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## RULEMAKING ISSUE

April 25, 1994

(Affirmation)

SECY-94-112

FOR: The Commissioners  
FROM: James M. Taylor  
Executive Director for Operations  
SUBJECT: LICENSEE SUBMITTAL OF DATA IN COMPUTER-READABLE FORM  
PURPOSE:

To obtain Commission approval to publish a final rule in the Federal Register.

BACKGROUND:

By staff requirements memorandum dated November 25, 1992, the Commission approved publication of a proposed rulemaking that would make mandatory licensee submittal of nuclear material transaction data in computer readable form. The proposed rule was published in the Federal Register on January 26, 1993 (58 FR 6095).

DISCUSSION:

Some licensees already have their material accounting automated and can easily generate computer-readable reports. For those licensees who have not yet automated their reporting, the Federal Register notice stated that a diskette with the appropriate formats and user prompts may be obtained from the Nuclear Regulatory Commission to facilitate the process. Interested parties were invited to comment on the proposed rule by April 26, 1993. The staff received 90 requests for the diskette and 9 comment letters in response to the Notice of Proposed Rulemaking.

Contact:  
R. Gramann, NMSS  
504-2456

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Written comments were received from four licensed reactor operators, two fuel fabricators, one University, one nuclear material supplier, and the Department of Energy. The support for transitioning from paper to computer-readable submittals dominated the responses. Only two licensees, a reactor and a nuclear materials supplier, opposed the change. The former stated that paper forms would still be required as a backup for the computer readable forms because the computer-readable forms would degrade with time. The latter stated the proposed rule would increase the burden for licensees with manual accountability systems, by requiring additional manual entry of data to diskette and necessitating a hardcopy check for data accuracy. The Federal Register notice (Enclosure 1) contains a summary of the public comments and a clarifying response.

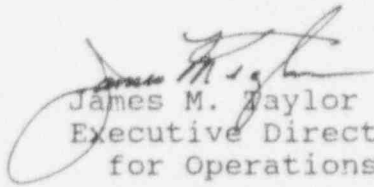
RECOMMENDATIONS:

That the Commission:

1. Approve the notice of final rulemaking (Enclosure 1) that makes mandatory licensee submittal of nuclear material transaction data in computer readable form.
2. Certify, as required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), that this rule will not have a significant economic impact on a substantial number of small entities.
3. Note:
  - a. The rulemaking would be published in the Federal Register becoming effective in 90 days from the date of publication;
  - b. The change is the type of action described in categorical exclusion 10 CFR 51.22(c)(1) and 51.22(c)(3) and, hence, neither an environmental impact statement nor an environmental assessment has been prepared for the final rule;
  - c. The rule contains amended information collection requirements subject to the Paperwork Reduction Act of 1980 (45 U.S.C. 3501, et seq.) and has been reviewed and approved by the Office of Management and Budget.
  - d. The rule will impose procedural changes on affected licensees at minimal cost. Licensees have already demonstrated their computer expertise by generating near-perfect copies of the current paper forms.

Generating computer-readable data in accordance with a prescribed format offers less burden. A regulatory analysis indicating the minimal burden and a cost savings to the NRC is incorporated into the notice of final rulemaking;

- e. These amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1);
- f. The appropriate Congressional Committees will be informed (Enclosure 2).

  
James M. Taylor  
Executive Director  
for Operations

Enclosures:

- 1. Federal Register Notice of Final Rulemaking
- 2. Draft Congressional Letters

Commissioners' comments or consent should be provided directly to the Office of the Secretary by COB Wednesday, May 11, 1994.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT Wednesday, May 4, 1994, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an Open Meeting during the Week of May 16, 1994. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

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[7590-01-P]

Nuclear Regulatory Commission  
10 CFR Parts 40, 72, 74, 75, 150

RIN: 3150-AE35

Licensee Submittal of Data in Computer-Readable Form

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require certain licensees to submit data to the NRC in computer-readable format. The final rule streamlines the collection of nuclear material transaction data and increases the accuracy of the reported information. The final rule will save money for both NRC and licensees in the data collection process.

EFFECTIVE DATE: Insert ninety (90) days after publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard H. Gramann, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone (301) 504-2456.

SUPPLEMENTARY INFORMATION:

Background

The NRC has a major interest in the potential use for computer-readable submittal. This innovation not only can result in monetary savings, but also can increase efficiency and accuracy of data collection efforts. In the past, the NRC has permitted the use of computer-readable forms as well as the use of computer generated facsimiles of the printed forms. Many

licensees now generate their own facsimiles. The latest revision of "Personal Computer Data Input for NRC Licensees" (Nuclear Materials Management and Safeguards System (NMMSS) Report D-24) contains specific procedures for submitting in computer-readable format: DOE/NRC Form 741, "Nuclear Material Transaction Report"; DOE/NRC Form 741A, "Nuclear Material Transaction Report (Continuation Page)"; DOE/NRC Form 740M, "Concise Note"; DOE/NRC Form 742, "Material Balance Report"; and DOE/NRC Form 742C, "Physical Inventory Listing." The amendments make mandatory the reporting in computer-readable format prescribed by the D-24 document. These amendments eliminate the need for paper forms, thus providing a cost saving for the NRC in satisfying its statutory and treaty obligations.

The amendments affect each licensee who transfers, receives, or adjusts the inventory, in any manner, of uranium or thorium source material of foreign origin by 1 kilogram or more. Each specific licensee who transfers or receives 1 gram or more of contained uranium-235, uranium-233, or plutonium would also be affected.

These amendments are intended only to take advantage of current computer technology and to make the data collection process more efficient and less costly. The Commission believes there will be minimal costs associated with the implementation of these amendments. Many licensees already have their material accounting automated and can generate computer-readable reports. For those licensees who have not yet automated their reporting, a diskette with the appropriate formats and user prompts may be obtained from the NRC to facilitate this process. Licensees may obtain a copy of the NMMSS report or the diskette by writing the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001.

On January 26, 1993 (58 FR 6098), the Commission published a proposed rule in the Federal Register to make mandatory licensee submittal in computer-readable format. A 90-day comment period expired on April 26, 1993. Comments were received from nine respondents. Two comments were not in favor of the amendments, whereas the others expressed approval and encouragement to take advantage of today's technology. Several constructive suggestions were made and are included in the summary of public comments.

#### Summary of Public Comment

A summary of the public comments and a clarifying response follows:

(1) Continued requirement for hard copy forms. Several respondents expressed the continued need for hard copy forms. One commenter stated their material control and accounting (MC&A) program is based upon a "paper trail" utilizing the DOE/NRC Form 741. Another commenter stated the continued requirement for submitting hard copies to various Department of Energy contractors. Another commenter raised the question of storage of records for a period of time specified by Commission regulations. Concern also was expressed regarding secondary distribution requirements of hard copy DOE/NRC Form 741 for certain domestic transactions and all import and export transactions. Finally one commenter stated the current requirements, which provide for both computer-readable and hard copy, are the more acceptable.

The final amendments require licensees to submit computer-readable reports to the NRC in a format prescribed in NMMSS Report D-24. The amendments do not preclude other formats used for other purposes. Many licensees already generate



facsimile reports for satisfying given requirements. Licensees that have no capability to produce these facsimiles may use the diskette provided by the NRC which can generate a facsimile (either hard copy or disk file for storage) of all forms subject to these amendments. With regard to records retention, the NRC permits the storage of records on electronic media with the capability for producing legible, accurate, and complete records during the required retention period. This would include computer generated facsimiles of forms subject to these amendments. For the reporting system to operate efficiently, computer-readable submittal for NRC's use is necessary.

(2) Accepting shipper's values. A respondent suggested that the action code and date on the computer-readable DOE/NRC Form 741 for a shipment can be easily changed by the recipient to reflect accepting shipper's values.

The diskette that is available from the NRC includes a program for editing the file of a computer-readable DOE/NRC Form 741 to edit the action code and date to reflect accepting shipper's values.

(3) Telecommunication of licensee submittal. Four respondents urged the transmission of the computer-readable files over a modem instead of using diskettes.

There is no disagreement with the commenters that modem transmission is desirable. Transmitting files by modem to satisfy reporting requirements is an immediate option of these amendments. The NRC will work with any licensee desiring this option.

(4) Revision of guidance documents. Several respondents noted the need to revise the guidance documents: NUREG/BR-0006, "Instructions for Completing Nuclear Material Transaction Reports and Concise Note Forms"; NUREG/BR-0007, "Instructions for Completing Material Balance Report and Physical Inventory Listing"; and NMMSS Report D-24, "Personal Computer Data Input for NRC Licensees," to be compatible with the submittal of computer-readable formats.

NMMSS Report D-24 has been revised to include all the forms required in these amendments. The other guidance documents will be revised, as needed, to reflect the use of computer-readable forms to replace the paper forms.

#### Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in the categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

#### Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget, approval numbers 3150-0003, -0057, -0004, and -0058.

Because the rule will eliminate the need for certain paper forms, the public burden for this collection of information is expected to be reduced. The reduction in burden for the DOE/NRC Forms 741, 741A, 742, and 740M is estimated to average .25 hours



per response. The reduction in burden for the DOE/NRC Form 742C is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the estimated burden reduction or any other aspect of this collection of information, including suggestions for further reducing reporting burden, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019 (3150-0003, -0004, -0057, and -0058), Office of Management and Budget, Washington, D.C. 20503.

#### Regulatory Analysis

These final amendments have no significant impact on State and local governments and geographical regions. They have a significant positive impact on the efficiency and accuracy of the data collection process. The final amendments do not have a significant impact on health, safety, and the environment. This rule requires that all licensees submit computer-readable reports regarding special nuclear material transactions. The NRC will realize a significant cost savings. Licensees have already demonstrated their computer expertise by generating near-perfect copies of the current forms on Laser Jet printers. Generating computer-readable data in accordance with a prescribed format offers less burden than producing these near-perfect copies. The rule will facilitate the collection of data by the NRC to satisfy its statutory and treaty obligations. This constitutes the regulatory analysis for this final rule.

## Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the Commission certifies that this change does not have a significant economic impact on a substantial number of small entities. This final rule affects all licensees required to report special nuclear material transactions using DOE/NRC Forms 741, 741A, 742, 742C, and 740M. The companies that own nuclear power plants or nuclear fuel fabrication plants have already automated their material accounting program and can easily generate computer-readable reports. Other companies that have not yet automated their reporting may obtain a diskette from the NRC to assist them in satisfying their reporting requirements. These other companies may fall within the scope of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

## Backfit Analysis

The NRC has determined that a backfit analysis is not required for this final rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

## List of Subjects

10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials - transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

## 10 CFR Part 72

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

## 10 CFR Part 74

Accounting, Criminal penalties, Hazardous materials - transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Special nuclear material.

## 10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

## 10 CFR Part 150

Criminal penalties, Hazardous materials - transportation, Intergovernmental relations, Nuclear materials, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 40, 72, 74, 75, and 150.

## PART 40 - DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for Part 40 continues to read as follows:

AUTHORITY: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95-604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, Sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. In §40.64, paragraph (a) is revised to read as follows:

**§40.64 Reports.**

(a) Except as specified in paragraphs (d) and (e) of this section, each specific licensee who transfers, receives, or adjusts the inventory, in any manner, of uranium or thorium source material of foreign origin by 1 kilogram or more or who imports or exports 1 kilogram of uranium or thorium source material of any origin shall complete a Nuclear Material Transaction Report in computer-readable format in accordance with instructions (NUREG/BR-0006 and NMSS 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 licensee who transfers the material shall submit a Nuclear Material Transaction Report in computer-readable format in accordance with instructions no later than the close of business the next working day. Each licensee who receives the material shall submit a Nuclear Material Transaction Report in computer-readable format in accordance with instructions within ten (10) days after the material is received. The Commission's copy of the report must be submitted to the address specified in the instructions. These prescribed computer-readable forms replace the DOE/NRC Form 741 which has been previously submitted in paper form.

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PART 72 - LICENSING REQUIREMENTS FOR THE INDEPENDENT  
STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

3. The authority citation for Part 72 continues to read as follows:

AUTHORITY: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, Sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42

U.S.C. 4332); Secs. 131, 132, 133, 135, 137, 141, Pub. L. 97-425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100-203, 101 Stat. 1330-232, 1330-236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97-425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100-203, 101 Stat. 1330-235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97-425, 96 Stat. 2202, 2203, 2204, 2222, 2244 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

4. In §72.76, paragraph (a) is revised to read as follows:

**§72.76 Material status reports.**

(a) Except as provided in paragraph (b) of this section, each licensee shall complete in computer-readable format and submit to the Commission a material status report in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. These reports provide information concerning the special nuclear material contained in the spent fuel possessed, received, transferred, disposed of, or lost by the licensee. Material status reports must be made as of March 31 and September 30 of each year and filed within 30 days



after the end of the period covered by the report. The Commission may, when good cause is shown, permit a licensee to submit material status reports at other times. The Commission's copy of this report must be submitted to the address specified in the instructions. These prescribed computer-readable forms replace the DOE/NRC Form 742 which has been previously submitted in paper form.

\* \* \* \* \*

5. Section 72.78 is revised to read as follows:

**§72.78 Nuclear material transfer reports.**

(a) Except as provided in paragraph (b) of this section, whenever the licensee transfers or receives spent fuel, the licensee shall complete in computer-readable format a Nuclear Material Transaction Report in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24, "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each ISFSI licensee who receives spent fuel from a foreign source shall complete both the supplier's and receiver's portion of the Nuclear Material Transaction Report, verify the identity of the spent fuel, and indicate the results on the receiver's portion of the form. These prescribed computer-readable forms replace the DOE/NRC Form 741 which has been previously submitted in paper form.

(b) Any licensee who is required to submit Nuclear Material Transactions Reports pursuant to §75.34 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement)

shall prepare and submit the reports only as provided in that section instead of as provided in paragraph (a) of this section.

PART 74 - MATERIAL CONTROL AND ACCOUNTING OF  
SPECIAL NUCLEAR MATERIAL

6. The authority citation for Part 74 continues to read as follows:

AUTHORITY: Secs. 53, 57, 161, 182, 183, 68 Stat. 930, 932, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2201, 2232, 2233, 2282); secs. 201, as amended 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

7. In §74.13, paragraph (a)(1) is revised to read as follows:

**§74.13 Material status reports.**

(a)(1) Each licensee authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall complete and submit in computer-readable format material balance reports concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of, or lost by it. These prescribed computer-readable reports replace the DOE/NRC Form 742 which has been previously submitted in paper form. Each nuclear reactor licensee, as defined in §§50.21 and 50.22 of this chapter, also shall prepare in computer-readable format a statement of the composition of the ending inventory. The inventory composition report must be submitted with each material

balance report. This prescribed computer-readable report replaces the DOE/NRC Form 742C which has been previously submitted in paper form. Each licensee shall prepare and submit the reports described in this paragraph in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. Each licensee shall compile a report as of March 31 and September 30 of each year and file it within 30 days after the end of the period covered by the report. The Commission may permit a licensee to submit the reports at other times when good cause is shown.

\* \* \* \* \*

8. Section 74.15 is revised to read as follows:

**§74.15 Nuclear material transfer reports.**

(a) Each licensee who transfers and each licensee who receives special nuclear material shall complete in computer-readable format a Nuclear Material Transaction Report. This should be done in accordance with instructions whenever the licensee transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Copies of these instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees") may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. This prescribed computer-readable format replaces the DOE/NRC Form 741 which has been previously submitted in paper form.

(b) Each licensee who receives 1 gram or more of contained uranium-235, uranium-233, or plutonium from a foreign source shall:

(1) Complete in computer-readable format both the supplier's and receiver's portion of the Nuclear Material Transaction Report;

(2) Perform independent tests to assure the accurate identification and measurement of the material received, including its weight and enrichment; and

(3) Indicate the results of these tests on the receiver's portion of the form.

(c) Any licensee who is required to submit inventory change reports pursuant to §75.34 of this chapter (pertaining to implementation of the US/International Atomic Energy Agency (IAEA) Safeguards Agreement) shall prepare and submit these reports only as provided in that section (instead of as provided in paragraphs (a) and (b) of this section).

PART 75 - SAFEGUARDS ON NUCLEAR MATERIAL -  
IMPLEMENTATION OF US/IAEA AGREEMENT

9. The authority citation for Part 75 continues to read as follows:

AUTHORITY: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133,

2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Section 75.4 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

10. Section 75.31 is revised to read as follows:

**§75.31 General requirements.**

Each licensee who has been given notice by the Commission in writing that its installation has been identified under the Agreement shall make an initial inventory report in computer-readable format, and thereafter shall make accounting reports, with respect to such installation and, in addition, licensees who have been given notice, pursuant to §75.41, that their installations are subject to the application of IAEA safeguards, shall make the special reports described in §75.36. These reports must be based on the records kept in accordance with §75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement. Any amplification or clarification must be in writing and must be submitted, to the address specified in the request, within twenty (20) days or other time as may be specified by the Commission.

11. In §75.32, paragraph (b) is revised to read as follows:

**§75.32 Initial inventory report.**

\* \* \* \* \*

(b) The initial inventory report, to be submitted to the Commission in computer-readable format, in accordance with instructions (NUREG/BR-0007 and NMMSS Report D-24 "Personal

Computer Data Input for NRC Licensees"), must show the quantities of nuclear material contained in or at an installation as of the initial inventory reporting date. The information in the initial inventory report may be based upon the licensee's book record.

\* \* \* \* \*

12. In §75.33, paragraph (a) is revised to read as follows:

**§75.33 Accounting reports.**

(a)(1) The accounting reports for each IAEA material balance area must consist of

(i) Computer-readable Nuclear Material Transaction Reports (Inventory Change Reports) and

(ii) Computer-readable Material Balance Reports showing the material balance based on a physical inventory of nuclear material actually present.

(2) These prescribed computer-readable forms replace the following forms which have been submitted in paper form:

(i) The DOE/NRC Form 741; and

(ii) The DOE/NRC Form 742.

\* \* \* \* \*

13. Section 75.34 is revised to read as follows:

**§75.34 Inventory change reports.**



(a) Nuclear Material Transaction Reports (Inventory Change Reports) in computer-readable format to be completed in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"), must specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate,

(1) The originating IAEA material balance area or the shipper; and

(2) The receiving IAEA material balance area or the recipient.

Each licensee who receives special nuclear material from a foreign source shall complete both the supplier's and receiver's portion of the form.

(b) Nuclear Material Transactions Reports (Inventory Change Reports), when appropriate, must be accompanied by computer-readable Concise Notes, completed in accordance with instructions (NUREG, BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these instructions may be obtained from the U.S. Nuclear Regulatory Commission, Division of Fuel Cycle Safety and Safeguards, Washington, DC 20555-0001. This prescribed computer-readable format replaces the DOE/NRC Form 740M which has been previously submitted in paper form. This Concise Note is used in:

(1) Explaining the inventory changes on the basis of the operating records provided for under §75.23; and

(2) Describing, to the extent specified in the license conditions, the anticipated operational program for the installation, including particularly, but not exclusively, the schedule for taking physical inventory.

14. In §75.35, paragraph (a) is revised to read as follows:

**§75.35 Material status reports.**

(a) A material status report must be submitted for each physical inventory which is taken as part of the material accounting and control procedures required by §75.21. The material status report must include a computer-readable Material Balance Report and a computer-readable Physical Inventory Listing which lists all batches separately and specifies material identification and batch data for each batch. When appropriate, the material status report must be accompanied by a computer-readable Concise Note. The reports described in this section must be prepared and submitted in accordance with instructions (NUREG/BR-0007, NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees"). Copies of these 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 Forms 742, 742C, and 740M which have been submitted in paper form.

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15. The authority citation for Part 150 continues to read as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32 also issued under secs. 11e(2), 81, 68 Stat. 923, 935, as amended, secs. 83, 84, 92 Stat. 3033, 3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Section 150.14 also issued under sec. 53, 68 Stat. 930, as amended (42 U.S.C. 2073). Section 150.15 also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30 also issued under sec. 234, 83 Stat. 444 (42 U.S.C. 2282).

16. In §150.16, paragraph (a) is revised to read as follows:

**§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.

\* \* \* \* \*

17. In §150.17, paragraph (a) is revised to read as follows:

**§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.

\* \* \* \* \*

Dated at Rockville, MD this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

For the Nuclear Regulatory Commission.

\_\_\_\_\_  
Samuel J. Chilk,  
Secretary of the Commission.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

The Honorable Joseph Lieberman, Chairman  
Subcommittee on Clean Air and Nuclear Regulation  
Committee on Environment and Public Works  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

The Nuclear Regulatory Commission has sent to the Office of the Federal Register for publication the enclosed final amendments to the Commission's rules in 10 CFR Parts 40, 72, 74, 75, and 150. The amendments will require affected licensees to submit their special nuclear material transaction reports in computer readable form. Licensees affected are those who possess 1 kilogram or more of source material of foreign origin or those who possess 1 gram or more of special nuclear material. The rule will streamline and improve the accuracy of this data collection effort. This rule is expected to have no economic impact on affected licensees, the NRC, or the public.

Sincerely,

Dennis Rathbun, Director  
Office of Congressional Affairs

Enclosure: Final Rule

cc: Senator Alan K. Simpson

Enclosure 2





UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

The Honorable Philip Sharp, Chairman  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, D. C. 20515-3816

Dear Mr. Chairman:

The Nuclear Regulatory Commission has sent to the Office of the Federal Register for publication the enclosed final amendments to the Commission's rules in 10 CFR Parts 40, 72, 74, 75, and 150. The amendments will require affected licensees to submit their special nuclear material transaction reports in computer readable form. Licensees affected are those who possess 1 kilogram or more of source material of foreign origin or those who possess 1 gram or more of special nuclear material. The rule will streamline and improve the accuracy of this data collection effort. This rule is expected to have no economic impact on affected licensees, the NRC, or the public.

Sincerely,

Dennis Rathbun, Director  
Office of Congressional Affairs

Enclosure: Final Rule

cc: Representative Michael Bilirakis

Enclosure 2



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555-0001

The Honorable Richard M. Lehman, Chairman  
Subcommittee on Energy and Mineral Resources  
Committee on Natural Resources  
United States House of Representatives  
Washington, D. C. 20515-3816

Dear Mr. Chairman:

The Nuclear Regulatory Commission has sent to the Office of the Federal Register for publication the enclosed final amendments to the Commission's rules in 10 CFR Parts 40, 72, 74, 75, and 150. The amendments will require affected licensees to submit their special nuclear material transaction reports in computer readable form. Licensees affected are those who possess 1 kilogram or more of source material of foreign origin or those who possess 1 gram or more of special nuclear material. The rule will streamline and improve the accuracy of this data collection effort. This rule is expected to have no economic impact on affected licensees, the NRC, or the public.

Sincerely,

Dennis Rathbun, Director  
Office of Congressional Affairs

Enclosure: Final Rule

cc: Representative Barbara Vucanovich

Enclosure 2