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## **970.4402-4 Nuclear material transfers.**

(a) Management and operating contractors, in preparing subcontracts or other agreements in which monetary payments or credits depend on the quantity and quality of nuclear material, shall be required to assure that each such subcontract or agreement contains a—

- (1) Description of the material to be transferred;
- (2) Provision specifying the method by which the quantities are to be measured and reported;
- (3) Provision specifying the procedures to be used in resolving any differences arising as a result of such measurements;
- (4) Provision for the use of an independent third party as an umpire to settle unresolved differences in the analytical samples; and
- (5) Provision specifying in detail which party shall bear the costs of resolving a difference and what constitutes such costs.

(b) The provisions providing for resolution of measurement differences must be such that resolution is always accomplished, while at the same time minimizing any advantage one party may have over the other.

**Parent topic:** Subpart 970.44—Management and Operating Contractor Purchasing