



Additional Protocol to the U.S.- IAEA Safeguards Agreement

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Agenda

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- U.S. Additional Protocol
- U.S. Government Implementation
- Complementary Access
- Reporting Requirements
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Additional Protocol Background

- The IAEA applies safeguards around the world pursuant to comprehensive safeguards agreements (CSA)
 - United States: "INFCIRC/288" or "Voluntary Offer Agreement"
- After the 1st Gulf War, discoveries in Iraq highlighted the limitations of traditional IAEA safeguards
 - International community recognized the need for strengthened safeguards
- Model Additional Protocol (INFCIRC/540)
 - Focuses on materials and activities, related to the nuclear fuel cycle, that were not previously covered by comprehensive safeguard agreements
 - Opened for signature in 1997

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U.S. Additional Protocol

- U.S. Additional Protocol
 - Identical to the model INFCIRC/540, but with a national security exclusion
 - Signed by the U.S. on June 12, 1998
 - Entered into force on January 6, 2009
- Two primary impacts of the U.S. Additional Protocol:
 - Reporting requirements: Additional aspects of the nuclear fuel cycle and related activities (e.g. initial declaration, annual updates, and quarterly export reports)
 - Complementary Access (CA): Expanded IAEA access to nuclear fuel cycle facilities, activities, and related locations. [10 CFR 75.8(a)(5)]

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U.S. Government Agencies

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U.S. Government Implementation

Government Agency	Responsibility	
U.S. Nuclear Regulatory Commission (NRC)	NRC and Agreement State licensed activities and persons	10 CFR 75; 10 CFR 110.54(a)(1)
Department of Energy (DOE)	Activities taking place at DOE facilities or on DOE leased Property	
Department of Commerce	Commercial activities not licensed by NRC or an Agreement State and not located at a DOE facility	<ul style="list-style-type: none"> 15 CFR Parts 781-786 www.AP.gov
Department of State	Support Role	
Department of Defense	Support Role	

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Complementary Access

- Complementary access (CA) is an essential aspect of the IAEA's expanded authorities
- Complementary access allows the IAEA to:
 - Verify the absence of undeclared nuclear materials and activities
 - Resolve a question or inconsistency
- Access for IAEA with 24 hours advance notice
 - 2 hours if IAEA is already onsite
 - NRC staff member must be present during the CA
- CA's rare in the U.S.
- Only 2 CA's have been conducted in the U.S. (2010)
 - AREVA Inc., Fuel Fabrication Facility (Lynchburg, VA)
 - Global Advanced Metals (Boyetown, PA)



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Additional Protocol (AP) Reporting Requirements (INFCIRC 540, Article 2)


- Annual reporting requirements
 - (2.a.i) Nuclear fuel cycle research and development
 - Not involving nuclear materials
 - Approximately 75% of the total number of U.S. declarations are 2.a.i. declarations
 - (2.a.iii) Site declaration including description of activities
 - Only relevant for facilities that are currently or have previously been selected for IAEA safeguards
 - Not applicable to a vast majority of the industry
 - (2.a.iv) Nuclear fuel cycle related manufacturing and assembly
 - Annex I items from the U.S. Additional Protocol
 - (2.a.v) Uranium and thorium mines, mills, and concentration plants
 - (2.a.vi) Possession of large quantities of impure source material
 - Source material that is not yet suitable for fuel fabrication or enrichment
 - (2.a.x) Ten year plan
 - Input is not requested from the industry
- Quarterly reporting requirements
 - (2.a.ix) Exports of Annex II items

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Additional Protocol Annual Report Process

- For NRC and DOC all information is sent to DOC **by January 31st**
 - Can be sent via facsimile, mail, or email
- NRC receives licensee's forms from DOC and performs a review
 - Follow up with any missing forms, review for completeness and consistency, and request additional clarification from facilities
- NRC compiles data and submits a report to DOC for inclusion in the overall U.S. Government declaration
- U.S. declaration must sit before Congress for a 60 day review period




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Other Regulatory Reporting Requirements

- Annual reports required under §110.54:
 - For exports of components authorized under general license in accordance to §110.26(a) the report must include:
 - A description of the components keyed to the categories listed in Appendix A.
 - Approximate shipment dates.
 - A list of recipient countries and end users keyed to the items shipped.
- The information required in these annual reports and their due dates are specified in § 110.54(c).
- **Exporters should check if any of the items exported under Part 110.26 may also need to be reported under AP (§110.54(a))**

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Point of Contacts

- Please ask questions early and often!
 - NRC
 - Hector Rodriguez-Luccioni hector.rodriguez-luccioni@nrc.gov
 - David Hanks david.hanks@nrc.gov
 - Eduardo Sastre eduardo.sastre@nrc.gov
 - Santiago Aguilar santiago.aguilar@nrc.gov
 - DOC
 - Hung Ly hung.ly@bis.doc.gov
- Additional resource:
 - <http://www.nrc.gov/about-nrc/ip/intl-safeguards.html>

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