

JANET R. SCHLUETER
Sr. Director, Radiation and Materials Safety

1201 F Street, NW, Suite 1100
Washington, DC 20004
P: 202.739.8098
jrs@nei.org
nei.org



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November 13, 2015

Ms. Cindy K. Bladey
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: NEI comments on Draft Regulatory Guide DG-5049; Docket ID NRC-2015-0214

Project Number: 689

Dear Ms. Bladey:

On behalf of the nuclear energy industry, the Nuclear Energy Institute (NEI)¹ appreciates the opportunity to provide comments on Draft Regulatory Guide (DG) DG-5049; "Independent Assessment of Nuclear Material Control and Accounting Systems" (Docket ID NRC-2015-0214). The purpose of DG-5049, a revision to Regulatory Guide (RG) 5.51, is to provide licensees with a methodology that the Nuclear Regulatory Commission (NRC) considers acceptable for the independent assessment of nuclear material control and accounting (MC&A) systems.

The most pervasive changes are the result of additional facilities falling within the scope of the guide. RG 5.51 was written in 1975 and only covered NUREG-1065 low enriched uranium facility Fundamental Nuclear Material Control Plans (FNMCP). The new version reflects the 1987 MC&A Reform Amendment and increases the scope to cover NUREG-1280 and NUREG-5734. DG-5049 sufficiently identifies the applicability of specific requirements where needed.

Comments:

We offer the following comments based on our review of DG-5049. We appreciate your consideration of these comments and look forward to seeing how they are resolved.

- As written, DG-5049, compared with RG 5.51, is overly prescriptive, could be difficult to implement, and could create a significant impact to licensees operations without a demonstrated need or benefit. While the wording in many sections of current RG 5.51 and nine checklists align with DG-

¹ The Nuclear Energy Institute (NEI) is the organization responsible for establishing unified industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations and entities involved in the nuclear energy industry.

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5049, the revision significantly changes the scope of an "independent assessment". The current RG 5.51 is for "Management Review of Nuclear MC&A Systems". Management reviews include the planning, coordination and administration of the MC&A function and is typically described in current NRC approved FNMCP. The management review and oversight are routinely performed throughout the year by licensee's onsite MC&A staff. Currently, an independent assessment is a small part of the management oversight process and is typically performed by contractors or others in another business unit independent of the onsite MC&A staff. These assessments are typically completed in less than a week.

The wording in DG-5049 has replaced current RG terms "management review" and "review" with "independent assessment" and "assessment". As described in Section C.1, this change could cause an independent assessment to last from weeks or even months. Sections C.3.d and C.4.e and Appendices A-1.e, A-2.f, and G address having the independent assessment during inventory. The physical inventory process is a very busy time for fuel cycle facilities and it would be extremely difficult and impractical to bring in an independent assessment team to do an audit during this process. The onsite MC&A staff would not be able to devote time to an assessment team as physical inventory activities encompass onsite staff for the weeks surrounding it.

Consideration should be provided in DG-5049 for continued use of onsite MC&A staff for the evaluation of certain portions of the MC&A program with the use of independent auditors in a limited role for certain program elements. This change to DG-5049 would result in a minimal impact for licensees.

- DG-5049 carries forward unnecessary wording from RG 5.51. For example, Appendix C-2.a and b state that MC&A procedures and delegations be approved or made "in writing". Electronic signatures and e-mails have become common since RG 5.51 was issued. We recommend that the term "in writing" be replaced with "documented", where appropriate.

If you have any questions, contact Nima Ashkeboussi (202.739.8022; nxa@nei.org).

Sincerely,



Janet R. Schlueter

c: Mr. Glenn Tuttle, NMSS/FCSE/MCAB, NRC
Mr. Craig Erlanger, NMSS/FCSE, NRC