



# U.S. Additional Protocol Bulletin

Department of Commerce  
Bureau of Industry and Security

## U.S. Additional Protocol and the Mining Industry

The Additional Protocol to the U.S.-International Atomic Energy Agency (IAEA) Safeguards Agreement (the U.S. Additional Protocol or AP) expands the IAEA safeguards regime to cover all aspects of the nuclear fuel cycle, such as equipment manufacturing, public and private research and development and hard rock mining activities. For more information relating to/on the Additional Protocol, the IAEA, or the Safeguards Agreement, see Publications AP-001, AP-002 and AP-003.

### **Reporting Requirements**

The Department of Commerce, Bureau of Industry and Security (BIS) has been charged to issue regulations to implement the domestic reporting requirements under the AP. Once published in final form, the AP regulations will require the owner or operator of a uranium hard rock mine to submit reports to BIS to report the previous year's activities. This obligation includes all mines where uranium is located, or has been produced as a by-product.

The information to be reported will include:

- Location (GPS coordinates)
- Owner or operator name and contact information;
- Type of operation (i.e., open-pit, surface mine; underground mine; or a stand alone ore beneficiation plant);
- Operational status;
- Annual uranium production capacity (in metric tons); Percentage of production capacity used.

### **Definitions**

Uranium hard rock mine: (1) An area of land from which uranium is extracted in non-liquid form; (2) Private ways and roads appurtenant to such an area; and (3) Lands, excavations, underground passageways, shafts, slopes, tunnels and workings, structures, facilities, equipment, machines, tools, or other property including impoundments, retention dams, and tailings ponds, on the surface or underground, used in, or to be used in, or resulting from, the work of extracting such uranium ore from its natural deposits in non-liquid form, or if in liquid form, [with workers underground,] or used in, or to be used in, the concentration of such uranium ore, or the work of uranium ore.

Ore beneficiation: The physical concentration of ore.

Operational Status: (1) *Operating*: Ore is produced on a routine basis. (2) *Suspended*: Ore production has ceased,

but the mine and its infrastructure are capable of further operation. (3) *Closed-down*: Ore production has ceased and the mine or its infrastructure is not capable of further operation.

Note: Mines that were closed-down prior to the year in which Commerce's Additional Protocol Regulation is promulgated do not have a reporting requirement.

How and when to report your mining activities BIS currently intends for companies to submit reports in hard copy via mail, courier/hand delivery and via fax at 202-482-1735. The reporting forms will be accessible online at [www.ap.gov](http://www.ap.gov). You will have 30 calendar days to submit the initial report to BIS after the final AP Regulation is published in the Federal Register. Afterwards, annual reports must be submitted to BIS by January 31<sup>st</sup> following any year in which the mining activity took place. Companies whose activities do not change from the previous calendar year will only need to submit a "no-changes" report, thereby reducing the paperwork burden.

### **Complementary Access**

The Additional Protocol contains provisions for IAEA personnel to inspect uranium mines. Though the IAEA will not systematically verify declarations, it can seek access to verify the absence of undeclared nuclear materials and activities. The IAEA will provide at least 24-hours notice prior to any access. There are no time parameters for the conduct of complementary access established in the Protocol, but inspectors are required to work only during normal business hours, unless otherwise agreed.

The IAEA inspectors will be escorted by members of the U.S. government at all times. In addition, BIS will work with the mining personnel to help protect sensitive information and technology.

IAEA complementary access techniques may include visual observation, collection of environmental samples, utilization of radiation detection and measurement devices, examination of production and shipping records, and other agreed measures. Access techniques for uranium mines also may include item counting of nuclear material and non-destructive measurement and sampling.

### **Conclusion**

For more information on the U.S. Additional Protocol, the IAEA, and BIS's implementation of the Additional Protocol for U.S. industry, please call BIS's Treaty Compliance Division at 202-482-1001 or visit the website: [www.ap.gov](http://www.ap.gov).

**Education, Assistance & Support**

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