

**Global Nuclear Fuel** 

A Joint Venture of GE, Toshiba, & Hitachi

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OFFICE OF SECRETARY RULEMAKINGS AND ADJUDICATIONS STAFF

Secretary U. S. Nuclear Regulatory Commission Washington, D.C. 20555-0001

Attention: Rulemaking and Adjudications Staff

DOCKET NUMBER PROPOSED RULE PR 1/1

Subject: Public Comments on Proposed Rule

Reference: Request for Comments on Proposed Rule "Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments" 10 CFR 71, RIN 3150-AG71, 67 Fed. Reg. 21390 (April 30, 2002)

Global Nuclear Fuel (GNF), a commercial supplier of BWR nuclear fuel and Uranium oxide powder for nuclear power applications, is submitting the following comments on the proposed rule "Compatibility With IAEA Transportation Safety Standards (TS-R-1) and Other Transportation Safety Amendments" that seeks to amend sections of 10 CFR 71 as noted in the reference above for the purpose of making those NRC regulations governing the shipments of radioactive materials compatible with the international regulations.

As a general comment, GNF supports the overall intent of the proposed modifications. As a global supplier of nuclear energy products, GNF believes that a uniform set or requirements for the movement of nuclear materials worldwide is in the best public interest of the safe movement of these materials. The international standards adopted by the International Atomic Energy Agency in most part represent the best combined thinking on the safe movement of nuclear materials by the body of world experts in this regard.

GNF is also a member the Nuclear Energy Institute (NEI) and has participated with the various groups at NEI working on transportation related matters including the review of these proposed regulations. In general, GNF supports the comments being submitted by NEI in this regard.

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A concern regarding the actions to harmonize the US domestic regulations with the latest IAEA regulations is the slowness of these actions. GNF conducts global business and as a result, we are required to comply with the regulations of many countries and many international organizations as well as those of the US. During these transitional times, GNF must therefore operate to two regulatory systems, one for domestic and one for international shipments. This places complex demands on our management systems, procedures, personnel and training. For this reason, GNF believes that the transition to international standards needs to be streamlined so that this impact is minimized much better than is the case currently.

GNF supports the use of the CSI as a unit-less number for the purpose of control over the accumulation of packages, overpacks or freight containers containing fissile material. In this regard, changes in the proposed 71.59 (b) and (c) are required.

The CSI is determined by dividing 50 by "N" where "N" refers to the number of packages used in the 5N/2N criticality safety array size demonstrations of safety. In this case, "N" already represents a safety acceptable array of packages and establishes an appropriate safety limit. The CSI is used as an aid to control to that value but is not for the purpose to further limit the array size of packages, overpacks or freight containers.

In 71.59 (b) proposed, the sentence "Any CSI greater than zero must be rounded up to the first decimal place." Must be eliminated. This rounding requirement is inconsistent with TS-R-1, which does not require rounding. In addition by requiring rounding-up, this requirement in effect places additional limits on the array size and unnecessarily further limits shipments. For example, in a case where the 2N value for a package = 150 (N=75) is the limiting safety case for non-exclusive use is then 50 / 75 = 0.6666. In this case, an array of packages would have a total CSI value of <50.

Using the rounded CSI result, the maximum allowable number of packages per nonexclusive use vehicle is 50/0.7 = 71. Thus, if the CSI were rounded-up to the nearest tenth, the previously derived N = 75 packages would now have an arbitrarily (revised) CSI corresponding to 52.5, and the array would have to be limited to 71 packages to remain equal to 50. This is an unnecessary 5% reduction in number of packages to ship a given quantity of material and therefore unnecessarily increases the number of shipments required without any improvement in safety.

In 71.59 (c) (1), (2) and (3), and 71.55 (f) (3), the values of 50.0 and 100.0 should be changed to 50 and 100 to be consistent with the application of the CSI.

In summary, we encourage the NRC and DOT to move swiftly to complete this rule making effort and caution that as the comments are resolved that special attention is given to make sure that in the final stages both the NRC and DOT versions remain in parallel. Secretary, USNRC July 29, 2002 Page 3 of 3

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We would be pleased to discuss these comments and to respond to any questions the NRC may have.

Sincerely, Global Nuclear Fyel - Americas, LLC after 

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cc: CMV-02-036