

§ 75.5

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to a particular installation that has been identified pursuant to Article 2(a) thereof.

(r) *United States eligible list* means the list of installations described in § 75.2.

[45 FR 50711, July 13, 1980, as amended at 46 FR 58283, Dec. 1, 1981; 53 FR 31683, Aug. 19, 1988; 57 FR 18393, Apr. 30, 1992; 57 FR 33432, July 29, 1992; 63 FR 26963, May 15, 1998; 66 FR 55816, Nov. 2, 2001]

**§ 75.5 Interpretations.**

Except as authorized specifically by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

**§ 75.6 Maintenance of records and delivery of information, reports, and other communications.**

(a) All information and reports required to be submitted pursuant to the provisions of this part and other communications concerning the regulations in this part shall be delivered as follows:

Item	Section	Manner of deliver
IAEA Representative ...	75.7	To the Cognizant Director.
Facility Attachments ...	75.8	Do.
Installation Information	75.11	Do.
Sensitive Information ..	75.12	Do.
Verification of Installation Information.	75.13	Do.
Supplemental Information.	75.14	Do.
General Requirements (Amplification).	75.31	As specified in the request.
Initial Inventory Report	75.32	In accordance with printed instructions for preparation of DOE/NRC Form-742.
Inventory Change Reports.	75.34	In accordance with printed instructions for preparation of DOE/NRC Form-741, and -740M.
Material Status Reports.	75.35	In accordance with printed instructions for preparation of DOE/NRC Form-742, -742C, and -740M.
Special Reports .....	75.36	To the Regional Office of the NRC.
Inspection .....	75.42	Do.
Transfers (advance notification).	75.43	Do.
Delays .....	75.44	Do.

Item	Section	Manner of deliver
Other Communications	.....	To the cognizant Director.

(b) If an installation is a nuclear power plant or a non-power reactor for which a construction permit or operating license has been issued, whether or not a license to receive and possess nuclear material at the installation has been issued, the cognizant Director is the Director, Office of Nuclear Reactor Regulation. For all other installations, the cognizant Director is the Director, Office of Nuclear Material Safety and Safeguards.

(c) Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be sent by mail addressed: ATTN: Document Control Desk; Director, Office of Nuclear Reactor Regulation (or Director, Nuclear Materials Safety and Safeguards, as appropriate), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/eie.html>, by calling (301) 415-6030, by e-mail to [EIE@nrc.gov](mailto:EIE@nrc.gov), or by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of non-public information.

(d) Communications to the Regional Office of the NRC shall be addressed to the office listed in Appendix A of part 73 of this chapter for the region in which the installation is located.

(e) Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the

original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

[45 FR 50711, July 31, 1980, as amended at 52 FR 31613, Aug. 21, 1987; 53 FR 6139, Mar. 1, 1988; 53 FR 19262, May 27, 1988; 53 FR 43422, Oct. 27, 1988; 68 FR 58822, Oct. 10, 2003]

#### § 75.7 IAEA representatives.

Each licensee subject to the provisions of this part shall recognize as a duly authorized representative of the IAEA any person bearing IAEA credentials who at the time of a visit or inspection, or of any visit or inspection within the preceding two years, is or was accompanied by a Commission employee, provided, that if the IAEA representative is not accompanied by a Commission employee, his credentials shall have been confirmed by the Commission in writing for the particular visit or inspection or for a specified term. The licensee shall immediately communicate with the Commission, by telephone, with respect to the credentials of any other person who claims to be an IAEA representative and shall accept telephone confirmation of such credentials by the Commission.

#### § 75.8 Facility attachments.

(a) The Facility Attachment or Transitional Facility Attachment will document the determinations referred to in § 75.11 and will contain such other provisions as may be appropriate.

(b) The Commission will issue license amendments, as necessary, for implementation of the principal text of the Agreement and the Facility Attachment (as amended from time to time). The license amendments through reference to the Facility Attachment or

Transitional Facility Attachment, or otherwise, will specify:

- (1) IAEA material balance areas;
  - (2) Types of modifications with respect to which information is required, under § 75.11, to be submitted in advance;
  - (3) Procedures, as referred to in § 75.21;
  - (4) The extent to which isotopic composition must be included in batch data (under § 75.22) and advance notification (§ 75.45);
  - (5) Items to be reported in the concise notes accompanying inventory change reports, as referred to in § 75.34;
  - (6) Loss limits and changes in containment, as referred to in § 75.36 (pertaining to special reports);
  - (7) Actions required to be taken, in accordance with § 75.42(e)(2), at the request of an IAEA inspector;
  - (8) Procedures to be used for documentation of requests under § 75.46 (pertaining to expenses); and
  - (9) Such other matters as may be appropriate.
- (c) The Commission will also issue license amendments, as necessary, for implementation of the Protocol to the Agreement and the Transitional Facility Attachment (as amended from time to time).
- (d) License amendments will be made in accordance with the Commission's rules of practice (part 2 of this chapter). Specifically, if the licensee does not agree to an amendment, an order modifying the license would be issued under § 2.204.

(e) Subject to constraints imposed by the Agreement, the Commission will afford the licensee a reasonable opportunity to participate in the development of the Facility Attachment or Transitional Facility Attachments applicable to the licensee's installation, and any amendments thereto, and to review and comment upon any such instrument before it has been agreed to by the United States. The Commission will provide to the licensee a copy of any such instrument that has been completed in accordance with the Agreement.