

**Regulatory Guide Number:** 5.49, Revision 0

**Title:** Internal Transfers of Special Nuclear Material

**Office/Division/Branch:** NMSS/FCSE/MCAB

**Technical Lead:** Glenn Tuttle

**SUBJECT:** Basis for Withdrawal

**(1) What regulation(s) did the Regulatory Guide support?**

Regulatory Guide (RG) 5.49 was published in March 1975 to provide guidance on meeting the material control and accounting (MC&A) requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) 70.51(e) and 10 CFR 70.58(e) related to internal transfers of special nuclear material (SNM). However, these citations have subsequently been deleted from 10 CFR Part 70. The requirements related to internal transfers of SNM are now in 10 CFR 74.31(c), 10 CFR 74.33(c), 10 CFR 74.43(c)(2), 10 CFR 74.45(b)(1) and (c), and 10 CFR 74.59(d),(e) and (f)(2).

**(2) What was the purpose of the Regulatory Guide?**

RG 5.49 provided guidance to licensees on methods for controlling and documenting transfers of SNM within a facility to meet the MC&A requirements that were established in 1973 and 1974. The requirements were established to provide further assurance that the loss or diversion of significant amounts of SNM would not go undetected for extended periods of time.

**(3) How was the Regulatory Guide used?**

RG 5.49 was published in March 1975 to assist licensees in establishing procedures for controlling and documenting transfers of SNM within a facility. Controlling and documenting these internal transfers of SNM is one of the means of detecting diversion, theft, loss, or misstatements of the amount of SNM transferred.

**(4) Why is the Regulatory Guide no longer needed?**

Since RG 5.49 was published in 1975, the MC&A regulations have been revised, expanded, and moved from 10 CFR part 70 to 10 CFR part 74. To address the changes that have occurred over the past 40 years, a new regulatory guide has been developed that combines and updates the guidance found in RG 5.49 and two other guides, RG 5.28, "Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Materials," and RG 5.57, "Shipping and Receiving Control of Strategic Special Nuclear Material." This new guide has been designated RG 5.41, "Shipping, Receiving, and Internal Transfer of Special Nuclear Material."

**(5) What guidance is available once the Regulatory Guide is withdrawn?**

The guidance in RG 5.49 has been updated and incorporated into RG 5.41, "Shipping, Receiving, and Internal Transfer of Special Nuclear Material." Additional guidance on internal transfers of SNM can be found in NUREG-1065, "Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Facilities," NUREG/CR-5734, "Recommendations to the NRC on Acceptable Standard Format and Content for the Fundamental Nuclear Material Control (FNMC) Plan Required for Low-Enriched Uranium Enrichment Facilities," and NUREG-1280, "Standard Format and Content Acceptance Criteria for the Material Control and Accounting (MC&A) Reform Amendment."

**(6) Is the Regulatory Guide referenced in other documents and what are the "ripple effects" on these documents if it is withdrawn?**

There are no ripple effects of withdrawing this RG. RG 5.49 is not referenced in other RGs and is referenced in one NUREG, which is NUREG/CR-1283, "Accounting Systems for Special Nuclear Material Control." NUREG/CR-1283 was issued in 1980 with the purpose of examining financial accounting systems and comparing them to typical nuclear material accounting systems to determine, among other things, financial accounting principles and practices that may apply to nuclear material accounting systems. RG 5.49 is not referenced in the body of the NUREG, but is listed in the Bibliography. Withdrawing RG 5.49 has no impact on NUREG/CR-1283.

**(7) What is the basis for believing that no guidance similar to that in the Regulatory Guide will ever be needed?**

RG 5.49 is being withdrawn because it is outdated and refers to requirements in 10 CFR part 70 that have been moved to 10 CFR part 74. Similar guidance is still needed for the SNM internal transfer requirements in 10 CFR part 74. The guidance in RG 5.49 has been updated and incorporated into RG 5.41. RG 5.41, along with NUREG-1065, NUREG/CR-5734, and NUREG-1280, provide the necessary guidance for licensees and NRC staff on internal transfers of SNM.

**(8) Will generic guidance still be needed?**

Guidance is still needed for the SNM internal transfer requirements in 10 CFR part 74. The guidance in RG 5.49 has been updated and incorporated into RG 5.41. RG 5.41, along with NUREG-1065, NUREG/CR-5734, and NUREG-1280, provide the necessary guidance for licensees and NRC staff on internal transfers of SNM.

**(9) What is the rationale for withdrawing this Regulatory Guide instead of revising it?**

RG 5.49 is being withdrawn because it is outdated and refers to requirements in 10 CFR part 70 that have been moved to 10 CFR part 74. Similar guidance is still needed for the SNM internal transfer requirements in 10 CFR part 74. The guidance in RG 5.49 has been updated and incorporated into RG 5.41.

**(10) Do other agencies rely upon the Regulatory Guide, e.g., the Agreement States, National Aeronautical and Space Administration, Department of Energy?**

The staff is not aware of any other agency that uses or relies on the guidance in RG 5.49.