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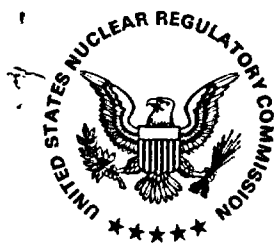
UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 13, 2004

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MEMORANDUM TO: Michael Lesar, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Joseph W. Shea, Project Director  
Nuclear Security Policy Project Directorate  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

SUBJECT: REQUEST FOR CORRECTION TO FEDERAL REGISTER  
NOTICE FOR EIE FINAL RULE (68 FR 58791)

In responding to an inquiry from a member of the public on advance notification requirements for the importation of source material, Division of Nuclear Security (DNS) staff identified an inconsistency in the current regulations in 10 CFR 40.67. This regulation was recently revised in the final rule on "Electronic Maintenance and Submission of Information" (EIE) published in the *Federal Register* at 68 FR 58791 on October 10, 2003.

In § 40.67, paragraph (a), licensees importing greater than 500 kilograms of natural uranium from certain countries are required to provide advance notification of such shipments to the Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response, using an appropriate method listed in § 40.5. In contrast, paragraphs (c) and (d) of § 40.67 direct licensees [who have made initial advance notifications per paragraph (a)] to make followup notifications to the "Division of Industrial and Medical Nuclear Safety by telephone at (301) 415-7197." However, these followup notifications should also be made to the Division of Nuclear Security via the NRC Operations Center at (301) 816-5100. We believe that during our review of the EIE final rule, we inadvertently overlooked language in paragraphs (c) and (d), which we would have otherwise recommended revising to achieve consistency within § 40.67.

Accordingly, DNS requests that Office of Administration publish a correction notice in the *Federal Register* to also revise paragraphs (c) and (d) of § 40.67 as part of the EIE final rule. We have attached draft language for your use in developing a Federal Register correction notice. Please contact Mr. Philip Brochman of my staff if you have any questions on this matter.

Attachment: Draft Changes to 10 CFR 40.67

cc: B. Shelton, OCIO

CONTACT: Philip Brochman, NSIR/DNS  
(301) 415-6557

**Draft Language for Correction Notice to Revise 10 CFR 40.67**

On page 68 FR 58808, first column, revise item 76 to read as follows:

■ 76. In § 40.67, the first sentence in paragraph (a) and paragraphs (c) and (d) are revised to read as follows:

**§40.67 Requirement for advance notice for importation of natural uranium from countries that are not party to the Convention on the Physical Protection of Nuclear Material.**

(a) Each licensee authorized to import natural uranium, other than in the form of ore or ore residue, in amounts exceeding 500 kilograms, from countries not party to the Convention on the Physical Protection of Nuclear Material (see appendix F to part 73 of this chapter) shall notify the Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response, using an appropriate method listed in § 40.5. ★★★

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(c) The licensee shall notify the Division of Nuclear Security by telephone at (301) 816-5100 when the shipment is received at the receiving facility.

(d) A licensee who needs to amend a notification may do so by telephoning the Division of Nuclear Security at (301) 816-5100.