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Felix M. Hillar, Jr.  
DIRECTOR,  
Fuel Supply and Material Licensees  
Direct Line 202.739.8126  
Fax: 202.533.0157  
E-mail: fmh@nei.org

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VIA ELECTRONIC MAIL  
(nrcrep@nrc.gov)

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**REFERENCE:** **Comments on Draft Regulatory Guide DG-3023 (Proposed Revision 1 of Regulatory Guide 3.71) *Nuclear Criticality Safety Standards for Fuels and Material Facilities* [Federal Register, Vol. 70, No. 91, May 12, 2005, p. 25128]**

The Nuclear Energy Institute (NEI)<sup>1</sup> on behalf of its industry members has reviewed the proposed revision of Regulatory Guide 3.71 on criticality safety standards for nuclear fuel and material licensees. NEI commends the Nuclear Regulatory Commission (NRC) for periodically updating its guidance documents to ensure that endorsements of American Nuclear Society Standards Subcommittee (ANS-8) standards remain current.

The proposed DG-3023 revision makes no substantive changes to Reg. Guide 3.71 guidance, but does provide updated lists of ANSI/ANS standards that the NRC either wholly endorses or endorses with exceptions. NEI has identified a few minor issues in DG-3023 that may warrant correction of elaboration in the revised guidance:

- DG-3023, Page 4, Regulatory Position: the last sentence of the first paragraph states "...inclusion of a reference to another standard in an

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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*endorsed standard does not imply NRC endorsement of the referenced standard.* Industry expects that this position would also extend to the licensing arena, whereby a licensee's commitment to a particular standard does not necessarily imply commitment to other standards that may be referenced in it.

- DG-3023, Page 5, comments on ANSI/ANS-8.1-1998: the last sentence of this paragraph states "...*In addition, the details of validation should state computer codes used, operations, recipes for choosing code options (where applicable), cross-section sets and any numerical parameters necessary to describe the input...*" The intent of the word "operations" is unclear and requires explanation.
- DG-3023, Page 5, comments on ANSI/ANS-8.1-1998: the NRC only endorses "*with exception*" ANSI/ANS-8.1-1998 for establishment of the validity and applicability of calculation methods. In reality, the NRC does endorse this standard, but rather than permitting a licensee to just commit to this standard, a licensee must provide additional documentation to demonstrate compliance with it. In view of the importance of ANSI/ANS-8.1-1998 to the industry, NEI would recommend that DG-3023 simply clarify the NRC's expectations for establishment of calculation method validity without placing this standard in the "*with exception*" category.
- DG-3023, Page 5, comments on ANSI/ANS-8.3-2003: the current regulatory requirements of 10 CFR 70.24 and 10 CFR 76.89 do force the NRC into only endorsing ANSI/ANS-8.3-2003 "*with exception.*" However, the NRC now agrees with industry that these regulatory requirements are not risk-informed and should be revised. There is, for example, no criticality safety justification to have criticality alarm coverage of areas that may contain special nuclear material, but in amounts and configurations that could never achieve a critical state.

NEI appreciates the opportunity to comment on the proposed revision of Reg. Guide 3.71. We believe this revision is appropriate and supportive of effective and efficient regulatory oversight by the NRC. Please be in touch should you have any questions concerning our suggested improvements.

Sincerely,



Felix M. Killar, Jr.