TABLE I—Continued

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
		U.S. No. 1 (internal)	
	On and after 8/19/85	Improved No. 2 (external)	$3\frac{9}{16}$
		U.S. No. 1 (internal)	
Temples	2/20/85 to 8/18/85	U.S. No. 1	$2\frac{4}{16}$
	On and after 8/19/85	U.S. No. 1	$2\frac{6}{16}$
Tangelos	2/20/85 to 8/18/85	U.S. No. 1	$2\frac{4}{16}$
	On and after 8/19/85	U.S. No. 1	$2\frac{6}{16}$
* *	* *	* *	*

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 20, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–4561 Filed 2–22–85; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the tobacco loan program regulations which are found at 7 CFR 1464.5 to indicate that, with respect to the 1981 and prior crops only, if the proceeds from the sales of tobacco pledged by tobacco associations as collateral for Commodity Credit Corporation (CCC) price support loans exceed the loan amount and related costs, such gains shall be distributed by the associations to the producers who received such loans. This amendment to the tobacco loan program regulations is made for the purpose of clarification only.

EFFECTIVE DATE: February 25, 1985.

FOR FURTHER INFORMATION CONTACT: Jay S. Poole, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loan and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

As a result of enactment of the No Net Cost Tobacco Program Act of 1982, the regulations governing the tobacco loan program were amended to provide, in part, that the net gains realized from each of the 1982 and subsequent crops of tobacco pledged as collateral for CCC price support loans shall be retained by CCC to offset any losses sustained by CCC under its loan agreements with a tobacco association, or to reduce the outstanding balance of any price support loan made by CCC to the association. (See 7 CFR 1464.10). However, the regulations found at 7 CFR 1464.5 provide that the net proceeds from sales of tobacco pledged as collateral for CCC price support loans will be applied to the loan account for such crop until the loan principal, together with any applicable costs, are repaid. After the loan principal and any applicable costs are paid to CCC, any remaining net proceeds are to be considered as "net gains" and the tobacco association is required to distribute such gains to the producers who pledged the tobacco as collateral for CCC price support loans. Because questions have been raised as to the applicability of these provisions of the regulations to the distribution of net gains to tobacco producers, it has been determined that § 1464.5 should be amended to clarify that only the net gains from sales of tobacco pledged as collateral for CCC price support loans in 1981 and prior crop years shall be distributed by CCC as specified by § 1464.5.

Since the provisions of this final rule make no substantive change but merely clarify existing regulations, it has been determined that no further public rulemaking is required. Accordingly, this rule shall become effective upon the date of publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1464

Price support programs, Tobacco, Warehouses.

Final Rule

PART 1464—[AMENDED]

Accordingly, 7 CFR 1464.5 is amended by revising the fifth sentence to read as follows:

§ 1464.5 Interest rate and general provisions.

* * * With respect to the 1981 and prior crops, if the proceeds from the sale of loan collateral of any crop exceed (a) the amount of the loan plus all fees, handling charges, operating costs and interest; and (b) any amount due CCC under a barter transfer agreement entered into between CCC and the association, such excess shall constitute "net gains" and shall be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC. * * *

Authority: Secs. 106, 106A, 74 Stat. 6, as amended, 96 Stat. 197, as amended (7 U.S.C. 1445, 1445-1).

Signed in Washington, D.C. on February 20, 1985.

Everett Rank,

Executive Vice-President, Commodity Credit Corporation.

[FR Doc. 85–4537 Filed 2–22–85; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 274

Seizure and Forfeiture of Vehicles; Vessels and Aircraft

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule revises the monetary limitations in the regulations applicable to civil and criminal forfeitures. These increases are necessary to comply with the recently enacted Comprehensive Act of 1984, Pub. L. 98–473, and the Trade and Tariff Act of 1984, Pub. L. 98–573.

EFFECTIVE DATE: February 25, 1985.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: 633–3291.

For Specific Information: Paul Virtue, Assistant General Counsel, Immigration and Naturalization Service, 425 I Street, NW., Washington, D.C. 20536, Telephone: 633–2656.

SUPPLEMENTARY INFORMATION: The recent enactments of the Comprehensive Act of 1984, Pub. L. 98–473, 98 Stat. 1837, and the Trade and Tariff Act of 1984, Pub. L. 98–573, 98 Stat. 2948, revised certain dollar limitations applicable to civil and criminal forfeitures. The amendments increasing the monetary limitations in the current regulations will allow a more efficient administration of Service forfeiture procedures.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because these monetary increases are mandated by law.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant impact on a substantial number of small entities. This order is not a major rule with the definition of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 274

Administrative practice and procedure, Aircraft, Conveyances, Law enforcement, Motor vehicles, Penalties, Seizure and forfeitures, Vessels.

Accordingly, Chapter 1 of Title 8 is amended to read as follows:

PART 274—SEIZURE AND FORFEITURE OF VEHICLES, VESSELS, AND AIRCRAFT

§ 274.9 [Amended]

1. In § 274.9, paragraph (a) is amended by removing the amount "$10,000" and inserting in its place the amount of "$100,000".

* * * * *

2. In § 274.10, paragraphs (a) and (c) are revised to read as follows:

§ 274.10 Judicial forfeiture upon claim and bond.

(a) Any person claiming ownership of a seized conveyance may obtain judicial review by filing a claim within 20 days of the date of first publication of the notice of seizure, alleging that the conveyance was improperly seized, and posting bond to cover all the costs and expenses of the proceedings if forfeiture is denied. The bond in the sum of the lesser of $2,500 or ten percent of the value of the property, but in no event less that $250 must be in cash, certified check, or on Form I–637 (Bond of Claimant of Seized Conveyance for Costs of Court), if the surety is approved by the regional commissioner. The bond must be made payable to the Immigration and Naturalization Service and will be maintained in the custody of the regional commissioner. The regional commissioner may waive the bond requirement in the manner provided by *Waiver of fees* in § 103.7(c)(1) of this chapter.

* * * * *

(c) The filing of a claim and the posting of bond does not entitle the claimant to possession of the vehicle but does stop the summary forfeiture proceedings. Upon conclusion of the action, the regional commissioner shall disburse the money to pay costs up to the amount of the bond and shall return any additional sum to the obligor.

§ 274.11 [Amended]

3. Section 274.11 is amended by removing the amount "$10,000" and inserting in its place the amount of "$100,000".

§ 274.12 [Amended]

4. Section 274.12 is amended by removing the amount "$10,000" and inserting in its place the amount of "$100,000".

§ 274.21 [Amended]

Section 274.21 is amended by removing the amount of "$50,000" and inserting in its place the amount of "$150,000".

(Secs. 103 and 274 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1324))

Dated: February 6, 1985.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 85–4470 Filed 2–22–85; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 70 and 74

Amended Material Control and Accounting Requirements for Special Nuclear Material of Low Strategic Significance

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its material control and accounting (MC&A) requirements for licensees possessing and using quantities larger than one effective kilogram of special nuclear material of low strategic significance. These amendments reform the MC&A regulations for fuel cycle facilities by establishing a grading of requirements between those applicable to low enriched uranium (LEU) and those applicable to more strategically significant forms of special nuclear material. These amendments will make the regulations more consistent with the low strategic significance of this material and will result in a significant reduction in costs for the affected licensees. Emphasis has been given to performance requirements rather than prescriptive requirements to allow licensees to select the most cost-effective ways to satisfy NRC requirements for LEU of low strategic significance.

EFFECTIVE DATE: March 27, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. W.B. Brown, Chief, Fuel Facility Safeguards Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4043.

SUPPLEMENTARY INFORMATION:

Background

A new 10 CFR Part 74 is created which will eventually contain all the domestic MC&A regulatory requirements. As other existing MC&A requirements, which are currently found in Part 70, "Domestic Licensing of Special Nuclear Material," are revised they will be moved to Part 74. This will place the MC&A requirements in a format similar to Part 73, "Physical Protection of Plants and Materials." Specific safeguards program requirements will be found in Parts 73 and 74 with the general license requirements being retained in Part 70.

Seven low enriched uranium fuel fabrication and recovery facilities will follow the new Part 74. These seven facilities, who are authorized to possess and use more than one effective kilogram of special nuclear material of low strategic significance, are Babcock and Wilcox Co., Lynchburg, Virginia; Combustion Engineering, Inc., Windsor, Connecticut and Hematite, Missouri; Exxon Nuclear Co., Inc., Richland, Washington; General Electric Co., Wilmington, North Carolina; Westinghouse Electric Corp., Columbia, South Carolina; and the LEU scrap recovery operations at Nuclear Fuel Services, Inc., Erwin, Tennessee. All other current licensees subject to safeguards requirements in 10 CFR Part 70 will continue to follow Part 70 until the provisions of Part 70 applicable to them are transferred to Part 74. Any such transfer will be accomplished by public notice in the **Federal Register**.

The goal of this rule is to reduce the MC&A regulatory requirements for LEU licensees to a level that is consistent with the safeguards risk associated with the low strategic significance of LEU. Under the current regulations, the major differences in the MC&A requirements for LEU and Strategic Special Nuclear Material (SSNM) are a longer inventory period and a higher de minimis inventory difference action threshold for LEU. The bulk of the other current requirements are essentially the same for LEU and SSNM.

On December 14, 1982, the Nuclear Regulatory Commission published proposed amendments to 10 CFR Part 70, on which this final rule is based, in the **Federal Register** (47 FR 55951). A discussion of safeguards risk associated with LEU can be found in that **Federal Register** Notice. Interested parties were invited to submit written comments and suggestions regarding the proposed amendments. Comments were received from four licensees, three private citizens, one professional group, one consulting firm, several NRC groups, and the Department of State, which coordinated comments from the Executive Branch.

Changes Made to Proposed Amendments to 10 CFR Part 70

1. The general reporting requirements for MC&A have been deleted from Part 70 and moved to a new Part 74. The previously proposed § 70.60 has been redesignated § 74.31.

2. The definition of "goal quantity" and reference to that quantity have been deleted. Licensees subject to Part 74 are required to detect losses of specified quantities of SNM. These loss detection quantities will be determined by the NRC on a site-by-site basis.

3. The first performance objective in the new § 74.31(a)(1) has been reworded.

4. The words "and use" have been added to the first sentence of § 74.31(a).

5. Licensees subject to § 74.31 are explicitly exempted from the recordkeeping requirements of § 70.51(b).

6. Explicit requirements have been added that the accounting records be based on measured values and that values with significant measurement bias be corrected.

7. The first sentence of the requirements for current knowledge of items has been rephrased for clarity.

8. Some definitions from Part 70 have been added to § 74.4.

9. The language in § 70.57 now explicitly shows that it does not apply to special nuclear material of low strategic significance.

10. Other minor changes have been made throughout the amendments.

Discussion of Changes Made

(1) In the current rule structure, the MC&A requirements have been interspersed among the safety and general licensing requirements of 10 CFR Part 70. These MC&A requirements are being moved to a new Part 74 of 10 CFR to avoid confusion with the safety requirements in Part 70, to allow the requirements to be presented in a more orderly manner, and to be consistent with the use of Part 73 for physical protection requirements. The MC&A requirements remaining in §§ 70.51, 70.57, and 70.58 apply to special nuclear material (SNM) of moderate strategic significance, strategic special nuclear material, and special categories of licensees possessing SNM of low strategic significance who are currently not required to have an approved MC&A plan. Performance-oriented regulations for these classes of licensees will be added to Part 74 as they become final and will eventually replace the MC&A requirements in Part 70.

(2) As indicated in the supplementary information accompanying the publication of the proposed amendments, comments were solicited from the Department of State. As a result of these comments, the term "goal quantity" has been dropped to avoid any confusion between the International Atomic Energy Agency's (IAEA) use of the term "significant quantities" when addressing a national level threat and the NRC's use of "goal quantity" when addressing our domestic level threat. Further, in keeping with the IAEA's inspection approach, the NRC will establish quantities for loss detection on a site-by-site basis. Guidelines for this process will be provided in the Acceptance Criteria for the LEU Reform Amendments.

(3) When the term "goal quantity" was dropped, the first general performance objective of § 74.31(a)(1) was reworded.

(4) The requirements of § 74.31 are not intended to apply to licensees who merely possess and store sealed containers of SNM. Thus, the phrase "and use" was added to the first sentence of § 74.31(a) to make that section only applicable to licensees who process the SNM in some manner.

(5) For licensees using SNM of low strategic significance in a quantity greater than one effective kilogram, the recordkeeping requirements in § 74.31(d) apply in lieu of the requirements in § 70.51(b). In response to the comments, this is now made more explicit.

(6) The wording of the amendments, as proposed, raises some question as to whether licensees continue to be required to make measurements of the material they possess and to correct for biases in the measurement systems. To make this clearer, two new capability statements were added. These new statements require that material values on record be based on measurements and that biases in the measurement systems be estimated and corrected for when they are significant.

(7) The first sentence of the capability statement dealing with current knowledge was reworded to avoid confusion which resulted over how the 14-day criterion was to be applied. The 14-day period is to be used to determine when an item must formally be entered into the record system for tracking items.

(8) The list of definitions in § 74.4 has been expanded to include appropriate ones from Part 70. More definitions will be added as the MC&A requirements for the other classes of SNM are moved to Part 74. Concerning terminology, Part 74 reflects the terms the Commission now prefers when referring to certain MC&A and statistical concepts. However, the language in Part 70 has not been changed. As the requirements for the other classes of SNM are revised and added to Part 74, the new terms will be used. The definitions in § 74.4 cross reference the existing Part 70 definitions

where changes in terms have been made.

(9) A commenter suggested that § 70.57 be amended to exclude special nuclear material of low strategic significance. While this exclusion is implied in the amendment to § 70.58(a), § 70.57(b) was also amended to make it more explicit.

The Following Comments Did Not Result in Changes to the Proposed Amendments

(1) Several commenters made the assumption that the current knowledge requirement for items (proposed § 70.60(c)(4), now § 74.31(c)(6)) was only needed to assess losses of a goal quantity (e.g., 500 kg of uranium-235) or more, and thus, would not need to be sensitive to losses of less than a goal quantity of items.

The stated MC&A objectives in § 74.31(a) (2) and (3), "Resolve indication of missing material and aid in the investigation and recovery of missing material," give no specific quantity of material. A system which has no better discrimination capability than a goal quantity will not be very helpful in resolving any known thefts of smaller amounts. A current knowledge capability is needed to aid the NRC and other Federal and local authorities in determining the credibility of claims of material theft. NRC needs information to facilitate this type of determination in order to properly execute its legal responsibility to protect the public health and safety. If such a claim were true, the NRC needs to have a good estimate of the amount and form of the material involved. Also, if a theft has occurred, the NRC must be able to determine if corrective action is required.

(2) Commenters suggested that an amendment similar to that made to § 70.58(a) should be made for § 70.51 (i.e., exclude all SNM of low strategic significance).

A blanket exclusion was not appropriate because some classes of SNM of low strategic significance (those excluded from § 74.31) are still subject to parts of § 70.51 as they were in the past. In response to the comments, § 70.51(b) is being amended to exclude licensees subject to § 74.31. The other paragraphs of § 70.51 not being amended are of a minor nature and no explicit exclusion from them is considered to be necessary.

(3) Commenters suggested the removal of the phrase "unless otherwise required to satisfy Part 75" from the inventory requirement of § 74.31(c)(5).

This phrase was retained because of concerns expressed by the Department of State and certain NRC groups. Part 75 contains the requirements necessary to satisfy the agreement between the United States and the International Atomic Energy Agency. It was always the intent that the more restrictive requirements of Part 75 would take precedence over those of Parts 70 and 74. Making this explicit in the amendments has no net effect on the licensee.

Use and Availability of Acceptance Criteria

In preparing the plan required by § 74.31(b), it is suggested that the licensee/applicant utilize both the rule and the acceptance criteria. The rule is written in general, performance-oriented language to give the licensee/applicant flexibility in designing a cost-effective system which makes best use of site-specific features. The purpose of the acceptance criteria document is to provide an explanation and amplification of the required, basic performance-oriented system capabilities in § 74.31, and to suggest the information that a typical licensee/applicant would include in a comprehensive plan. The acceptance criteria were developed from the viewpoint that conventional measures, as utilized today, may continue to be employed by the licensee/applicant. It should be noted that the NRC acknowledges that the licensee/applicant is free to use alternative measures to comply with the requirements of § 74.31. In this regard, the NRC also recognizes that various aspects in the acceptance criteria may not be applicable. Single copies of the Acceptance Criteria for the LEU Reform Amendments may be obtained from: Dr. W.B. Brown, Chief, Fuel Facility Safeguards Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory Analysis

The Commission has prepared a regulatory analysis of this final regulation. The analysis examines the cost saving and rationale for this regulatory action versus maintaining the status quo. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from: Dr. W.B. Brown, Chief, Fuel Facility Safeguards Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Environmental Impact

The material control and accounting requirements for licensees possessing and using quantities larger than one effective kilogram of special nuclear material of low strategic significance will be amended in two major ways.

1. Certain safeguards related record keeping and reporting requirements now found in Part 70 are moved to a new Part 74 in order to separate the safety requirements of Part 70 from safeguards requirements.

2. Material control and accounting regulatory requirements for low enrichment uranium licensees will be reduced to a level that is consistent with the safeguards risk associated with the low strategic significance of LEU. The major differences in the MC&A requirements are a longer interval between physical inventories and a larger de minimis quantity for the inventory-difference action threshold.

Pursuant to 10 CFR 51.22(c)(3) (ii) and (iii) a categorical exclusion is granted for amendments to Commission regulations which relate to recordkeeping and reporting requirements. The proposed amendments described in Paragraph 1 above, meet the eligibility criteria for this categorical exclusion. Accordingly, no environmental impact statement or environmental assessment need be prepared in connection with the issuance of these amendments.

For the following reasons the Commission has also determined not to prepare an environmental impact statement for the amendments described in paragraph 2 above, and in accordance with 10 CFR 51.32 and 51.34 finds that the proposed amendments have no significant impact on the environment:

1. The proposed rule will not result in changes in the licensees' processes or manufacturing procedures and therefore will not affect or alter any releases of effluents to the environment.

2. The proposed rule will allow the licensees' the flexibility to change certain measurement procedures to meet performance criteria set forth in the rule. Measurement procedures have no environmental significance.

3. The proposed rule will affect seven low enrichment uranium fuel fabrication and recovery facilities, all of which have undergone individual NEPA review.

The environmental assessment upon which the foregoing determination is based is included in the Regulatory Analysis for this rulemaking action, and is available for public inspection at the NRC Public Document Room, 1717 H Street NW, Washington, D.C. Single copies of the environmental assessment and finding of no significant impact are available from Dr. W.B. Brown, Chief, Fuel Facility Safeguards Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427-4185.

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 No. 3150-0009 (for Part 70) and No. 3150-0123 (For Part 74).

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects seven facilities that fabricate low enriched fuel, and is expected to result in an estimated savings for the industry on the order of $3.9 million per year. The facilities include Babcock and Wilcox Company, Lynchburg, Virginia; Combustion Engineering, Inc., Hematite, Missouri, and Windsor, Connecticut; Exxon Nuclear Company, Inc., Richland, Washington; General Electric Company, Wilmington, North Carolina; Westinghouse Electric Corporation, Columbia, South Carolina; and the LEU scrap recovery operations at Nuclear Fuel Services, Inc., Erwin, Tennessee. These companies are dominant in their service areas and do not fall within the definition of "small entities" set forth in the Regulatory Flexibility Act or by the Small Business Administration in 13 CFR Part 121.

List of Subjects

10 CFR Part 70

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

10 CFR Part 74

Accounting, Material control and accounting, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Special nuclear material.

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 following amendments to 10 CFR Part 70 and a new 10 CFR Part 74 are published by the NRC as a document subject to codification.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); sec. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)-(k), 70.24 (a) and (b), 70.32 (a)(3), (5) and (6), (d), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)-(g)(3), and (h)-(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)-(g), 70.56, 70.57 (b) and (d), 70.58 (a)-(g)(3) and (h)-(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 70.20b (d) and (e), 70.38, 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58 (g)(4), (k), and (l), 70.59, and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 70.4, paragraphs (x), (y), (z), and (aa) are added to read as follows:

§ 70.4 Definitions.

* * * * *

(x) "Strategic special nuclear material" means uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium-233, or plutonium.

(y) "Formula quantity" means strategic special nuclear material in any combination in a quantity of 5000 grams or more computed by the formula, grams = (grams contained U^{235} + 2.5 (grams U^{233} + grams plutonium).

(z) "Special nuclear material of moderate strategic significance" means:

(1) Less than a formula quantity of strategic special nuclear material but more than 1000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{233} isotope) or more than 500 grams of uranium-233 or plutonium or in a combined quantity of more than 1000 grams when computed by the equation, grams = (grams contained U^{235}) + 2 (grams U^{233} + grams plutonium); or

(2) 10,000 grams or more of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U^{235} isotope).

(aa) "Special nuclear material of low strategic significance" means:

(1) Less than an amount of special nuclear material of moderate strategic significance, as defined in § 70.4(z)(1), but more than 15 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope) or 15 grams of uranium-233 or 15 grams of plutonium or the combination of 15 grams when computed by the equation, grams = (grams contained U^{235}) + (grams plutonium) + (grams U^{233}); or

(2) Less than 10,000 grams but more than 1000 grams of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U^{235} isotope); or

(3) 10,000 grams or more of uranium-235 (contained in uranium enriched above natural but less than 10 percent in the U^{235} isotope).

3. In § 70.22, paragraph (b) is revised to read as follows:

§ 70.22 Contents of applications.

* * * * *

(b) Each application for a license to possess at any one time and location special nuclear material in a quantity exceeding one effective kilogram of special nuclear material and to use such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter and those involved in a waste disposal operation, and as sealed sources, shall contain a full description of the applicant's program for control of and accounting for special nuclear material which will be in the applicant's possession under license, to show how compliance with the requirements of § 70.58 or § 74.31 of this chapter, as applicable, will be accomplished.

* * * * *

4. In § 70.32, paragraph (c)(1) is revised to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(c)(1) Each license authorizing the possession at any one time and location of special nuclear material in a quantity exceeding one effective kilogram of special nuclear material, and the use of such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part

50 of this chapter and those involved in a waste disposal operation and in sealed sources, shall contain and be subject to a condition requiring the licensee to maintain and follow (i) the program for control and accounting for special nuclear material and fundamental material controls described pursuant to §§ 70.22(b), 70.58(l), or 74.31(b) of this chapter, as appropriate; (ii) the measurement control program for special nuclear material control and accounting described pursuant to § 70.57(c), or § 74.31(b) of this chapter, as appropriate; and (iii) such other material control procedures as the Commission determines to be essential for the safeguarding of special nuclear material and providing that the licensee shall make no change which would decrease the effectiveness of the material control and accounting program prepared pursuant to §§ 70.22(b), 70.58(l), 70.51(g), or § 74.31(b) of this chapter, and the measurement control program prepared pursuant to § 70.57(c) or § 74.31(b) of this chapter without the prior approval of the Commission. A licensee desiring to make such changes shall submit an application for amendment to its license pursuant to § 70.34.

* * * * *

5. In § 70.51, an introductory text to paragraph (b) is added and the introductory text of paragraph (e) is revised to read as follows:

§ 70.51 Material balance, inventory, and records requirements.

* * * * *

(b) Licensees subject to the recordkeeping requirements of § 74.31 of this chapter are exempt from the requirements of § 70.51(b)(1) through (5). Otherwise:

* * * * *

(e) Each licensee who is authorized to possess at any one time special nuclear material in a quantity exceeding one effective kilogram of strategic special nuclear material, or special nuclear material of moderate strategic significance, and to use such special nuclear material for activities other than those involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter or those involved in a waste disposal operation; as sealed sources; or as reactor irradiated fuels involved in research, development, and evaluation programs in facilities other than irradiated fuel reprocessing plants, shall:

* * * * *

6. In § 70.52, paragraph (b) is revised to read as follows:

§ 70.52 Reports of accidental criticality or loss or theft or attempted theft of special nuclear material.

* * * * *

(b) Each licensee who possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report any theft or attempted theft according to the requirements set out in § 74.11 of this chapter.

7. Section 70.53 is revised to read as follows:

§ 70.53 Material status reports.

(a) (1) Each licensee who is 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 material balance reports as required by § 74.13(a)(1) of this chapter.

(2) Any licensee who is required to submit routine material status reports pursuant to § 75.35 of this chapter shall follow the requirements set out in § 74.13(a)(2) of this chapter.

(b) Each licensee subject to the requirements of § 70.51(e) shall follow the requirements set out in § 74.13(b) of this chapter.

8. Section 70.54 is revised to read as follows:

§ 70.54 Nuclear material transfer reports.

(a) Each licensee who transfers and each licensee who receives special nuclear material shall follow the requirements set out in § 74.15(a) and (b) of this chapter.

(b) Any licensee who is required to submit inventory change reports on DOE/NRC Form-741 pursuant to § 75.34 of this chapter shall follow the requirements set out in § 74.15(c) of this chapter.

9. In § 70.57, the introductory text of paragraph (b) is revised to read as follows:

§ 70.57 Measurement control program for special nuclear materials control and accounting.

* * * * *

(b) In accordance with § 70.58(f), each licensee who is authorized to possess at any one time and location strategic special nuclear material, or special nuclear material of moderate strategic significance, in a quantity exceeding one effective kilogram and to use such special nuclear material for activities other than those involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, those involved in a waste disposal operation, or as sealed sources, shall establish and maintain a measurement control program for special nuclear materials control and accounting measurements. Each program function shall be identified and assigned in the licensee organization in accordance with § 70.58(b)(2), and functional organizational relationships shall be set forth in writing in accordance with § 70.58(b)(3). The program shall be described in a manual which shall contain the procedures, instructions, and forms prepared to meet the requirements of this paragraph, including procedures for the preparation, review, approval, and prompt dissemination of any program modifications or changes. The licensee's program shall include the following:

* * * * *

10. In § 70.58, paragraph (a) is revised to read as follows:

§ 70.58 Fundamental nuclear material controls.

(a) Each licensee who is authorized to possess at any time and location strategic special nuclear material, or special nuclear material of moderate strategic significance, in a quantity exceeding one effective kilogram, and to use such special nuclear material except those uses involved in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter and those involved in a waste disposal operation, and as sealed sources, shall establish, maintain, and follow written material control and accounting procedures in compliance with the fundamental nuclear material control requirements specified in paragraphs (b) through (k) of this section and such other controls as the Commission determines to be essential for the control of and accounting for special nuclear material.

* * * * *

11. A new Part 74 is added to read as follows:

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

Subpart A—General Provisions

Sec.

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. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846).

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

Subpart A—General Provisions

§ 74.1 Purpose.

(a) This part has been established to contain the requirements of the control and accounting of special nuclear material at fixed sites and for documenting the transfer of special nuclear material. General reporting requirements as well as specific requirements for certain licensees possessing special nuclear material of low strategic significance are included. The specific control and accounting requirements for other licensees are contained in §§ 70.51, 70.57, and 70.58 of this chapter.

(b) The general conditions and procedures for the submittal of a license application for the activities covered in this part are detailed in § 70.22 of this chapter.

§ 74.2 Scope.

(a) The general requirements of this part apply to each person licensed pursuant to Part 70 or 72 of this chapter, who possesses special nuclear material in a quantity greater than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof; or who transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium.

(b) In addition, specific control and accounting requirements are included for certain licensees who possess and use special nuclear material of low strategic significance.

(c) Specific control and accounting requirements for special nuclear material of moderate strategic significance, formula quantities of strategic special nuclear material, and miscellaneous categories of licensees who possess special nuclear material of low strategic significance are contained in §§ 70.51, 70.57, and 70.58 of this chapter.

§ 74.4 Definitions.

As used in this part:

Act means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.

Active inventory means the sum of additions to inventory, beginning inventory, ending inventory, and removals from inventory, after all common terms have been excluded. Common terms are any material values which appear in the active inventory calculation more than once and come from the same measurement.

Commission means the Nuclear Regulatory Commission or its duly authorized representatives.

DOE means the U.S. Department of Energy or its duly authorized representatives.

Effective kilograms of special nuclear material means:

(1) For plutonium and uranium-233 their weight in kilograms;

(2) For uranium with an enrichment in the isotope U^{235} of 0.01 (1 percent) and above, its element weight in kilograms multiplied by the square of its enrichment expressed as a decimal weight fraction; and

(3) For uranium with an enrichment in the isotope U^{235} below 0.01 (1 percent), its element weight in kilograms multiplied by 0.0001.

Formula quantity means strategic special nuclear material in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U^{235}) + 2.5 (grams U^{233} + grams plutonium).

Government agency means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America, which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

High enriched uranium means uranium enriched to 20 percent or greater in the isotope uranium-235.

Inventory difference (ID) means the quantity obtained by subtracting ending inventory (EI) and removals (R) from beginning inventory (BI) and additions to inventory (A). Mathematically,

$$ID = BI + A - EI - R.$$

ID is sometimes also referred to as "material unaccounted for" (MUF) in this chapter.

Low enriched uranium means uranium enriched below 20 percent in the isotope uranium-235.

Measurement includes sampling and means the determination of mass, volume, quantity, composition or other property of a material where such determinations are used for special nuclear material control and accounting purposes.

Measurement system means all of the apparatus, equipment, instruments and procedures used in performing a measurement.

Person means:

(1) Any individual, corporation, partnership, firm, association trust, estate, public or private institution, group, Government agency other than the Commission or the Department of Energy, except that the Department of Energy shall be considered a person within the meaning of the regulations in this part to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission pursuant to section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), any state or any political subdivision of or any political entity within a state, any foreign government or nation or political subdivision of any such government or nation, or other entity; and

(2) Any legal successor, representative, agent, or agency of the foregoing.

Physical inventory means determination on a measured basis of the quantity of special nuclear material on hand at a given time. The methods of physical inventory and associated measurements will vary depending on the material to be inventoried and the process involved.

Source material means source material as defined in section 11z. of the Act and in the regulations contained in Part 40 of this chapter.

Special nuclear material means:

(1) Plutonium, uranium-233, uranium enriched in the isotope U^{233} or in the isotope U^{235}, and any other material

which the Commission, pursuant to the provisions of section 51 of the Atomic Energy Act of 1954, as amended, determines to be special nuclear material, but does not include source material; or

(2) Any material artificially enriched by any of the foregoing, but does not include source material.

Special nuclear material of low strategic significance means:

(1) Less than an amount of special nuclear material of moderate strategic significance, but more than 15 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope) or 15 grams of uranium-233 or 15 grams of plutonium or the combination of 15 grams when computed by the equation, grams = grams contained U^{235} + grams plutonium + grams U^{233}; or

(2) Less than 10,000 grams but more than 1,000 grams of uranium-235 (contained in uranium enriched to 10 percent or more, but less than 20 percent in the U^{235} isotope); or

(3) 10,000 grams or more of uranium-235 contained in uranium enriched above natural, but less than 10 percent in the U^{235} isotope.

Special nuclear material of moderate strategic significance means:

(1) Less than a formula quantity of strategic special nuclear material but more than 1,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope) or more than 500 grams of uranium-233 or plutonium or in a combined quantity of more than 1,000 grams when computed by the equation, grams = (grams contained U^{235}) + 2 (grams U^{233} + grams plutonium); or

(2) 10,000 grams or more or uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U^{235} isotope).

Strategic special nuclear material means uranium-235 (contained in uranium enriched to 20 percent or more in the U^{235} isotope), uranium-233, or plutonium.

§ 74.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretations of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as binding on the Commission.

§ 74.6 Communications.

Any communication or report concerning the regulations in this part and any application filed under these regulations may be submitted to the Commission as follows:

(a) By mail addressed to—Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(b) By delivery in person to the Commission offices at—

(1) 1717 H Street NW., Washington, DC; or

(2) 7915 Eastern Avenue, Willste Building, Silver Spring, MD.

§ 74.7 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

§ 74.8 Information collection requirements: OMB approval.

(a) The Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under Control No. 3150–0123.

(b) The approved information collection requirements contained in this part appear in §§ 74.11, 74.13(b) and 74.31 (b), (c), and (d).

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 74.15, DOE/NRC Form–741 is approved under Control No. 3150–0003.

(2) In § 74.13, DOE/NRC Form–742 is approved under Control No. 3150–0004.

(3) In § 74.13, DOE/NRC Form–742C is approved under Control No. 3150–0058.

Subpart B—General Reporting

§ 74.11 Reports of loss or theft or attempted theft of special nuclear material.

Each licensee who possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately to the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter by telephone and telegraph, mailgram, or facsimile any loss or theft or other unlawful diversion of special nuclear material which it is licensed to possess, or any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of special nulcear material in accordance with the procedures in § 73.71 of this chapter. This requirement does not pertain to measured discards or inventory difference quantities.

§ 74.13 Material status reports.

(a) (1) Each licensee who is 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 to the Commission (on DOE/NRC Form–742, Material Balance Report) material balance reports concerning special nuclear material received, produced, possessed, transferred, consumed, disposed of, or lost by the licensee. The licensee also shall prepare (on DOE/NRC Form–742C, Physical Inventory Listing) a statement of the composition of the ending inventory, which shall be submitted to the Commission as an attachment to each material balance report. All such reports shall be made as of March 31 and September 30 of each year and filed within thirty (30) days after the end of the period covered by the report. The Commission may permit a licensee to submit such reports at other times when good cause is shown. In preparing and submitting the reports described in this paragraph, the licensee shall comply with the printed instructions for completing the particular form.

(2) Any licensee who is required to submit routine material status reports pursuant to § 75.35 of this chapter (pertaining to implementation of the US/IAEA Safeguards Agreement) shall prepare and submit such reports only as provided in that section (instead of as provided in paragraph (a)(1) of this section).

(b) Each licensee subject to the requirements of § 70.51(e) of this chapter shall submit a report, in accordance with paragraph (b)(1) or (b)(2) of this section, to the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter, with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 calendar days after the start of each ending physical inventory required by § 70.51(e)(3).

(1) If the inventory difference exceeded both

(i) Twice the standard error of the estimated measurement uncertainty associated with the inventory difference, and

(ii) 200 grams of plutonium or U^{233}, 300 grams of high enriched uranium or uranium-235 contained in high enriched uranium, or 9000 grams of uranium-235 contained in low enriched uranium, a statement of the probable reasons for the excessive inventory difference and corrective actions taken or planned; and

(2) If for any material twice the standard error of the estimated measurement uncertainty associated with the inventory difference exceeds any applicable limits specified in § 70.51(e)(5) or approved pursuant to § 70.51(e)(6) of this chapter, a statement of the probable reasons for the excessive standard error and the actions taken or planned with respect to controlling the standard error within applicable limits.

§ 74.15 Nuclear material transfer reports.

(a) Each licensee who transfers and each licensee who receives special nuclear material shall complete and distribute a Nuclear Material Transaction Report on DOE/NRC Form-741. This should be done in accordance with the printed instructions for completing the form 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.

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

(1) Complete both the supplier's and receiver's portion of DOE/NRC Form-741;

(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 on DOE/NRC Form-741 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).

Subpart C—Special Nuclear Material of Low Strategic Significance

§ 74.31 Nuclear material control and accounting for special nuclear material of low strategic significance.

(a) General performance objectives. Each licensee who is authorized to possess and use more than one effective kilogram of special nuclear material of low strategic significance, excluding sealed sources, at any site or contiguous sites subject to control by the licensee, other than a production or utilization facility licensed pursuant to Part 50 of this chapter, or operations involved in waste disposal, shall implement and maintain a Commission approved material control and accounting system that will achieve the following objectives:

(1) Confirm the presence of special nuclear material;

(2) Resolve indications of missing material; and

(3) Aid in the investigation and recovery of missing material.

(b) Implementation dates. Each licensee subject to the requirements of paragraph (a) of this section shall:

(1) No later than August 26, 1985, submit a fundamental nuclear material control plan describing how the requirements of paragraph (c) of this section will be met; and

(2) No later than December 23, 1985, or 60 days after the plan submitted pursuant to paragraph (b)(1) of this section is approved, whichever is later, implement the approved plan.

(c) System Capabilities. To meet the general performance objectives of § 74.31(a), the material control and accounting system must include the capabilities described in paragraph (c) (1) through (8) of this section. The licensee shall:

(1) Establish, document, and maintain a management structure which assures clear overall responsibility for material control and accounting functions, independence from production responsibilities, separation of key responsibilities, and adequate review and use of critical material control and accounting procedures;

(2) Establish and maintain a measurement system which assures that all quantities in the material accounting records are based on measured values;

(3) Follow a measurement control program which assures that measurement bias is estimated and significant biases are eliminated from inventory difference values of record;

(4) In each inventory period, control total material control and accounting measurement uncertainty so that twice its standard error is less than the greater of 9 kilograms of U^{235} or 0.25 percent of the active inventory, and assure that any measurement performed under contract is controlled so that the licensee can satisfy this requirement;

(5) Unless otherwise required to satisfy Part 75 of this chapter, perform a physical inventory at least every 12 months and, within 60 days after the start of the inventory, reconcile and adjust the book inventory to the results of the physical inventory, and resolve, or report an inability to resolve, any inventory difference which is rejected by a statistical test which has a 90 percent power of detecting a discrepancy of a quantity of uranium-235 established by NRC on a site-specific basis;

(6) Maintain current knowledge of items when the sum of the time of existence of an item, the time to make a record of the item, and the time necessary to locate the item exceeds 14 days. Store and handle, or subsequently measure, items in a manner so that unauthorized removals of substantial quantities of material from items will be detected. Exempted are items individually containing less than 500 grams of U^{235} up to a total of 50 kilograms of U^{235}, solutions with a concentration of less than 5 grams of U^{235} per liter, and items of waste destined for burial or incineration;

(7) Resolve, on a shipment basis and when required to satisfy Part 75 of this chapter, on a batch basis, shipper/receiver differences that exceed both twice the combined measurement standard error for that shipment and 500 grams of U^{235}; and

(8) Independently assess the effectiveness of the material control and accounting system at least every 24 months, and document management's action on prior assessment recommendations.

(d) Recordkeeping. Each licensee shall establish records that will demonstrate that the requirements of paragraph (c) of this section have been met and maintain these records for at least 3 years, unless a longer retention time is required by Part 75 of this chapter.

Subpart D—Special Nuclear Material of Moderate Strategic Significance

§ 74.41 [Reserved]

Subpart E—Formula Quantities of Strategic Special Nuclear Material

§ 74.51 [Reserved]

Subpart F—Enforcement

§ 74.81 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect special nuclear material and the premises and facilities wherein special nuclear material is used, produced, or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to its receipt, possession, use, acquisition, import, export, or transfer of special nuclear material.

(c) (1) In the case of fuel cycle facilities where nuclear reactor fuel is fabricated or processed, each licensee shall upon request by the Director, Office of Inspection and Enforcement, provide rent-free office space for the exclusive use of Commission inspection personnel. Heat, air conditioning, light, electrical outlets, and janitorial services shall be furnished by each licensee. The office shall be convenient to and have full access to the facility, and shall provide the inspector both visual and acoustic privacy.

(2) For a site with a single fuel facility licensed pursuant to Part 70 of this chapter, the space provided shall be adequate to accommodate a full-time inspector, a part-time secretary, and transient NRC personnel. It will be generally commensurate with other office facilities at the site. A space of 250 square feet either within the site's office complex or in an office trailer or other on-site space is suggested as a guide. For sites containing multiple fuel facilities, additional space may be requested to accommodate additional full-time inspector(s). The office space that is provided shall be subject to the approval of the Director, Office of Inspection and Enforcement. All furniture, supplies, and communication equipment will be furnished by the Commission.

(3) The licensee shall afford any NRC resident inspector assigned to that site, or other NRC inspectors identified by the Regional Administrator as likely to inspect the facility, immediate unfettered access, equivalent to access provided regular plant employees, following proper identification and compliance with applicable access control measures for security, radiological protection, and personal safety.

§ 74.82 Tests.

Each licensee shall perform, or permit the Commission to perform, any tests that the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of:

(a) Special nuclear material;

(b) Facilities where special nuclear material is utilized, produced, or stored; and

(c) Other equipment and devices used in connection with the production, utilization, or storage of special nuclear material.

§ 74.83 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provisions of the Atomic Energy Act of 1954, as amended, or Title II of the Energy Reorganization Act of 1974, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, DC, this 20th day of February 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-4522 Filed 2-22-85; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Federal Credit Union Ownership of Fixed Assets

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final Rule—Confirmation of Office of Management and Budget Control Number.

SUMMARY: NCUA has received Office of Management and Budget (OMB) approval of its information collection requirements in its regulation govering federal credit unions' (FCU) investment in fixed assets. An OMB control number has been assigned to the collection requirements.

ADDRESS: National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Charles W. Filson, Director, Office of Programs, or Louis P. Acuna, Director, Department of Supervision and Examination. Telephone (202) 357-1142 and (202) 357-1065, respectively.

EFFECTIVE DATE: February 1, 1985.

SUPPLEMENTARY INFORMATION: On Friday, December 28, 1984, the final rule entitled "FCU Ownership of Fixed Assets" was published in the **Federal Register** (49 FR 50365) (12 CFR 701.36). In the preamble of the final rule, a statement was included which indicated that the information collection requirements contained in the rule were being submitted to OMB for approval. OMB approval of the information collection requirements found in § 701.36 (Amended) was obtained on February 1, 1985. The approval is valid through September 30, 1987. The OMB control number assigned to the information collection requirements is 3133-0040. Section 795.1 of the NCUA Regulations (12 CFR 795.1) lists current OMB control numbers. The control number for § 701.36 is already listed as the control number for the regulation prior to its December 1984 revision. Therefore, § 795.1 need not be amended.

Dated: February 19, 1985.

Rosemary Brady,

Secretary of the NCUA Board.

[FR Doc. 85-4473 Filed 2-22-85; 8:45 am]

BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2—Amdt. 40]

Delegations of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Administrator has approved delegation of authority changes effected by a reorganization of the Seattle, Washington Regional Office as proposed by the Regional Administrator in that office. The changes, to accommodate the reorganization, include abolishing the positions of Assistant Regional Administrator for Minority Small Business and Capital Ownership Development (ARA/MSB/COD) and Assistant Regional Administrator for Procurement and Technology Assistance (ARA/P&TA); combining the divisional staffs of those abolished positions headed by a new position of Assistant Regional Administrator for Minority Enterprise and Procurement Assistance (ARA/ME&PA); and establishing a new staff Business Development Specialist position. The Business Development Specialist, and additionally the Senior Contract Specialist, are delegated Call Contract Program authority in the new organizational structure.

EFFECTIVE DATE: February 25, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Information Resources Management Branch, Small Business