

**PR 72, 74 and 150
(76FR28193)**

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF



June 21, 2011
REL:11:025

Secretary, U.S. Nuclear Regulatory Commission
Attn: Rulemaking and Adjudications Staff
Rulemaking.Comments@nrc.gov

Dear Sirs:

Subject: Amendments to Material Control and Accounting Regulations, 10 CFR Parts 72, 74 and 150 Comments, NRC-2009-0096

With regard to the proposed rule change to 10 CFR Parts 72, 74 and 150, AREVA Richland site has reviewed the changes for application to our facility and has several comments. Our comments are concerned with 10 CFR Part 74.31, Nuclear Material Control and Accounting for Special Nuclear Material of Low Strategic Significance, since that is the section which applies to our facility.

Under 74.31(b) Implementation, the proposed plan calls for submitting an "MC&A" plan to NRC for approval as opposed to the previous "FNMC" plan. While this change may emphasize the accounting aspects of the program, the FNMC plan currently contains all of the accounting features, plus includes many more major areas, such as measurements and the measurement control program. The plan is much more than just material control and accounting, so changing the name does not seem to be a productive use of time on the part of the licensee or the regulator and on face value would require at least the resubmittal of an already NRC-approved document.

Under (c), Program capabilities, Item (5) the requirement to "perform a physical inventory at intervals not to exceed 370 calendar days" negates what we currently have approved by the NRC in the FNMC plan and reduces our flexibility to plan and position a major effort such as inventory to reflect production and commercial needs. The proposed wording does not allow the licensee the flexibility needed in today's environment. The current regulation calls for an inventory "every 12 months" and relies more on what the Licensee's approved FNMC plan says for determining the physical inventory date. The current system seems to be working well with no demonstrated lack of, or reduction in, the control and measurement assurance afforded under the existing requirements.

Part 71.31 (c), Program capabilities, Item (10) "requires the two-person rule (as defined in 74.4) for tamper-safing, for any handling of nuclear materials, performing physical inventories, or for transferring nuclear materials." This proposed action would elevate the level of control for SNM to a higher level than currently intended in the regulations and would increase costs for staffing and systems support. The NRC's Regulatory Guide 5.80 related to tamper-indicating seals for SNM in section 3.2, downplays the necessity of the two person rule for SNM. We would propose that any mention of the two-person rule in this section for SNM for any purpose be removed as existing requirements have demonstrated the industry's performance to meet a high standard of assurance.

AREVA NP INC.

An AREVA and Siemens company
~~TEMPLATE - SECY-067~~

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Secretary, U.S. Nuclear Regulatory Commission
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If you have any questions, please call me on (509) 375-8409.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert E. Link". The signature is fluid and cursive, with a large initial "R" and a distinct "L" at the end.

R. E. Link
Environmental, Health, Safety, & Licensing

• **Rulemaking Comments**

From: NOSS Dan (AREVA) [Dan.Noss@areva.com]
Sent: Tuesday, June 21, 2011 4:33 PM
To: Rulemaking Comments
Cc: MAAS Loren (AREVA); LINK Bob (AREVA)
Subject: Amendments to Material Control and Accounting Regulations, 10 CFR Parts 72, 74 and 150
Comments, NRC-2009-0096
Attachments: Docket ID NRC-2009-0096 Comments.pdf

Dear Sirs:

Attached are comments from AREVA Inc., regarding proposed rule changes to 10 CFR Parts 72, 74 and 150. The Docket ID number is NRC-2009-0096.

Should you have any questions, please call me at 509-375-8380.

Regards,

Dan Noss

Supervisor, MC&A

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