

**DESCRIPTION OF REQUIREMENTS UNDER
10 CFR PART 75**

AS COVERED BY OMB CLEARANCE 3150-0055

Regulations that implement the US/IAEA agreement are found in 10 CFR Part 75. As covered by the present clearance and described below, 10 CFR Part 75 requires selected licensees to permit inspections by IAEA representatives, follow written material accounting and control procedures, give immediate notice to the 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 Part 75 requirements.¹

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 75.7 requires that a licensee visited by a representative of the IAEA shall immediately communicate with the Commission, by telephone, to verify the credentials of the visitor if the licensee does not have prior written Commission verification.

Section 75.12(b)(1) provides that a licensee may request that information of particular sensitivity, which it customarily holds in confidence, not be transmitted to the IAEA. A licensee who makes such a request should identify the pertinent document or part thereof and make a full statement of the reasons supporting the request. The licensee must retain a copy of the request and all documents related to the request as a record until the license is terminated or until the licensee is notified that it is no longer selected for the IAEA safeguards. Superseded material must be retained for three years.

Section 75.12(b)(4) provides that, if a request is granted, the information will not be transmitted but will be held by the licensee as a record for examination by IAEA at a location designated by the Commission until the Commission terminates the license or until the licensee is notified that it is no longer covered by the Agreement. Superseded material must be retained for three years. Historically, licensees have not made the request under 75.12(b); however, the requirement is needed in case a different licensee is selected by IAEA.

Section 75.12(d) provides that a licensee may request that information submitted under 75.11 or 75.14 not be physically transmitted to or made available to IAEA.

Section 75.21 requires that each licensee notified in writing by the Commission that its installation has been identified under the Agreement must establish, maintain and follow written material accounting and control procedures. The procedures must be retained as a record until

¹ In addition to the requirements described above, 10 CFR Part 75 also includes requirements for selected licensees to submit information concerning their installation for the use of IAEA. IAEA Form N-71 (and the appropriate associated IAEA Form) or IAEA Form N-91 are used to collect this information (see OMB clearance 3150-0056). In addition, Part 75 includes requirements for reporting inventory of nuclear material, nuclear material transactions, and material status reports. DOE/NRC Forms 740M, 741, 742, and 742C are used to collect this information (see OMB clearances 3150-0057, 3150-0003, 3150-0004, and 3150-0058, respectively).

the Commission terminates the license or until the Commission notifies the licensee that it is no longer selected under the Agreement. Superseded material must be retained for three years. The procedures must include: a measurement system; procedures for evaluation of precision and accuracy of measurements and estimation of measurement uncertainty; procedures for identification, review and evaluation of shipper/receiver measurement differences; physical inventory procedures, including frequency; procedures for evaluation of accumulations of unmeasured inventory and losses; and a system of accounting and operating records. The information is used by the licensee to carry out its material control and accounting operations, and is reviewed by NRC and IAEA to evaluate the licensee's material control and accounting programs.

Section 75.22 requires that the accounting records required by Section 75.21 must include, for each IAEA material balance area, inventory changes, measurement results, adjustments and corrections with respect to inventory changes, book inventories and physical inventories, material identification, batch data and source data. For inventory changes, the records must show the date of the inventory change and, when appropriate, the originating or receiving IAEA material balance area or shipper or recipient. These records are used by the IAEA to determine whether there has been a diversion of material.

Section 75.23 requires that the operating records required by Section 75.21 must include, for each IAEA material balance area, those operating data which are used to establish changes in the quantities and composition of nuclear material, the data obtained from calibrations, procedures and estimates, description of the actions taken for a physical inventory and of the actions taken to ascertain the magnitude and cause of any accidental or unmeasured loss.

Section 75.24 requires that records required by Sections 75.22 and 75.23 must be retained for five years. This requirement is the result of international agreements.

Section 75.36 requires that licensees that have been given notice pursuant to Section 75.41 must make a special report to the Commission immediately by telephone and 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. This information is evaluated by NRC to determine whether any immediate response or corrective action may be necessary.

Section 75.42(h) requires that licensees shall notify the Commission promptly, by telephone, whenever an IAEA inspector arrives at an installation without advance notification.

Section 75.43(a) requires that licensees that have been given notice pursuant to Section 75.41 must give advance written notice to the Commission of specified domestic or international transfers.

Section 75.43(b) requires that notification be given 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 with respect to nuclear material of specified quantities which immediately prior to export is subject to safeguards under the US/IAEA Agreement.

Section 75.43(c)(2) requires that notification be given with respect to any proposed import of nuclear material described in Section 75.43(c)(1) of any amount exceeding one effective kilogram. For two or more shipments within any 90-day period from points of origin in the same country, the aggregate of which will exceed one effective kilogram, notification must be given for each shipment.

Section 75.43(d) requires that notification be given with respect to any shipments of nuclear material to a destination in the U.S. other than an installation on the eligible list.

Section 75.44(a)(1) & (2) specifies that notification required by Section 75.43 shall be given to the Commission in Section 75.44(a)(1) at least 20 days in advance of the preparation of the nuclear material for shipment, in the cases of export and domestic transfers; and in Section 75.44(a)(2) at least 12 days in advance of the unpackaging of nuclear material.

Section 75.44(c) requires that notification be given to the Commission as soon as possible of any delay in the shipment or receipt of nuclear material for which advance notification is required.

Section 75.45 specifies that the notifications required by Section 75.43 must include specified information on the nuclear material and the probable dates of receipt or shipment. For export and import shipments, it should also include information on containers, destination, means of transport, and expected date of arrival.

As covered by other OMB clearances, these regulations require licensees to submit information concerning their installation for the use of IAEA (see OMB clearance 3150-0056) and establish, maintain, and follow prescribed material accounting and control procedures and complete reports documenting this (see OMB clearances 3150-0003, 3150-0004, 3150-0057, and 3150-0058).