

May 19, 2000

ALL AGREEMENT STATES
MINNESOTA, OKLAHOMA, PENNSYLVANIA, WISCONSIN

PROGRAM INFORMATION: REPORTING OF NUCLEAR MATERIAL INVENTORIES AND TRANSFERS IN 10 CFR PART 150 (STP-00-044)

This letter deals with three reporting requirements, in the Nuclear Regulatory Commission (NRC) regulations, which apply to certain Agreement State licensees based on specified radionuclide quantities and/or concentrations authorized. The NRC has specified, in 10 CFR 150.16 for **Special Nuclear Material** and 10 CFR Part 150.17 for **Source Material** that certain Agreement State licensees are required to submit, to the NRC, nuclear materials inventory and/or transfer reports. In addition, 10 CFR 150.19 requires reports of attempted theft or diversion of certain quantities of **Tritium**.

Agreement State licensees receiving or shipping certain quantities of source or special nuclear material should complete the appropriate inventory and/or transfer forms in accordance with the requirements in 10 CFR Part 150, see enclosures. Reporting instructions can be obtained from Brian Horn (301) 415-8128 or on the Internet:

<http://www.nrc.gov/NRC/NUREGS/BR0007/R3/br0007r3.html> (greater than 350 gm of special nuclear material or 1000 kg of source material) or

<http://www.nrc.gov/NRC/NUREGS/BR0006/R4/br0006r4.html> (greater than 1 gm special nuclear material or 1 kg of source material).

Agreement State Radiation Control Programs are not required to inform their licensees of these inventory and/or reporting requirements. However, if a licensee of the type described above should contact you requesting information on NRC inventory and/or reporting requirements, we would appreciate your referring them to the NRC contact listed above. Similarly, when you issue new or amended licenses authorizing the quantities of nuclear material described in the above regulations, we would appreciate your informing the licensees of their obligations under the NRC's inventory and/or reporting requirements in 10 CFR Part 150.

We thank you in advance for your assistance. If you have any questions on this correspondence, please contact me or the individual named below.

POINT OF CONTACT: Lloyd Bolling
TELEPHONE: (301) 415-2327

INTERNET: LAB@NRC.GOV
FAX: (301) 415-2327

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosures:
10 CFR 150.16, 150.17 & 150.19

STP-00-044

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§150.16 Submission to Commission of nuclear material transfer reports.

(a) Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and submit in computer-readable format Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR - 0006 and NMMSS Report D - 24 "Personal Computer Data Input for NRC Licensees") whenever transferring or receiving a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers this material shall submit in accordance with instructions the computer-readable format promptly after the transfer takes place. Each person who receives special nuclear material shall submit in accordance with instructions the computer-readable format within ten (10) days after the special nuclear material is received. Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555 - 0001. These prescribed computer-readable formats replace the DOE/NRC Form 741 which have been previously submitted in paper form.

(b) (1) Each person who, pursuant to an Agreement State License, possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately to the Regional Administrator of the appropriate NRC Regional Office listed in appendix A of part 73 of this chapter, by telephone, any theft or other unlawful diversion of special nuclear material which the licensee is licensed to possess or any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material.

(2) The licensee shall follow the initial report within a period of 15 days with a written report submitted to the appropriate NRC Regional Office, shown in Appendix A of part 73 of this chapter, which sets forth the details of the incident. The licensee shall send copies of this report to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(3) Subsequent to the submission of the written report required by this paragraph, each licensee shall promptly inform the Regional Administrator of the appropriate NRC Regional Office by means of a written report of any substantive additional information which becomes available to the licensee concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

[39 FR 39559, Nov. 8, 1974, as amended at 41 FR 16447, Apr. 19, 1976; 52 FR 31613, Aug. 21, 1987; 59 FR 35622, July 13, 1994]

§150.17 Submission to Commission of source material reports.

(a) Except as specified in paragraph (d) of this section and §150.17a, each person who, pursuant to an Agreement State specific license, transfers or receives or adjusts the inventory in any manner by 1 kilogram or more of uranium or thorium source material of foreign origin or who imports 1 kilogram or more of uranium or thorium source material of any origin shall complete and submit in computer-readable format Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR - 0006 and NMMSS Report D - 24 "Personal Computer Data Input for NRC Licensees"). Copies of the instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555 - 0001. Each person who receives the material shall submit in accordance with instructions the computer-readable format within ten (10) days after the material is received.

(b) Except as specified in paragraph (d) of this section and §150.17a, each person authorized to possess at any one time and location, under an Agreement State license, more than 1,000 kilograms of uranium or thorium, or any combination of uranium or thorium, shall submit to the Commission within 30 days after September 30 of each year, a statement of the licensee's foreign origin source material inventory. This statement must be submitted to the address specified in the printed instructions (NUREG/BR - 0007) and must include the Reporting Identification Symbol (RIS) assigned by the Commission to the licensee. Copies of the reporting instructions may be obtained by writing to U.S. Nuclear Regulatory Commission, Division of Industrial and Medical Nuclear Safety, Washington, DC 20555.

(c) Except as specified in paragraph (d) of this section, each person who is authorized to possess uranium or thorium pursuant to a specific license from an Agreement State shall report promptly to the appropriate NRC Regional Office shown in Appendix D of part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 15 pounds of such material at any one time or more than 150 pounds of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the U.S. Nuclear Regulatory Commission, Division of Industrial and Medical Nuclear Safety, Washington, DC 20555. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph, shall promptly inform the appropriate NRC Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of source material.

(d) The reports described in paragraphs (a), (b), and (c) of this section are not required for:

- (1) Processed ores containing less than five (5) percent of uranium or thorium, or any combination of uranium and thorium, by dry weight;
- (2) Thorium contained in magnesium-thorium and tungsten-thorium alloys, if the thorium content in the alloys does not exceed 4 percent by weight;
- (3) Chemical catalysts containing uranium depleted in the U-235 isotope to 0.4 percent or less, if the uranium content of the catalyst does not exceed 15 percent by weight; or
- (4) Any source material contained in non-nuclear end use devices or components, including but not limited to permanently installed shielding, teletherapy, radiography, X-ray, accelerator devices, or munitions.

[35 FR 12196, July 30, 1970, as amended at 36 FR 10938, June 5, 1971; 41 FR 16448, Apr. 19, 1976; 49 FR 24708, June 15, 1984; 51 FR 9767, Mar. 21, 1986; 52 FR 31613, Aug. 21, 1987; 59 FR 35622, July 13, 1994; 60 FR 24553, May 9, 1995]

§150.19 Submission to Commission of tritium reports.

(a) - (b) [Reserved]

(c) Except as specified in paragraph (d) of this section, each person who, pursuant to an Agreement State license, is authorized to possess tritium shall report promptly to the appropriate NRC Regional Office as shown in appendix D of part 20 of this chapter by telephone and telegraph, mailgram, or facsimile any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of more than 10 curies of such material at any one time or 100 curies of such material in any one calendar year. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the appropriate NRC Regional Office which sets forth the details of the incident and its consequences. Copies of such written report shall be sent to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Subsequent to the submission of the written report required by this paragraph, each person subject to the provisions of this paragraph shall promptly inform the appropriate NRC Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of tritium.

(d) The reports described in this section are not required for tritium possessed pursuant to a general license issued pursuant to regulations of an Agreement State equivalent to part 31 of this chapter or for tritium in spent fuel.

[37 FR 9208, May 6, 1972, as amended at 41 FR 16448, Apr. 19, 1976; 46 FR 55085, Nov. 6, 1981; 49 FR 24708, June 15, 1984; 52 FR 31613, Aug. 21, 1987]