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U. S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Washington, D. C. 20555

Attention: Docketing and Service Branch

Gentlemen:

Subject: Safeguards on Nuclear Material, Implementation of US/IAEA Agreement

By notice published in the Federal Register dated July 17, 1979, the Nuclear Regulatory Commission published revised proposed amendments to regulations in 10 CFR Parts 40, 50, 70, 75, 150, and 170 for public comment. Although this revision addressed many of the industry's comments as expressed by comments on prior publications, the following comments are offered for your consideration.

1. Facility attachments are considered to be the primary instrument for implementation of IAEA safeguards at each facility. It is Westinghouse's understanding, based on discussions with representatives of other governments undergoing IAEA inspections, that changes to the attachments once implemented are difficult to obtain. The licensee should be considered an equal partner in the negotiations for its facility's attachment and no changes required to its operational procedures without full consultation. For example, based on the review of Model Guide for preparation of a Facility Attachment pertaining to a low enriched (<5 w/o U235) fuel fabrication plant (MO-3 dated October 1976) it is apparent that multiple Material Balance Areas (MBA) will be required.

Westinghouse believes that a single MBA is sufficient to localize SNM losses or thefts. Experience at the Westinghouse Columbia Nuclear Fuel Facility indicates that for facilities housed under one roof the use of 1 MBA and multiple assessment centers adequately provides for localization of input and output losses to one area within the plant. In over 10 years of operational experience at this facility, Westinghouse has never experienced a significant MUF and the Limit of Error of MUF has always been within the NRC requirements. To impose such a requirement without consulting the licensee will significantly increase the data handling and reporting required while providing little or no commensurate increase in material control and accountability.

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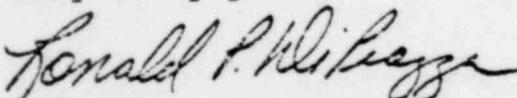
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Another example of a situation where licensee consultation is appropriate is the treatment of depleted and natural uranium as slightly enriched uranium. At the Columbia facility, depleted and natural uranium are used for manufacturing and administrative purposes such as line clean out and is not used to make a finished product. Implementation of this regulation would increase paperwork and require retraining of personnel and would be an excessive burden compared to the value of the benefit received.

2. The proposed regulations currently provide that the Agency may conduct unscheduled audits and that NRC personnel will accompany Agency representatives to the extent feasible. Physical security requirements, as well as inspector safety necessitates that IAEA representatives be accompanied at the facility. Moreover, since the IAEA representatives will be permitted on Westinghouse sites only because of the US/IAEA agreement, the U. S. government should assume responsibility and provide an escort for all IAEA representatives.
3. The proposed regulations should include a 90-day period to allow for a smooth transition for implementation of this agreement. It has been the Westinghouse experience that whenever extensive procedural changes are implemented, misunderstandings regarding implementation of such procedures invariably develop. A 90-day implementation period would allow sufficient time to resolve misunderstandings without placing unreasonable burdens on the industry.

In conclusion, the Westinghouse Electric Corporation supports the implementation of the US/IAEA Agreement on Safeguards. However, the implementation should be accomplished without imposing an unreasonable burden on the industry.

Very truly yours,

  
Ronald P. DiPiazza, Manager  
NES License Administration

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