owned, operated or leased locations;
- The Nuclear Regulatory Commission (NRC) is responsible for activities that take place at NRC and Agreement State licensed locations, except at DOE and DOD locations;
- The Department of Commerce (DOC) is responsible for activities that take place at locations not covered by DOD, DOE or NRC.

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NRC's Responsibilities

- Oversee Additional Protocol reporting from NRC and Agreement State licensees
- NRC will review data submitted by licensees for inclusion in the U.S. declaration to the IAEA
- Facilitate complementary access to licensee locations

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Complementary Access Facilitation

- NRC will notify the affected licensee of the request for complementary access
- NRC will coordinate with the licensee to prepare for the IAEA complementary access
- Coordination with other agencies
  - Timing
  - Security plans
  - Managed access

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Anticipated Licensees Affected

- < 50 Research and development activities
- < 10 Sites of nuclear facilities
- < 15 Equipment manufacturing activities
- < 20 Mines, mills, and concentration plants
- < 10 Pre-safeguards source material facilities
- < 20 Equipment exporters and importers

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NRC Rulemaking

- Broadens scope of NRC regulations, specifically 10 CFR Parts 75 and 110
  - Includes all NRC and Agreement State licensees versus only licensed facilities
  - Incorporates Additional Protocol requirements into existing Parts 75 and 110
    - Reporting requirements
    - IAEA access
- Issued as direct final rule
- Publication coordinated with DOC and DOE

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Information Collection Process

- NRC and Department of Commerce (DOC) are developing a joint information collection process
- Licensees will use paper-based forms routed through the DOC Bureau of Industry and Security
- Guidance for licensees
  - NRC/DOC Handbook
  - Website
- Future plans to develop a computerized reporting system utilizing web-based forms (FY-10 or beyond)

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Information Collection Timeline

- Initial reports
  - submitted to DOC within 30 days of the publication of a final rule establishing the Additional Protocol reporting
- Annual reports (1st due in 2010)
  - submitted to DOC by January 31st of the year following any year in which the nuclear fuel cycle-related activities took place or in which there were changes to previously reported activities.
- Export Reports (quarterly)
  - submitted within 15 days after the end of each quarter. (January 15th, April 15th, July 15th and October 15th)

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NRC Outreach

- Previous years
  - Presentations to Nuclear Energy Institute
  - Various technical meetings (Annual INMM meeting, NMMSS User's meeting, etc.)
- 2008 Scheduled presentations
  - The Annual NMMSS Users Group meeting, May
  - The 3rd Annual Fuel Cycle Information Exchange 2008 in June
  - The INMM 49th Annual Meeting, July
  - The Organization of Agreement States meeting, August
  - The Annual TRTR Conference, September
- Future
  - Meetings and communications after rule change published

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THE PROTOCOL TO THE AGREEMENT OF THE INTERNATIONAL ATOMIC ENERGY AGENCY REGARDING SAFEGUARDS IN THE UNITED STATES

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

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, WITH ANNEXES, SIGNED AT VIENNA JUNE 12, 1998

MAY 10, 2002.—Protocol was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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