

## **ADAMS Template: SECY-067**

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**TITLE:** PR-040,072,074,075,150 - 58FR06098 - LICENSEE  
SUBMITTAL OF DATA IN COMPUTER READABLE FORM

**CASE REFERENCE:** PR-040,072,074,075,150  
58FR06098

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## STATUS OF RULEMAKING

PROPOSED RULE: PR-40,72,74,75,150 OPEN ITEM (Y/N) N

RULE NAME: LICENSEE SUBMITTAL OF DATA IN COMPUTER READABLE  
FORM

PROPOSED RULE FED REG CITE: 58FR06098

PROPOSED RULE PUBLICATION DATE: 01/26/93 NUMBER OF COMMENTS: 9

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NOTES ON FILE LOCATED ON P1.

STATUS  
OF RULE

TO FIND THE STAFF CONTACT OR VIEW THE RULEMAKING HISTORY PRESS PAGE DOWN KEY

## HISTORY OF THE RULE

PART AFFECTED: PR-40,72,74,75,150

RULE TITLE: LICENSEE SUBMITTAL OF DATA IN COMPUTER READABLE  
FORM

PROPOSED RULE	PROPOSED RULE	DATE PROPOSED RULE
SECY PAPER: 92-319	SRM DATE: 11/25/92	SIGNED BY SECRETARY: 01/19/93
FINAL RULE	FINAL RULE	DATE FINAL RULE
SECY PAPER: 94-112	SRM DATE: 06/15/94	SIGNED BY SECRETARY: 07/07/94

## STAFF CONTACTS ON THE RULE

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DOCKET NO. PR-40,72,74,75,150  
(58FR06098)

In the Matter of  
LICENSEE SUBMITTAL OF DATA IN COMPUTER READABLE  
FORM

DATE DOCKETED	DATE OF DOCUMENT	TITLE OR DESCRIPTION OF DOCUMENT
01/21/93	01/19/93	FEDERAL REGISTER NOTICE - PROPOSED RULE
04/15/93	04/13/93	COMMENT OF DEPARTMENT OF ENERGY (DWIGHT E. SHELOR) ( 1)
04/19/93	04/13/93	COMMENT OF NUCLEAR FUEL SERVICES, INC. (ANDREW M. MAXIN, ACTING V. P.) ( 2)
04/19/93	04/15/93	COMMENT OF GE NUCLEAR ENERGY (T. PRESTON WINSLOW) ( 3)
04/20/93	04/14/93	COMMENT OF UNIVERSITY OF MISSOURI-COLUMBIA (J. C. MCKIBBEN) ( 4)
04/23/93	04/21/93	COMMENT OF WESTINGHOUSE ELECTRIC CORPORATION (GENE SMITH) ( 5)
04/26/93	04/23/93	COMMENT OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY (F. X. THOMSON) ( 6)
05/03/93	04/26/93	COMMENT OF GPU NUCLEAR CORPORATION (J. C. FORNICOLA) ( 7)
05/05/93	04/27/93	COMMENT OF HOUSTON LIGHTING & POWER (S. L. ROSEN, V. P.) ( 8)
05/17/93	05/10/93	COMMENT OF ENTERGY OPERATIONS, INC. (R. F. BURSKI) ( 9)
07/07/94	07/07/94	FINAL RULE FEDERAL REGISTER NOTICE PUBLISHED ON 7/13/94 AT 59 FR 35618.

DOCKET NUMBER  
PROPOSED RULE

PR

40, 72, 74, 75 & 150

(58 FR 6098)

DOCKETED  
USNRC

DOCKETED  
USNRC

'94 JUL -7 P4:37 '94 [7590701-P] 37

Nuclear Regulatory Commission  
10 CFR Parts 400, 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) 415-8118.

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

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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 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. Owners of nuclear power plants and fuel fabrication plants have already automated most, if not all, of their material accounting program and can easily generate computer-readable reports. Other affected licensees include laboratories, universities, colleges, medical clinics and hospitals, some of which may fall within the scope of the NRC's size standards for determination of which NRC licensees qualify as small entities (December 9, 1985; 50 FR 50241).

One commenter stated that the proposed rule would increase the burden for licensees with manual accountability systems by requiring manual entry of data to diskette and a hard-copy data check for accuracy. Entities that may not yet have automated their reporting may obtain a diskette from the NRC to assist them in satisfying their reporting requirements. No respondent has stated a lack of computer capability to use such a diskette, and the likelihood of such a need is remote in view of the types of affected licensees. In addition, NRC staff experience with computer readable transfer of information indicates less burden and more efficiency for licensees and the NRC than transfer of hard-copy information. For these reasons, any initial cost associated with preparation of computer readable reports should be minimal and lead to a reduction in reporting burden for all affected licensees.

### 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 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 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.

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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.

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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.

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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.

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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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PART 150 - EXEMPTIONS AND CONTINUED REGULATORY  
AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS  
UNDER SECTION 274

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.

\*

\*

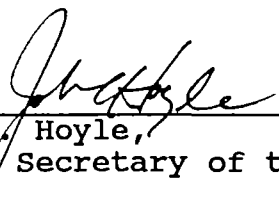
\*..

\*

\*

Dated at Rockville, MD this 7<sup>th</sup> day of July, 1994.

For the Nuclear Regulatory Commission.

  
\_\_\_\_\_  
John C. Hoyle,  
Acting Secretary of the Commission.





**ENTERGY**

DOCKET NUMBER **PR 40, 72, 74, 75 & 150**  
PROPOSED RULE **(58FR 6098)**

DOCKETED  
USNRC

**Entergy Operations, Inc.**

P.O. Box B  
Killona, LA 70066  
Tel 504 739 6774

'93 MAY 17 A9:39

**R. F. Burski**

Director,  
Nuclear Safety  
Waterford 3

(9)

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BRANCH

W3F1-93-0145

A4.05

PR

May 10, 1993

U.S. Nuclear Regulatory Commission  
Secretary of the Commission  
ATTN: Docketing and Service Branch  
Washington, D.C. 20555

Subject: Waterford 3 SES  
Docket No. 50-382  
License No. NPF-38  
Comments on Proposed Rule 6098, "Licensee Submittal of Data  
in Computer Readable Form"

Gentlemen:

Attached are Waterford 3's comments on Proposed Rule 6098 as requested in  
58FR6098, "Licensee Submittal of Data in Computer Readable Form."

If there are any questions please contact Patrick Centolanzi at  
(504) 739-6683 or Clint Alday at (504) 739-6732.

Very truly yours,

R.F. Burski  
Director  
Nuclear Safety

RFB/TSB/ssf  
Attachment

cc: J.L. Milhoan (NRC Region IV), R.B. McGehee, N.S. Reynolds,  
NRC Resident Inspectors Office

JUL 30 1993

Acknowledged by card .....

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ATTACHMENT to W3F1-93-0145

1. The following comments relate to (commercial nuclear power) licensee sites where most of the Special Nuclear Material (SNM) Transactions are "accepting shipper's values" on SNM receipts reported on DOE/NRC Form 741:
  - a. We would like to see a requirement that licensee/contractors would have to transmit DOE/NRC Form 741 information to the recipient in machine readable form when shipping SNM. This would allow the recipient to simply edit the computer file (to change the action code and date) when "accepting shipper's values."
  - b. Additionally, we would prefer that the software package being supplied by the NRC be able to accept a diskette that accompanies an SNM shipment and easily allow a user to change the action code and date and "accept shipper's values."
2. Would it be possible to place a super-mini-computer (such as a Digital Equipment Corporation MicroVAX) at the NRC Nuclear Materials Management and Safeguards System (NMMSS) contractor's site to facilitate electronic transmittal of SNM information? In the example of the MicroVAX, good use could be made of the electronic mail, file authorization and security features. Each Reporting Information Symbol (RIS) could have a set of "logon" identifications and passwords that could be used for transmitting and receiving SNM information. This computer would then download SNM information to the NMMSS mainframe.

# The Light company

Houston Lighting & Power

South Texas Project Electric Generating Station P. O. Box 289 Wadsworth, Texas 77483

DOCKET NUMBER  
PROPOSED RULE **PR 40, 72, 74, 75 & 150**  
**(58FR6098)**

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USNRC

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April 27, 1993  
ST-HL-AE-4422  
File No.: G25  
10CFR72

8

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Attention: Docketing and Services Branch  
Washington, DC 20555

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USNRC

## Comments on Proposed Rule Concerning Licensee Submittal of Data in Computer Readable Form

Reference: Federal Register, Volume 58, No. 15, Page 6098

Houston Lighting & Power (HL&P) has reviewed the proposed rule published via the reference above. In order to effectively promulgate this rule, it would appear that the related documents governing submittal of Special Nuclear Material require revision. For example, the current versions of NUREG/BR-006 and NUREG/BR-007 are not compatible with the submittal of computer readable forms since they are written for paper form submittal only. NMMSS Report D-24 does not contain sufficient instructions to prepare computer readable forms for NRC Forms 742 and 742C.

The reporting requirements between the shipper and the receiver require clarification. Currently, the shipper is required to send four paper forms to the receiver in addition to the one form sent to the NRC. If this requirement is not changed such that the shipper sends a computer readable form to the receiver, then the receiver will be forced to transcribe the paper forms to computer readable forms for submittal to the NRC. This would increase the receiver's paperwork time considerably.

HL&P does not believe that the paper forms can be completely eliminated as noted in the text of the proposed rule. These paper forms would still be required as a backup for the computer readable form, as the computer readable forms will degrade with time.

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Houston Lighting & Power Company  
South Texas Project Electric Generating Station

ST-HL-AE-4422  
File No.: G25  
Page 2

Due to the concerns noted above, HL&P is not in favor of the proposed rule. If there are any questions concerning this matter, please contact me at (512) 972-7138.

  
S. L. Rosen  
Vice President,  
Nuclear Engineering

GM/pa



DOCKET NUMBER  
PROPOSED RULE **PR 40,72,74,75 & 150**  
(58FR6098)

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**GPU Nuclear Corporation**  
One Upper Pond Road  
Parsippany, New Jersey 07054  
201-316-7000  
TELEX 136-482  
Writer's Direct Dial Number:

⑦

April 26, 1993  
C300-93-2137

Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Licensee Submittal of Data in Computer Readable Form,  
Federal Register Volume 58, No. 15  
(January 26, 1993 Proposed Rule - Request for Comments)

GPU Nuclear believes the above proposed rule will benefit both the Nuclear Regulatory Commission and the industry, however, additional guidance is necessary. Specific comments are as follows:

The proposed rule should clarify how the data transmittal is to be confirmed.

Currently, all forms (hard copies) must have an authorizing signature and date.

The rule should clarify if an electronic signature on the file/disk is sufficient.

The rule should specify the security requirements for signature. (ie. Is it possible to modify information following electronic signature?)

GPU Nuclear suggests that the NRC pursue an electronic transmission method of data rather than a computer readable disk.



1. The Commission is authorized to receive and accept any and all documents, papers, records, and other information of any kind or character, in any form or medium, which may be submitted to it by any person or organization, and to use the same for the purpose of conducting its investigations and for the preparation of its reports.

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In the past minor typographical errors could be corrected over the telephone, or explained in a brief comment on a hard copy and initialed. The proposed rule should address how corrections are to be submitted.

Sincerely,



J. C. Fornicola  
Licensing and Regulatory Affairs  
Director

/plp

cc: A. Miller - Tech Analyst Sr. III NUC, TMI-1  
J. Rogers - Tech Analyst Sr. III NUC, OC



DOCKET NUMBER  
PROPOSED RULE PR 40, 72, 74, 75 & 150  
(58 FR 6098)

Public Service Electric and Gas Company P.O. Box 236 Hancocks Bridge, New Jersey 08038

Nuclear Department

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USNRC

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APR 23 1993

NLR-N93062

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Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Docketing and Service Branch  
Washington, DC 20555

6

Sir:

PUBLIC SERVICE ELECTRIC AND GAS COMPANY  
COMMENTS ON PROPOSED RULE, 58 FR 6098  
LICENSEE SUBMITTAL OF DATA IN COMPUTER READABLE FORM

Public Service Electric & Gas Company (PSE&G), the licensee for the Salem and Hope Creek generating stations, has reviewed the subject proposed rule. As an affected Licensee and "Utilization Facility" of Special Nuclear Material (SNM), we take this opportunity to submit the following comments.

Taking advantage of today's technology, in an effort to replace paper form submittals in favor of computer readable format, is a worthwhile initiative. The proposed rule would prescribe the use of diskette media for data transfer. PSE&G suggests consideration be given to the use of on line data processing or electronic data transfer as an alternative. Combining computer and transmission technology (e.g., fiber optics) would enhance the data transmission process, providing several advantages over the use of diskette media. The alternative process presents enhancements which include speed of transmission, simultaneous receipt acknowledgement, elimination of special content packaging and mailing burdens, and reduced paper correspondence.

Regardless of the method of transmittal, we suggest using this opportunity to further streamline reporting requirements via schedule changes. Redefining and adding flexibility to the present report period restrictions could considerably ease reporting burdens and quantities of transmissions. Material delivery campaigns are defined by strict schedules for arrivals and departures. Reduction in reporting burden could be realized by replacing the present 10 day notification rule with a report required at the end of a defined campaign. For example, simultaneous one time summary transmission by the shipper and receiver for multiple fuel shipments would be a more efficient reporting practice than reporting each shipment individually. This would typically apply to cycle reload campaign, between a fuel fabricator and a utilization facility, consisting of scheduled shipments over a six to ten week period. Additional relief could be derived from changing the present bi-annual material balance reporting to annual, while maintaining continual on-site security and inventory controls as required.

The power is in your hands.

MAY 11 1993

Acknowledged by card .....

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Secretary of the Commission -2-  
NLR-N93062

Converting the 10 day notification rule to the end of a defined campaign would save many transmissions between fabricators, utilities and the agency. There would be no impact to safety or environment as the security of shipments is defined by strict schedules of arrival and or departures. Unapproved deviation from these schedules would initiate a reportability determination as a potential material diversion event, obviating the need for the ten day form notifications.

NUREG's BR-006 and BR-007 should be revised to conform with the proposed rule change. We also recommend changing the recordkeeping requirements associated with the affected reports. 10 CFR 74.33(d) specifically allows record storage on electronic media for special nuclear material accounting. Other recordkeeping regulations (10 CFR 40.61, 72.80, and 75.21 through 75.24) do not explicitly allow storage on electronic media, although the reporting regulations would require transfer of data via electronic media. Absent any conforming changes to record storage requirements, licensees would continue to be burdened with maintaining approved hardcopy of the reports, in addition to the new requirements imposed by the proposed rule. This would offset the stated benefit of burden reduction at NRC.

PSE&G appreciates the opportunity to comment on the proposed rule. If you would like to discuss any of these comments, please contact either Frank Fresella at (609) 339-1214 or Bill McTigue at (609) 339-1457.

Sincerely,

  
F. X. Thomson  
Manager - Licensing  
and Regulation

C R. H. Gramann  
USNRC  
Washington, DC 20555

Information and Records Management Branch  
MNBB-7714  
USNRC  
Washington, DC 20555

Desk Officer  
Office of Information and Regulatory Affairs (NEOB-3019)  
Office of Management and Budget  
Washington, DC 20503

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PROPOSED RULE **PR** 40,72,74,75 & 150  
(58 FR 6098)



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Westinghouse  
Electric Corporation

Commercial Nuclear  
Fuel Division

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NMM&PR-GS-93-006

Drawer R  
Columbia South Carolina 29250  
(803) 776 2610

April 21, 1993

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555  
Attention: Docketing and Service Branch

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5

This letter is in response to the proposed rule amendments contained in the Federal Register, vol. 58, no. 15, dated Tuesday, January 26, 1993. in particular the section pertaining to "Licensee Submittal of Data in Computer Readable Form:

The forms referenced were: DOE/NRC Form 741, "Nuclear Material Transaction Report," DOE/NRC Form 741A, "Nuclear Material Transactions 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 DOE/NRC Form 742C, "Physical Inventory Listing" is automated and this data was transmitted in computer readable form (Tape) during our last inventory (1991).

The DOE/NRC Form 741, 741A and 742 are generated on our computer system, but at this time we are creating hard copy reports. The DOE/NRC Form 740M has not been automated. This is still a manual process.

Our estimate in time to generate the DOE/NRC Forms 741, 741A and 742 in computer readable formats (form) in eight weeks. An additional four weeks would be required to automate the DOE/NRC Form 740M and provide this data in computer readable format (form).

We concur with your remarks that in the long run this would streamline the data transfer effort and save money.

Gene Smith  
Senior Systems Consultant

MAY 11 1993

Acknowledged by card .....



The Westinghouse Commercial Nuclear Fuel Division — Winner of the 1988 Malcolm Baldrige National Quality Award.

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UNIVERSITY OF MISSOURI-COLUMBIA

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(58 FR 6098)

Research Reactor Facility

DOCKETED  
USNRC

Research Park  
Columbia, Missouri 65211  
Telephone (314) 882-4211  
FAX (314) 882-3443

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4

April 14, 1993

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Attn: Docketing and Service Branch  
Washington, DC 20555

Subject: Comment on a proposed rule

This is a comment of the University of Missouri Research Reactor (MURR) on the proposed rule Licensee Submittal of Data in Computer Readable Form.

Our concern is having the 741 form in a computer readable form when it must be classified as Safeguards Information. We have marked 741 forms for spent fuel shipments as Safeguards Information because the 741 bears the shipment date. In compliance with 10CFR73.21(b)(2)(ii), 73.37(f)(3)(iv), and NUREG/BR-0006 Section IIA, schedules or shipping dates for spent fuel shipments must be considered Safeguards Information until ten days after the last shipment of a current series. Also, we cannot send Safeguards Information over unsecured telephone lines as required by 10CFR73.21(g)(3).

It is important that the proposed rule include procedures for submitting and securing Safeguards Information in computer readable form.

Sincerely,

J. C. McKibben  
Associate Director

JCM:bjb

MAY 11 1993

Acknowledged by card .....



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(58 FR 6098)

GE Nuclear Energy

Nuclear Fuel & Components Manufacturing  
General Electric Company  
P.O. Box 780, Wilmington, NC 28402  
919 675-5000

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USNRC

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3

April 15, 1993

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing Service

Subject: Response to Proposed Rule Appearing in FR, Vol. 50,  
No. 15, Dated 1/26/93, Page 6098

Reference: NRC License SNM-1097, Docket 70-1113

Dear Sir:

In response to the subject proposed rule, GE's Nuclear Fuel and Components Manufacturing in Wilmington, N.C. hereby submits for your consideration the following comments.

GE-Wilmington agrees with the NRC objective to improve efficiency and reduce paper through computerized reporting of nuclear material transaction and inventory data. This proposed regulation has laid the ground work for real advances in electronic transmission of nuclear material transaction and inventory data. However, we do not agree with the floppy disk method proposed for submitting this data. As stated in the NMMSS Report D-24 in reference to floppy disks, "this is a very vulnerable storage method", and the likelihood of damaged disk or lost data increases with mailing.

The D-24 Report provides instructions to use anti-static diskette mailers or specifically labeled cardboard for mailing disks, include a printed list of the data files, and a signed and dated submittal form. This would increase paperwork, effort and costs for each data submittal.

MAY 11 1993

Acknowledged by card .....

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Most fuel fabricators and other licensees report confidential nuclear material transaction and inventory data which does not require additional security methods for transmission. Data integrity can be maintained through telecommunicated transmission and also provide other significant advantages over floppy disk, such as real reduction in paperwork, and cost reduction. In lieu of the NRC proposed data transmission method, we recommend the following method as a viable alternative.

Transmit and receive all DOE/NRC confidential data to and from NMMSS by modem using software provided by NMMSS. Each RIS user would have their own personalized password, recognizable by the NMMSS computer, which will allow them to send and receive nuclear material transaction and inventory data that affects only their RIS. Receivers of nuclear material access their data from NMMSS and not from the shipper. Hard copy transactions would be required for imports and exports in addition to electronic transmission of data to NMMSS. A hard copy would be provided to the foreign party of the import or export transaction.

The ADP Transcription Sheet, DOE Form DP-740 listed in the D-24 Report does not include a signed and dated block corresponding to block 24T and 25T on the DOE/NRC Form-741. These blocks should be added to the transmittal file for each of the forms. The following or similar statement should also be added to the D-24 Report concerning electronic signatures. Licensee controls shall be established such that the printed name in the signature block of each form constitutes a signature and meets all NRC requirements for a signed form.

General Electric's computer software for generation of the prescribed formatted data is not yet available.

A schedule has been established for making other changes to our accounting software which will be complete in July, 1994. The software changes needed for reporting of inventory and transaction data in the prescribed formats will be included in this schedule.

Affected regulations state that these prescribed computer readable forms replace:

DOE/NRC Form 740M  
DOE/NRC Form 741  
DOE/NRC Form 742  
DOE/NRC Form 742C

With regards to replacement of these forms, the referenced NUREG/BR-0006 and NUREG/BR-0007 must also be revised with the issuance of this regulation. The regulations or the NUREG should clearly document that licensees will no longer have the replaced forms once they begin transmitting data electronically. Licensees must continue to retain the previously used forms for the required retention period. Electronically generated transaction and inventory data must be retained in the same manner as the transmission and available for NRC inspection. Inspectors may view this data using their lap top personal computers or licensee equipment, as appropriate.

On page 6098 of the proposed rule, a statement is made concerning a disk that can be obtained from the NRC which includes appropriate formats and user prompts to facilitate the process of submitting required information. We have made previous requests for a copy of this disk which we have not received, and we are again making this request.

We appreciate the opportunity to comment on this proposed rule. If you have any questions regarding our comments or would like to discuss them further, please contact me on (919) 675-5461.

Sincerely,

GE NUCLEAR ENERGY



T. Preston Winslow, Manager  
Licensing & Nuclear Materials Management

/zb

cc: TPW-93-022





DOCKET NUMBER  
PROPOSED RULE **PR** 40, 72, 74, 75 & 150  
(58 FR 6098)

Nuclear Fuel Services, Inc.  
1205 Banner Hill Road  
Erwin, TN 37650

(615) 743-9141

2

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**30G93-0193  
GOV-01-55-04  
ACF-93-114**

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555

April 13, 1993

**ATTN: Docketing and Service Branch**

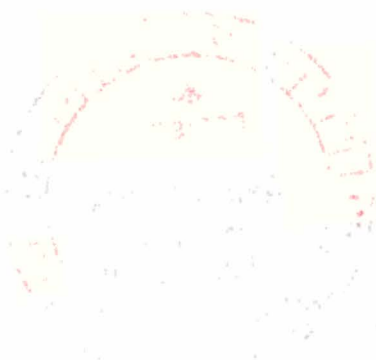
**REFERENCE:** 1) Docket 70-143; SNM License 124  
2) FRUOL58 N015 dated 2/26/93



Nuclear Fuel Services, Inc. (NFS) has reviewed the proposed NRC amendment to 10 CFR, Parts 40, 72, 74, 75, and 150. The amendment, regarding licensee submittal of nuclear material transaction data in computer readable form, appeared in the Federal Register, Volume 58, No. 15, dated 1/26/93. The following comments are submitted for Commission consideration:

1. *The proposed rule establishes dual reporting requirements for NFS and other facilities who are both NRC licensees and Department of Energy contractors. The DOE has not endorsed the proposed rule and will continue to require hard copies of DOE/NRC Forms 741, 741A, 742, and 742C as currently submitted, for example, by NFS to the Schenectady Naval Reactors Office.*
2. *Licensees have been allowed by NRC since April 1989 to report nuclear material transactions in machine readable form by meeting the requirements of NMMSS Report D-24. It is obvious that those licensees, who in the past four years have elected not to automate their reporting, have silently attested that hardcopy reporting is the preferred method for their facilities. Therefore, the current requirements, which provide for both reporting methods, are the most acceptable.*
3. *The paperwork reduction statement is only valid for licensees who have automated data systems from which data can be downloaded to diskette in the appropriate formats. Most licensees will print hardcopy reports from the diskette to check for accuracy. The only paperwork reduction therefore, is the hardcopy submitted to NMMSS. The hardcopy distribution requirements of DOE Order 5633.5 and NUREG/BR-006 continue to be applicable. The paperwork reduction benefit of the proposed rule is insignificant.*

**MAY 11 1993**  
Acknowledged by card .....



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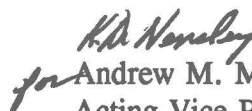
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4. *The burden reduction statement for collection of information is also only valid for licensees who have automated data systems. The proposed rule increases the burden for licensees with manual accountability systems, by requiring additional manual entry of data to diskette and necessitating a hardcopy check for data accuracy.*
5. *The NRC seeks to benefit from an annual cost savings of approximately \$100,000 by eliminating NMMSS data entry from hardcopy reports and transferring the costs to individual licensees, who must perform the data entry and forward computer readable diskettes to NMMSS. The conclusion by NRC that this practice would improve the accuracy of information is questionable.*

For these reasons NFS urges rejection by the Commission of the proposed amendment. The current regulations provide licensees optional methods of reporting nuclear material transactions, which can be selected by each licensee based on economics, computer capability, applicable regulatory requirements (DOE and NRC), and personnel resources. The intent of the proposed rule appears to be for the sole benefit of the NRC at the expense and additional burden to licensees.

Sincerely,

NUCLEAR FUEL SERVICES, INC.

  
for Andrew M. Maxin  
Acting Vice President  
Safety and Regulatory Management

AMM:JWP/jpc

cc: Information and Records Management Branch (MNBB-7714)  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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Mr. Calvert Bowie  
U. S. Department of Energy  
Schenectady Naval Reactors Office  
P. O. Box 1069  
Schenectady, NY 12301





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Washington, DC 20585  
APR 13 1993

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PROPOSED RULE PR 40, 72, 74, 75 & 150  
(58 FR 6098)  
DOCKETED  
USNRC

'93 APR 15 P3:54

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

ATTN: Docketing and Service Branch

Dear Sir:

The Office of Civilian Radioactive Waste Management (OCRWM) within the United States Department of Energy (DOE) is charged with the responsibility of disposing of the nation's civilian spent nuclear fuel. The Nuclear Waste Policy Act of 1982, as amended in 1987, has given the Nuclear Regulatory Commission (NRC) the responsibility for licensing OCRWM's proposed future sites - the Monitored Retrievable Storage (MRS) facility and the Mined Geological Disposal System (MGDS). The NRC has proposed amendments to 10 CFR Parts 40, 72, 74, 75 and 150 (FRN vol. 58, No. 15 dated January 26, 1993). Since OCRWM is a prospective NRC applicant, the proposed amendment to 10 CFR 72 would have a significant adverse impact upon OCRWM's Material Control and Accounting (MC&A) plan which is based upon a "paper trail" utilizing the NRC/DOE Form 741. OCRWM intentions are to submit this plan to the NRC for licensing approval.

The OCRWM systems will begin operations with a zero inventory balance. OCRWM believes it is necessary for accounting purposes that the transfers of spent fuel from the power reactors to the MRS (or even to the MGDS directly) be documented. This documentation can be accomplished through the usage of the NRC/DOE Form 741.

The NRC proposed amendments to 10 CFR 75 satisfy our needs if or when the MRS/MGDS is chosen by the International Atomic Energy Agency (IAEA) for inspection. 10 CFR 75 then would require the use of the NRC Forms 741 and 742 in addition to a computer readable program. However, OCRWM is concerned about the possibility of a time delay between initial operations and IAEA selection (e.g., IAEA may select the MRS/MGDS one year after facility has been operational).

MAY 11 1993

Acknowledged by card .....

U.S. NUCLEAR REGULATORY COMMISSION  
DOCKETING & SERVICE SECTION  
OFFICE OF THE SECRETARY  
OF THE COMMISSION

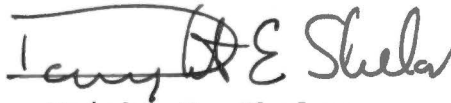
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Therefore, OCRWM is commenting that an additional revision to NRC's proposed amendment to 10 CFR 72.78 be added as follows:

- (a) Except as provided in paragraph (b) and (c) of this section -----
- (c) Any licensee who transfers spent nuclear fuel to the Department of Energy for interim storage at the Monitored Retrievable Storage (MRS) facility shall prepare and submit the NRC/DOE Forms 741 and 742 as appropriate instead of as provided in paragraph (a) of this section.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dwight E. Shelor". The signature is fluid and cursive, with a horizontal line above the first part of the name.

Dwight E. Shelor  
Associate Director for  
Systems and Compliance  
Office of Civilian Radioactive  
Waste Management

DOCKET NUMBER  
PROPOSED RULE **PR** 40, 72, 74, 75 & 150  
(58 FR 6098)

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Nuclear Regulatory Commission  
10 CFR Parts 40, 72, 74, 75, 150  
RIN: 3150-AE35

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Licensee Submittal of Data in Computer Readable Form

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing an amendment to its regulations that would require certain licensees to submit data to the NRC in computer readable form. The proposed rule is intended to streamline the collection of nuclear material transaction data and increase the accuracy of the reported information. The proposed rule would result in an annual cost savings of approximately \$100,000 in the data collection effort.

4/26/93

DATES: Comments must be received on or before (90 days after publication of rule). Comments received after this date will be considered if it is practical to do so, but only those comments received on or before this date can be assured of consideration.

ADDRESSES: Comments or suggestions regarding the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received will be available in the NRC Public Document Room at 2120 L Street NW (Lower Level), Washington, DC 20555.

Pub. on  
1/26/93

FOR FURTHER INFORMATION CONTACT: Richard H. Gramann, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 504-2456.

SUPPLEMENTARY INFORMATION:

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 April 1989 the NRC notified licensees reporting special nuclear material transactions on hard copy forms that they could instead submit their reports in machine readable form. Specific submittal procedures, as detailed in the "Personal Computer Data Input for NRC Licensees" (Nuclear Materials Management and Safeguards System (NMMSS) Report D-24) was to be followed.

The NRC is proposing to amend its regulations to require licensees satisfying reporting requirements using 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," to submit the reports in computer readable form. This proposed regulatory change makes mandatory the reporting in computer readable form in the format prescribed by that document. This proposed change would streamline the collection of nuclear material transaction data and result in greater accuracy. It would eliminate the need for paper forms, thus providing a cost savings for the NRC in satisfying its statutory and treaty obligations.

The proposed amendments would affect each specific licensee who transfers, 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 or exports 1 kilogram or more of uranium or thorium source material of any origin. Each specific licensee who transfers or receives 1 gram or more of contained uranium-235, uranium-233, or plutonium would also be affected.

These proposed amendments are intended only to take advantage of current computer technology to make more efficient and less costly the data collection process. The Commission believes there will be minimal costs associated with implementation of these proposed amendments but nonetheless encourages licensees to comment on the cost impact of complying with the rule, if such impact is considered significant.

Most licensees already have their material accounting automated and can easily 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 Safeguards and Transportation, Washington, DC 20555.

#### Submission of Comments in Electronic Format

Commenters are encouraged to submit, in addition to the original paper copy, a copy of the letter in electronic format on 5.25 or 3.5 inch computer diskette; IBM PC/DOS or MS/DOS format. Text files should be provided in WordPerfect format or unformatted ASCII code. The format and version should be identified on the diskette's external label.

### Environment Impact: Categorical Exclusion

The NRC has determined that this proposed change is the type of action described in the categorical exclusion 10 CFR 51.33(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for the proposed rule.

### Paperwork Reduction Act Statement

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Since the rule would eliminate the need for certain paper forms, the public reporting burden for the collection of information is expected to be reduced. The resulting burden reduction for DOE/NRC Forms 741, 741A, 742, and 740M is estimated to average .25 hours per response. The resulting burden reduction for 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, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0003, -0004, -00057, and -0058), Office of Management and Budget, Washington, DC 20503.

### Regulatory Analysis

These proposed amendments would have no significant impact on State and local governments and geographical regions. They would have a significant positive impact on the efficiency and accuracy of the data collection process. The proposed amendments would not have a significant impact on health, safety, and the environment. This rule would make all licensees submit computer readable reports regarding special nuclear material transactions. The NRC would realize a cost savings of approximately \$100,000. 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 forms. The rule would facilitate the collection of data by the NRC to satisfy its statutory and treaty obligations. This constitutes the regulatory analysis for this proposed 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 will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule would affect 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 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 proposed change because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

### List of Subjects in 10 CFR Part 40

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

### List of Subjects in 10 CFR Part 72

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

### List of Subjects in 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.

### List of Subjects in 10 CFR Part 75

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

### List of Subjects in 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. 553, the NRC is proposing to adopt 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 (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).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§40.3, 40.25(d)(1)-(3), 40.35(a)-(d) and (f), 40.41(b) and (c), 40.46, 40.51(a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b); 40.10 is issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201 (b);(42 U.S.C. 2201(i)); and 40.5, 40.9, 40.25(c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.60, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

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 by 1 kilogram or more of uranium or thorium source material of foreign origin 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 form 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 Safeguards and Transportation, Washington, DC 20555. Each licensee who transfers the material shall submit a Nuclear Material Transaction Report in computer readable form 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 form 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 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 (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).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§72.6, 72.12, 72.22, 72.24, 72.26, 72.28(d), 72.30, 72.32, 72.44(a), (b)(1), (4), (5), (c), (d)(1), (2), (e), (f), 72.48(a), 72.50(a), 72.52(b), 72.72(b), (c), 72.74(a), (b), 72.76, 72.78, 72.104, 72.106, 72.120, 72.122, 72.124, 72.126, 72.128, 72.130, 72.140(b), (c), 72.148, 72.154, 72.156, 72.160, 72.166, 72.168, 72.170, 72.172, 72.176, 72.180, 72.184, 72.186 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§72.10(a), (e), 72.12, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.44(a), (b)(1), (4), (5), (c), (d)(1), (2), (e), (f), 72.48 (a), 72.50(a), 72.52(b), 72.90(a)-(d), (f), 72.92, 72.94, 72.98, 72.100, 72.102(c), (d), (f), 72.104, 72.106, 72.120, 72.122, 72.124, 72.126, 72.128, 72.130, 72.140(b), (c), 72.142, 72.144, 72.146, 72.148, 72.150, 72.152, 72.154, 72.156, 72.158, 72.160, 72.162, 72.164, 72.166, 72.168, 72.170, 72.172, 72.176, 72.180, 72.182, 72.184, 72.186, 72.190, 72.192, 72.194 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§72.10(e), 72.11, 72.16, 72.22, 72.24, 72.26, 72.28, 72.30, 72.32, 72.44(b)(3), (c)(5), (d)(3), (e), (f), 72.48(b), (c), 72.50(b), 72.54(a), (b), (c), 72.56, 72.70, 72.72, 72.74(a), (b), 72.76(a), 72.78(a), 72.80, 72.82, 72.92(b), 72.94(b), 72.140(b), (c), (d), 72.144(a), 72.146, 72.148, 72.150, 72.152, 72.154(a), (b), 72.156, 72.160, 72.162, 72.168, 72.170, 72.172, 72.174, 72.176, 72.180, 72.184, 72.186, 72.192,

72.212(b), 72.216, 72.218, 72.230, 72.234(e) and (g) are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

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 form 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 Safeguards and Transportation, Washington, DC 20555. 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 submitted in paper form.

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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 form 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 Safeguards and Transportation, Washington, DC 20555. 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 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).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§74.17, 74.31, 74.33, 74.51, 74.53, 74.55, 74.57, 74.59, 74.81, and 74.82 are issued under secs. 161b and 161i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201(b) and 2201(i)); and §§74.11, 74.13, 74.15, and 74.17 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

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 form 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 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 form 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 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 Safeguards and Transportation, Washington, DC 20555. 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.

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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 form 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 Safeguards and Transportation, Washington, DC 20555. This prescribed computer readable form replaces the DOE/NRC Form 741 which has been 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 form 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/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).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); the provisions of this part are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

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 form, 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 form, 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.

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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 consists 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 form 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 Safeguards and Transportation, Washington, DC 20555. This prescribed computer readable form replaces the DOE/NRC Form 740M which has been 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 Safeguards and Transportation,

Washington, DC 20555. These prescribed computer readable forms replace the DOE/NRC Form 742, 742C, and 740M which have been submitted in paper form.

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PART 150 - EXEMPTIONS AND CONTINUED REGULATORY  
AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS  
UNDER SECTION 274

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).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§150.20(b) (2)-(5) and 150.21 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §150.14 and 150.20 (b) (5) are issued under sec. 161i, 68 Stat. 949, as

amended (42 U.S. C. 2201(i)); and §§150.16-150.19 and 150.20(b)(1) are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

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 form Nuclear Material Transaction Reports in accordance with instructions (NUREG/BR-0006 and NMMSS Report D-24 "Personal Computer Data Input for NRC Licensees") whenever he transfers or receives 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 form promptly after the transfer takes place. Each person who receives special nuclear material shall submit in accordance with instructions the computer readable form 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 Safeguards and Transportation, Washington, DC 20555. These prescribed computer readable forms replace the DOE/NRC Form 741 which have been submitted in paper form.

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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 form 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 Safeguards and Transportation, Washington, DC 20555. Each person who receives the material shall submit in accordance with instructions the computer readable form within ten (10) days after the material is received.

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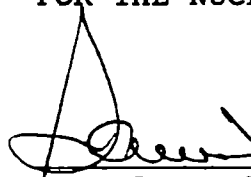
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Dated at Rockville, MD this 19<sup>th</sup> day of Jan, 1993.

FOR THE NUCLEAR REGULATORY COMMISSION.

  
Samuel J. Chilk,  
Secretary of the Commission.