



Global Nuclear Fuel

A Joint Venture of GE, Toshiba, & Hitachi

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SPM-14-012

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Secretary, U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: Comments to Proposed Rulemaking – Amendments to Material Control and Accounting Regulations, Docket ID NRC-2009-0096

References: 1) Federal Register, November 8, 2013 (78 FR 67225)
2) SNM-1097, Docket 70-1113

Dear Sir or Madam:

Global Nuclear Fuel-America appreciates the opportunity to comment on NRC's proposed rulemaking concerning amendments to the material control and accounting (MC&A) regulations affecting 10 CFR Parts 40, 70, 72, 74 and 150 (Reference 1).

We are concerned that several of the proposed changes appear to have a significant impact on GE Hitachi/GNF/GLE programs without a regulatory basis, articulated benefit or security concern. While many of the proposed changes primarily impact fuel cycle facilities, the rule also appears to place unnecessary regulatory burden on all licensees that possess SNM, including research facilities, power reactors and non-power reactors.

Attached are Global Nuclear Fuel-America's specific comments to NRC's proposed rule language.

Please contact me on (910) 819-5950 if you have any questions or would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink that reads 'Scott P. Murray'.

Scott P. Murray, Manager
Facility Licensing

Commitments: None

Attachment: 1. GNF-A Comments

Attachment 1

- The elimination of the definition for one effective kilogram from 74.4 and use in 74.31 appears to place an unnecessary burden on licensees currently exempt from developing a specific material control program. Facilities currently not subject to 74.31, 74.33, 74.41, and 74.51 may mistakenly believe that they need to incorporate additional features of those regulations into their MC&A requirements. A remedy for this would be to add the words “fuel fabrication facility” in 74.31(a)(1) as follows:
 - 74.31(a) General performance objectives. (1) Each fuel fabrication facility licensee who is authorized to possess and use 350 grams or more of contained uranium-235 or special nuclear material of low strategic significance ...
- Laboratory samples and standards less than 100 grams uranium-235 should be exempt from the item control provisions under 74.31(c)(6) and 74.43(b)(6). The proposed new wording for 74.31(c)(6) and 74.43(b)(6) is as follows:
 - 74.31(c)(6) and 74.43(b)(6) Establish, document, implement, and maintain an item control system as defined in 74.4. Store and handle or subsequently measure items in a manner such that unauthorized removals of individual items or any quantity of SNM from items will be detected. Exempted from this requirement are items in solution with a concentration of less than 5 grams of uranium-235 per liter, laboratory samples and standards with less than 100 grams uranium-235, and items of waste destined for burial or incineration.
- The value added by changing the fundamental nuclear material control (FNMC) plan to an MC&A program is unclear. Further, the term FNMC is embedded throughout many existing licensing documents. NRC will need to articulate the rationale for the changes and modify applicable licensing guidance. There will also be a significant effect on licensee procedures and commercial contracts, in the absence of an obvious safety or security benefit.
- The addition of 74.31(c)(9) and 74.33(c)(9) are understood to only add the requirement that when tamperproofing of items or vaults containing SNM is utilized by the facility that procedures are established and followed for use and controls of tamperproof seals. There is no intention of adding the use of tamperproof seals to items that are not currently tamperproof sealed at the facility. If this is correct, recommend deleting the words...”of containers and vaults (as defined in 74.4) containing SNM,”... from this section of the proposed rule.
- The definition of a Material Balance Area (MBA) needs clarification as to whether the MBA is a contiguous geographical location within the Material Access Area (MAA) or whether it is still basically an area of custodial responsibility within the geographical location of the MAA.