

DRAFT SUPPORTING STATEMENT
FOR
TITLE 10 OF THE *CODE OF FEDERAL REGULATIONS* PART 75
SAFEGUARDS ON NUCLEAR MATERIAL -- IMPLEMENTATION
OF US/IAEA AGREEMENT

(3150-0055)

EXTENSION

Description of the Information Collection

Regulations that implement the United States (US)/International Atomic Energy Agency (IAEA) Safeguards Agreement (and Initial Protocol) (*Agreement Between the United States of America and the IAEA for the Application of Safeguards in the United States of America and its Initial Protocol*) (INFCIRC/288) and Additional Protocol are found in Title 10 of the *Code of Federal Regulations* Part 75 (10 CFR 75). As covered by the present clearance and described below, 10 CFR 75 requires selected licensees to permit inspections by IAEA representatives, follow written material accounting and control procedures, give immediate notice to the U.S. Nuclear Regulatory Commission (NRC) in specified situations involving the possibility of loss of nuclear material, and give notice for imports and exports of nuclear material. In addition, the regulations allow licensees to request an exemption from 10 CFR 75 requirements.

The requirements of 10 CFR 75 apply to all 244 persons licensed or certified by the NRC or Agreement States who are defined to be facilities under 10 CFR 75.4 and specified on the US eligible list as determined by the Secretary of State or his designee and filed with the NRC. Currently, four out of the 244 licensees have been chosen to participate in the US-IAEA Safeguards Agreement. NRC expects one licensee will be added over the next three years.

A detailed description of all information collection requirements contained in 10 CFR Part 75 is included at the end of this supporting statement ("Description of Information Collection Requirements Contained in 10 CFR Part 75.")

A. Justification

1. Need for and Practical Utility of the Information Collection

The US, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), has joined with other nations in an effort to limit the spread of nuclear weapons. To encourage widespread adherence to the NPT by non-nuclear-weapon States, in 1967 President Johnson announced that the US would permit the IAEA to apply its safeguards to nuclear activities in this country. This policy has been reaffirmed by each succeeding President. The US/IAEA Safeguards Agreement (*Agreement Between the United States of America and the IAEA for the Application of Safeguards in the United States of America and its Initial Protocol*) (INFCIRC/288) contains provisions which parallel agreements between the IAEA and non-nuclear-weapon States, the principal difference being the exclusion of national security activities. In 1998, the US signed an Additional Protocol based on the IAEA Model Additional Protocol (INFCIRC/540) which came into force in 2009.

The US is also a party to Tlatelolco Treaty Protocols I and II and satisfied its obligations to apply IAEA safeguards in the Territories under its jurisdiction when the Agreement of April 6, 1989, *Safeguards in Connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America (INFCIRC/366)* entered into force. Under this agreement, the US is obligated, *inter alia*, to accept IAEA safeguards on all nuclear material in all peaceful nuclear activities within the US Protocol I territories. The US Territories Safeguards Agreement also includes a Protocol, known as a “small quantities protocol,” or SQP, which was amended in 2006. The US territories relevant to this agreement are Puerto Rico, the US Virgin Islands, Navassa Island, Serranilla Bank, Baja Nuevo (Petrel Island), and Naval Station Guantanamo Bay.

The information collected under this clearance is needed to fulfill US obligations under the US/IAEA Safeguards Agreement.

2. Agency Use of Information

In order to fulfill US obligations under the US/IAEA Safeguards Agreements, the NRC is required to collect the information and make it available to the IAEA. The NRC would not be able to fulfill its responsibilities without the information.

Licensees must notify the NRC promptly, by telephone, whenever an IAEA inspector arrives at a physical location where either nuclear material subject to Safeguards Agreements resides or activity subject to the Safeguards Agreements occurs without advance notification. The NRC must accompany representatives of the IAEA while at the physical location. The NRC also uses this information to verify the credentials of the visitor.

Information on material control and accounting operations is reviewed by NRC and IAEA to evaluate the licensee's material control and accounting programs. In addition, accounting records are used by the IAEA to determine whether there has been a diversion of material. The NRC uses the information about the possibility of loss of nuclear material to determine whether any immediate response or corrective action is necessary.

Licensees may request an exemption to the requirements to submit information to the IAEA. The NRC uses the information provided in these requests to determine whether the requested exemption is authorized by law. The NRC ensures that granting the exemption will not endanger life or property or the common defense and security and determines whether granting the request is in the public's interest. If a licensee has requested that its sensitive information be withheld from the IAEA, the NRC uses the information in the licensee's request to attempt to achieve an effective balance between valid concerns of licensees (including protection of the competitive position of the owner of the information) and the US' responsibility to cooperate with the IAEA and implement the safeguards provided for in the US/IAEA Safeguards Agreements.

3. Reduction of Burden Through Information Technology

The NRC has issued [Guidance for Electronic Submissions to the NRC](#), which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: The Electronic Submittals application, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. The Electronic Submittals application allows electronic transmission of information to the NRC pertaining to licensing actions, associated hearings, and other regulatory matters. The application ensures that information sent to the NRC via the Internet is secure and unaltered during transmission. It operates 24 hours a day, except when it is taken down for scheduled maintenance. The application serves as a secure portal that respondents may use to transmit documents to the NRC.

It is estimated that approximately 100% of the responses will be filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements.

5. Effort to Reduce Small Business Burden

The burden on licensees will vary with the size and type of licensed operation. The burden on small licensees represents a small percent of the total burden. Further reduction would not enable NRC to fulfill its international or domestic responsibilities.

6. Consequences to Federal Program or Policy Activities if the Collection is not Conducted or is Conducted Less Frequently

The data collection times are established by an international Agreement and cannot be changed except by modifying the Agreement. If the information were not collected, the United States would not be able to meet its obligations under the US/IAEA Safeguards Agreements.

7. Circumstances Which Justify Variation from OMB Guidelines

Contrary to the OMB Guidelines in 5 CFR 1320.5(d), licensees must submit certain information to NRC in less than 30 days:

- If the NRC requests that a licensee amplify or clarify a report relevant to the implementation of the US/IAEA Safeguards Agreement, the licensee must submit the information within 20 days. These requirements are necessary in order to meet the time requirements for notification to IAEA under the US/IAEA Safeguards Agreements.

- Licensees that have been given notice pursuant to 10 CFR 75.36 must make a special report to the NRC immediately by telephone (and also by telegraph, mailgram, or facsimile), in certain specified situations involving the possibility of loss of nuclear material in excess of specified limits and in case of unexpected changes in containment to the extent that unauthorized removal of nuclear material has become possible. Requiring that this information be reported in less than 30 days is necessary so that the information may be promptly evaluated by NRC to determine whether any immediate response or corrective action may be necessary.
- Licensees must notify the NRC for exports, imports, and domestic transfers of nuclear material in less than 20 days. These requirements are necessary in order to meet the time requirements under the US/IAEA Safeguards Agreements.

In addition, licensees must retain a number of records for longer than is specified in the OMB guidelines in 5 CFR 1320.5(d) in the following cases:

- Licensees who request that sensitive information not be submitted to the IAEA must retain this sensitive information as a record for examination by the IAEA until the NRC terminates the license or until the licensee is notified by the NRC that it is no longer covered by the US/IAEA Safeguards Agreements. This extended retention period is necessary so that the records are available, and arrangements may be made for the IAEA to review them if circumstances require.
- A licensee under the US/IAEA Safeguards Agreements must retain written material accounting and control procedures as a record until the NRC terminates the license or until the NRC notifies the licensee that it is no longer covered by the US-IAEA Safeguards Agreements. Superseded material must be retained for three years. It is necessary that the procedures be retained for more than three years so that they may be used by the licensee to carry out its material control and accounting operations. The procedures are also reviewed by NRC to ensure the adequacy of the licensee's material control and accounting programs.
- Material control and accounting records required by 10 CFR 75.22 and 10 CFR 75.23 must be retained for five years. This requirement is necessary to comply with the US/IAEA Safeguards Agreements.

8. Consultations Outside the Agency

Opportunity for public comment on the information collection requirements for this clearance package has been published in the *Federal Register*.

9. Payment or Gifts to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

Not applicable.

12. Estimated Burden and Burden Hour Cost

Currently, four out of the 244 licensees have been chosen to participate in the US/IAEA Safeguards Agreement (INFCIRC/288). NRC expects one licensee will be added over the next three years. On average, five licensees per year will be under IAEA safeguards. As noted in Table 1, "Annual Reporting Burden for NRC Licensees (10 CFR 75)," it is estimated that five participants will be required to perform reporting and recordkeeping activities (Section 75.21 of Table 1, under INFCIRC/288), whereas two participants will be required to perform only reporting activities (Section 75.7(a) of Table 1).

Approximately 6 licensees are required to report information and maintain records under the US-IAEA Caribbean Territories Safeguards Agreement (INFCIRC/366) and its Small Quantities Protocol. The recordkeeping burden includes one-time recordkeeping burdens to create material control and accounting procedures and maintain material control and accounting records.

Reporting is done using the NMMSS reporting forms (DOE/NRC Forms 740M, 741, 742, and 742C) and captured under OMB control numbers 3150-0057, -0003, -0004, and -0058.

The estimated annual cost to licensees to respond to the collection requirements is \$931,392 (3,234 hours x \$288/hour). See Tables 1 and 2 for burden data.

The \$288 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2021 (86 FR 32146, June 16, 2021).

13. Estimate of Other Additional Costs

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been

determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 3,234 hours, the storage cost for this clearance is \$372 (3,234 hours x 0.0004 x \$288/hour).

14. Estimated Annualized Cost to the Federal Government

The staff has developed estimates of annualized costs to the Federal Government related to the conduct of this collection of information. These estimates are based on staff experience and subject matter expertise and include the burden needed to review, analyze, and process the collected information and any relevant operational expenses.

The cost for NRC professional review is estimated to be 518 professional staff hours at \$288 per hour, or \$149,184.

15. Reasons for Change in Burden or Cost

The overall estimated burden decreased by 993 hours from 4,227 to 3,234 due to a decreased in the number of licensees. The overall cost has increased as a result of an increase in the NRC's fee recovery rate from \$278 per hour to \$288 per hour.

The number of responses decreased primarily due to:

1. The number of licensees that are required under 10 CFR 75 who are defined to be facilities under 10 CFR 75.4 and specified on the US eligible list as determined by the Secretary of State, went down for various administrative reasons (e.g., Decommissioned, license suspension, project shutdown). However, the number of selected facilities required to report stay the same; 4.
2. The licensees that are required to report information and maintain records under the US-IAEA Caribbean Territories Safeguards Agreement (INFCIRC/366) and its Small Quantities Protocol went down after further inspections were done in the Caribbean Territories.

A Summary of burden changes is below

COMPARISON OF CURRENT VS. PREVIOUS ESTIMATES		
	2019 Submission	Current Submission
Responses (estimated)	32	22
Total Burden (estimated hrs)	4,227	3,234
Fee Rate	\$278/hr	\$288/hr
Total Burden (estimated cost)	\$1,175,134	\$931,392

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The recordkeeping and reporting requirements for this information collection are associated with regulations and are not submitted on instruments such as forms or surveys. For this reason, there are no data instruments on which to display an OMB expiration date. Furthermore, amending the regulatory text of the CFR to display information that, in an annual publication, could become obsolete, which would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement

None.

B. Collection of Information Employing Statistical Methods

Not applicable.

TABLE 1: ANNUAL REPORTING BURDEN FOR NRC LICENSEES (10 CFR 75)

Section	Description of Requirement	No. of Respondents	Annual Responses	Hours Per Response	Total Annual Burden	Comments
75.3(a)	Request for exemption	0	0	12	0	
75.6	Facility and location reporting	Burden covered under 75.32 and 75.35, DOE/NRC Form 742 (3150-0004); 75.34 DOE/NRC Form 741 (3150-0003); 75.34 and 75.35, DOE/NRC Form 740M (3150-0057); 75.35 DOE/NRC Form 742C (3150-0058); and 75.10(d), Form N-71 and associated forms (3150-0056); and 75.10(e) DOC/NRC Form AP-A and associated forms, OMB 0694-0135; 75.36				
75.7(a)	IAEA safeguards reporting requirements	10	12	0.2	2.4	
75.13(b)&(d)	Commission determination for submittal not to be physically transmitted to IAEA, request for exemption to communication of information to IAEA	0	0	12	0	
75.31	General requirements for reports	Burden covered under 75.33, DOE/NRC Form 741 (3150-0003) and DOE/NRC Form 742 (3150-0004), and 75.36				
75.36	Special reports	0	0	12	0	
75.43(a)	Advance written notification to Commission regarding international and domestic transfers	Included in 75.43(b) and 75.43(c)(2)				
75.43(b)&75.44(a)(1)	Export circumstances requiring advance notification, Export and domestic transfer timing of advance notification	0	0	4	0	

Section	Description of Requirement	No. of Respondents	Annual Responses	Hours Per Response	Total Annual Burden	Comments
75.43(c)(1)&(2), 75.44(a)(2)	Import reporting requirements subject to IAEA safeguards, quantity of proposed import of nuclear material requiring advance notification, and Import timing of advance notification	0	0	4	0	
75.43(d)	Domestic transfer circumstances requiring advance notification	0	0	4	0	
75.44(c)	Phone notification to Commission	Included in 75.43(b) and 75.43(c)(2)				
75.45	Content of advance notification	Included in 75.43(b) and 75.43(c)(2)				
TOTAL		10	12		2.4	

TABLE 2: ANNUAL RECORDKEEPING BURDEN FOR NRC LICENSEES (10 CFR 75)

Section	Description of requirements	Number of Record-keepers	Hours/Record-keeper	Total Annual Burden
75.13(b)(4)	Commission determination of location (Design Information)	4	12	48
75.21(a)(b), 75.21, 75.23, & 75.24	General requirements for material control and accounting INFCIRC/288	4	780	3,120
	General requirements for material control and accounting INFCIRC/366	6	8	48
	One-time procedure development for material control and accounting INFCIRC/366	6	2.67	16.02
TOTAL		10		3,232.02

Responses: 22 (12 reporting responses + 10 recordkeepers)

Total Burden hours: 3,234 (2.4 reporting hours + 3,232 total recordkeeping hours)

Total Cost to Respondent: \$931,392 (3,234 hours x \$288/hour).

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS CONTAINED IN 10 CFR PART 75

Section 75.3(a) states that the Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of this part under specified conditions.

Section 75.6 requires each licensee subject to the provisions of Part 75 which has been given notice that its facility or location is required to report under the Safeguards Agreement shall make its initial and subsequent reports.

Section 75.7(a) requires each licensee to inform the Commission before beginning an activity that may be subject to the Safeguards Agreement or within 30 days of beginning an activity subject to the Additional Protocol.

Sections 75.10(a), (b), (c), (d), (f), (g), and (h) require licensees subject to the provisions of Part 75 to submit facility information to the Commission in response to a written request. IAEA Form N-71 (and the appropriate associated IAEA Form) or IAEA Form N-91 is used to collect this information. The use of IAEA Form N-71 (and the appropriate associated IAEA Form) or IAEA Form N-91 has previously been approved by the Office of Management and Budget (OMB) under clearance number 3150-0056, which should be referred to for information collection burden and supporting data.

Section 75.10(e) specifies that the licensee must submit a map of the site and information on buildings on the site as specified for DOC/NRC Form AP-A and associated forms.

Section 75.11 Approximately 30 licensees are required to report information required by the U.S. Additional Protocol (*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*), resulting in an approximately 180 reports. The burden for these reports is included in Department of Commerce clearance 0694-0135.

Section 75.11(a) as required by the Additional Protocol, licensees or certificate holders shall submit location information to the Commission as specified in the instructions for DOC/NRC Form AP-1 and associate forms. (See OMB Clearance No. 0694-0135 for information collection burden and supporting data.)

Section 75.11(b) requires that under the Additional Protocol, licensees or certificate holders provide location information on nuclear fuel cycle-related: 1) research and development, 2) manufacturing or construction information, 3) uranium and thorium mine and concentration plant information, 4) impure source material possession information, 5) imports and exports of source material for non-nuclear end uses, 6) IAEA exempted and terminated nuclear material information, 7) imports and exports of non-nuclear material and equipment. (See OMB Clearance No. 0694-0135 for information collection burden and supporting data.)

Section 75.11(c) requires that under the Additional Protocol information submitted concerning location of activities must be supplied as specified for DOC/NRC Forms AP-1 and associated forms. If the information has not changed, a "No change" report must be provided. NRC should also be notified when the activity is no longer performed. (See OMB Clearance No. 0694-0135 for information collection burden and supporting data.)

Section 75.11(d) requires that under the Additional Protocol information must be provided by the licensee or certificate holder which provides a description of the need to manage IAEA access to the location. Managing IAEA access is to protect health and safety or to protect classified, proprietary or other sensitive information. (See OMB Clearance No. 0694-0135 for information collection burden and supporting data.)

Section 75.12 requires that a possessor of nuclear material outside facilities provide the possessor's name and mailing address, physical location of the nuclear material, use of nuclear material, and nuclear material accounting procedures, including organizational responsibilities or accountancy and control. This information must be provided annually in accordance with 10 CFR 75.6(e) and 10 CFR 75.35(c).

Section 75.13(b)(1) requires that a licensee submit a request from the Commission that allows for some information of particular sensitivity or is customarily held in confidence will not be transmitted physically to the IAEA, but held on-site. The licensee will identify the pertinent document or part thereof and make a full statement of the reasons supporting the request. The licensee will retain a copy of the request and all documents related to the request as a record until the Commission terminates the license for the licensee involved or is it is no longer under IAEA safeguards. Superseded material must be retained for 3 years after each change is made.

Section 75.13(b)(4) specifies that the Commission will determine a location where information in 75.13(b) will remain readily available for examination by the IAEA and will so inform the licensee. The licensee is required to retain this information as a record until the Commission terminates the license or until the Commission notifies the licensee that they are no longer subject to the IAEA Safeguards Agreement.

Section 75.13(d) specifies that the Commission may at its own initiative or at the request of the licensee, determine that any information submitted under Part 75.10 and 75.11 shall not be physically transmitted to, or made available for examination by the IAEA.

Section 75.21(b) requires that each possessor of nuclear material outside facilities in the U.S. Caribbean Territories establish, maintain, and follow written material accounting and control procedures

Section 75.21(c) specifies that required material accounting and control procedures retained by the licensee shall include, as appropriate: 1) a measurement system for the determination of three quantities of nuclear material, 2) evaluation of precision and accuracy of measurements, 3) procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements, 4) procedures for physical inventory taking, 5) evaluation of unmeasured inventory and unmeasured losses, 6) system of accounting and operating records.

Section 75.22 requires that a licensee maintain accounting records for each IAEA material balance area. The accounting records shall allow for taking of book inventory, inventory changes, physical inventory, adjustments/ corrections and all appropriate information on nuclear material items and batches.

Section 75.23 requires that a licensee keep operating records for each IAEA material balance area. The operating records will provide operating data used to establish changes in the quantities and composition of nuclear material. Additionally, data on calibration of tanks and instruments, preparations for taking of the physical inventory, and actions taken to ascertain the magnitude and cause of any accidental or unmeasured nuclear material loss.

Section 75.24 requires that a licensee retain all records associated with IAEA Safeguards be retained for at least five years.

Section 75.26 specifies that U.S. Government may request from the IAEA an exemption with respect to nuclear material of the following types, which shall not exceed the nuclear material quantity limits specified in the Safeguards Agreements: (1) Source and special nuclear material in gram quantities or less as a sensing component in instruments; (2) Nuclear material used in nonnuclear activities; (3) Plutonium with an isotopic concentration of plutonium-238 exceeding 80 percent. Notification of any such exemption shall be provided by the NRC.

Section 75.27 requires facilities, locations and possessors of nuclear material outside facilities after issuance of IAEA exemptions shall submit reports to the NRC pursuant to 10 CFR 75.6 and 10 CFR 75.31. They shall not export exempted nuclear material until IAEA safeguards have been reapplied. Annual updates of exempted material shall be provided by licensees of locations and exempted material shall not be stored together with non-exempted material.

Section 75.28 specifies that, upon request of the U.S. Government, the IAEA may terminate IAEA safeguards on nuclear material that has been consumed or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

Section 75.29 requires that facilities, locations and possessors of nuclear material outside facilities after termination from IAEA safeguards shall: Facilities and possessors of nuclear material outside facilities shall submit an Inventory Change Report pursuant to 10 CFR 75.6(c) and 10 CFR 75.31; and Licensees of locations shall provide annual updates pursuant to 10 CFR 75.11(c). Additionally, nuclear material that has had IAEA safeguards terminated as described in 10 CFR 75.28 will not be subject to inspections by the IAEA.

Section 75.31 requires that a licensee which has been informed in writing that its facility has been identified under the IAEA Agreement must make an initial inventory report on DOE/NRC Form 742 and must thereafter make accounting reports. In addition, a licensee who has been given notice pursuant to Section 75.7 that its facility is subject to the application of IAEA safeguards must make the special reports described in Section 75.36, based on the records kept in accordance with Section 75.21. At the request of the Commission, the licensee must amplify or clarify in writing, within 20 days, any report relevant to implementation of the Agreement. This information is necessary to provide required information to IAEA in accordance with the Agreement.

Section 75.32 requires that the initial inventory report, on DOE/NRC Form 742, in accordance with printed instructions for completing the form, must show the quantities of nuclear material contained in or at a facility as of the initial inventory reporting date. That date is the last day of the calendar month in which the Commission gives the licensee notice that an initial inventory report is required. The initial inventory report must be dispatched within 20 days after the initial inventory reporting period. DOE/NRC Form 742 is used to collect this information. The use of DOE/NRC Form 742 has previously been approved by OMB under clearance number 3150-0004, which should be referred to for information collection burden and supporting data. This form is now required to be submitted in computer-readable format, as more fully described below and in OMB Clearance 3150-0004.

Section 75.33 requires that the accounting reports for each IAEA material balance area shall consist of inventory change reports on DOE/NRC Form 741 and material status reports on DOE/NRC Form 742. The use of DOE/NRC Forms 741 and 742 has previously been approved by OMB under clearance numbers 3150-0003 and 3150-0004, which should be referred to for information collection burden and supporting data. These forms are now required to be submitted in computer-readable format, as more fully described below and in OMB Clearances 3150-0003 and 3150-0004.

Section 75.34 requires that inventory change reports be submitted on DOE/NRC Form 741, in accordance with printed instructions for completing the form. Form 741 serves as shipping and transfer document for special nuclear material and source material as required of NRC and Agreement State licensees. This requirement is needed to enable the U.S. to fulfill its responsibilities as an IAEA participant. DOE/NRC Form 741 is used to collect this information. The use of DOE/NRC Form 741 has previously been approved by OMB under clearance number 3150-0003, which should be referred to for information collection burden and supporting data. This form is now required to be submitted in computer-readable format, as more fully described below and in OMB Clearance 3150-0003.

Section 75.35 requires that material status reports must be submitted and must include a material balance report on DOE/NRC Form 742, and attached thereto a physical inventory listing on DOE/NRC Form 742C listing all batches separately and specifying material identification and batch data for each batch, accompanied by a DOE/NRC Form 740M, Concise Note, in accordance with printed instructions for completing the forms. The material status reports must be dispatched as soon as possible and in any event within 30 days after the start of the physical inventory. The use of those forms has previously been approved by OMB under the following clearance numbers, which should be referred to for information collection burden and supporting data:

DOE/NRC Form 742	OMB No. 3150-0004
DOE/NRC Form 742C	OMB No. 3150-0058
DOE/NRC Form 740M	OMB No. 3150-0057

Those forms are now required to be submitted in computer-readable format, as more fully described below and in the OMB clearances cited.

Section 75.36 requires that a licensee which has been informed in writing that its facility has been identified under the US-IAEA Safeguards Agreement shall immediately make a report to the Commission in cases where: 1) loss of special nuclear material in excess of specified limits, 2) unexpected changes in containment to the extent that unauthorized removal of nuclear material has become possible.

Section 75.43(a) requires that a licensee subject to the US-IAEA safeguards agreements shall

give advance written notification to the Commission regarding the international and domestic transfers specified in this section.

Section 75.43(b) requires that notification be given to the Commission of any proposed shipment of nuclear material for peaceful purposes under an export license issued pursuant to 10 CFR Part 110 in any amount exceeding one effective kilogram, directly or indirectly to any non-nuclear weapon state.

Section 75.43(c)(1) requires that notification be given (to the fullest extent possible on the basis

of available information) with respect to nuclear material which immediately prior to export is subject to safeguards, under an agreement with the IAEA, in the country from which the material, directly or indirectly, is being exported. Such notification is only required, however, if the quantities of nuclear material are as specified in paragraph (c)(2) of this section.

Section 75.43(c)(2) requires that notification shall be given with respect to any proposed import of nuclear material described in paragraph (c)(1) of this section in an amount exceeding one effective kilogram. If the licensee anticipates that it will receive two or more shipments of such nuclear material, within any 90-day period from points of origin in the same country, notification shall be given with respect to each shipment if the aggregate quantity of such nuclear material to be received exceeds one effective kilogram

Section 75.43(d) requires that notification be given regarding any shipments of nuclear material (other than small quantities in the form of samples containing less than 0.01 effective kilogram per sample) to a non-eligible destination. As used in this paragraph, a *non-eligible destination* means any destination in the United States other than a facility on the Eligible Facilities List.

Section 75.44(a)(1) specifies that notification to the Commission shall be given in the case of exports and domestic transfers, at least 20 days in advance of the preparation of the nuclear material for shipment from the facility

Section 75.44(a)(2) specifies that notification to the Commission shall be given in the case of imports, at least 12 days in advance of the unpacking of nuclear material at the facility

Section 75.44(c) specifies that the licensee shall inform the Commission, by phone, as soon as possible, with respect to any delay in the receipt (or un-packaging) or the shipment (or preparation for shipment) of nuclear material for which advance notification is required. New dates should be provided, if known.

Section 75.45 specifies that the notifications required by 10 CFR 75.43 must include the element weight of nuclear material being received or shipped, the chemical composition and physical form, the isotopic composition (to the extent specified by license conditions), the estimated date and place at the reporting facility where the nuclear material is to be un-packaged or prepared for shipment (and where the quantity and composition can be verified), the applicable IAEA material balance area at the reporting facility, the approximate number of items to be received or shipped, and the probable dates of receipt or shipment.