



Global Nuclear Fuel

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Secretary
US Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudication Staff

Subject: Comments on Proposed Revisions to 10 CFR Part 71, Docket ID NRC-2016-0179

References: 1) Federal Register, September 12, 2022 (87 FR 55708)
2) SNM-1097, Docket 70-1113

Dear Sir or Madam:

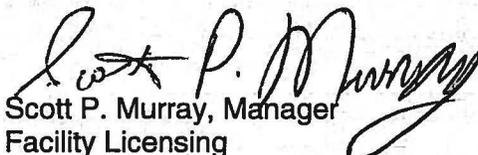
Global Nuclear Fuel-Americas, LLC (GNF-A) appreciates the opportunity to comment on NRC's proposed revisions to the packaging and transportation requirements in 10 CFR Part 71 (Reference 1). The stated purpose of this revision is to harmonize Part 71 with the 2012 and 2018 editions of International Atomic Energy Agency (IAEA) Specific Safety Requirements Number 6 (SSR-6), harmonize Part 71 with Department of Transportation (DOT) requirements and incorporate other NRC staff identified changes.

GNF-A also appreciates the numerous public meetings NRC held regarding these changes, including the ones on October 19 and October 26, 2022. These meetings provided a detailed overview of the proposed changes and presented staff's current proposed actions for the 15 major issues under consideration.

Attached are GNF-A's specific comments regarding NRC's proposed revisions to Part 71.

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

Sincerely,


Scott P. Murray, Manager
Facility Licensing

Attachment: GNF-A Comments - NRC Proposed Rulemaking - 10 CFR Part 71

Cc: J. Rivera, USNRC/RII/DFFI
J. Rowley, USNRC/NMSS/DFM/FFLB
SPM 22-034

1. Issue 7: Provisions for Large Solid Contaminated Objects

NRC is considering and seeking input on the necessity of adding a new surface contaminated object (SCO) category to the regulations. Considering the increase in decommissioning activities, GNF-A believes a new category SCO-III would be beneficial for entities transporting large components by creating a consistent standard and eliminating NRC pre-shipment approvals.

GNF-A endorses the proposal to add a new definition in 71.4 for SCO-III to acknowledge the transporting of large radioactive objects and allow a shipper to more appropriately categorize these items which would not need NRC review and approval for these types of special package authorizations.

2. Issue 9: Aging Effects

Current NRC regulations in 10 CFR 71.87 , Routine determinations adequately cover any type of degradation that would be associated with an “aging” package. NRC currently requires licensees and package users to follow the acceptance and maintenance program provided with the application, including periodic testing to evaluate component efficacy, replacement, or repair. Additionally, NRC current regulations require that, prior to each shipment, users ensure that the package is in unimpaired physical condition except for superficial defects such as marks or dents. Meeting these requirements, along with scheduled periodic tests, replacements and repairs adequately addresses package deterioration prior to age related degradation becoming a transport safety issue.

Furthermore, consumables within the package are covered by additional requirements outlined in 10 CFR 71 Subparts G and H of the licensing program (i.e., covered by the NRC approved Chapter 8 of a licensee’s Safety Analysis Report). GNF-A believes inclusion of aging management requirements would add confusion and could be subject to interpretation, especially since no new safety related issue or concern has been raised.

As a result, there is no need to revise 71.43(d) to specifically include the evaluation of aging effects and revise Subpart D with a new provision to include a description of the maintenance program for package approvals. These additional provisions would not add value or additional protections to the public or environment and additional aging management requirements would only serve as an unneeded administrative burden to both the NRC and CoC holders.

3. Issue 12: QA Program Bi-ennial Reports

NRC is proposing to add a requirement to 71.106 that would require a biennial report even if no changes were made to a quality assurance program (QAP) in the prior 24 months. NRC stated this is to more clearly align 71.106 with 50.71(e)(2). There is no reason to align reporting requirements for a Part 71 package QAP to operating nuclear power reactor revisions of a final safety analysis report (FSAR). Since many Part 71 QAPs do not routinely change, requiring periodic “no-change” reports is an unnecessary, administrative burden on QAP holders without a clear regulatory need, articulated benefit, or safety concern.

In addition, NRC current regulation 71.106(b) allows an approval holder to change a previously approved QAP without prior NRC approval if the change does not reduce commitments previously approved by NRC. Such changes to the QAP that do not reduce commitments must be submitted to NRC every 24 months. As a result, the NRC inspection program for Part 71 receives current information about a holder's QAP and the NRC inspection processes can quickly and easily determine if no changes were made to a QAP since the last inspection.

Based on many years of operational experience with similar NRC documents that are allowed to be changed without prior NRC approval and without a similar periodic "no change" reporting requirement (i.e., Part 70 license material control plans, physical security plans, emergency plans, etc.), GNF-A believes there is no demonstrated need to justify this change to the rule especially when considering the cumulative effects of potentially new and existing regulations.

4. Issue 15.4: Agreement State Compatibility

NRC is proposing to revise several Agreement State Compatibility Levels related to quality assurance plans (QAP) and reporting requirements that have the potential to create several unintended negative impacts.

For example, GNF-A is the owner and certificate holder of a Type B package located in an agreement state (North Carolina). Although the package is used exclusively to ship radioactive material licensed by NRC, making the state responsible for approving, inspecting, and enforcing QAP requirements for this package would add confusion and create an unneeded administrative burden to both the agreement state and GNF-A.

Similarly, GE Hitachi (GEH) is the owner and certificate holder of a Type B package located in another agreement state (California). This package is sometimes used to ship radioactive material licensed by either NRC or CA. Making the state responsible for approving, inspecting, and enforcing QAP requirements for this package would add confusion and create an unneeded administrative burden to both the agreement state and GEH.

In addition, since both packages use the same QAP, there will likely be three different approval dates (NRC, NC & CA) making the timing for issuing the bi-ennial "no change" reports described in issue 12 more difficult to determine.

There are also potential negative impacts when both NRC and agreement states are reviewing and approving the same QAP. For example, if one regulatory body fails to approve the QAP (e.g., the agreement state), can the package continue to be used? What is the resolution process if an agreement state imposes additional requirements on the QAP beyond those of NRC?

These compatibility changes for NRC approved Type B package QAPs are both duplicative and unnecessary. As a result, GNF-A recommends NRC remain the sole agency to approve, inspect and enforce Type B package QAP requirements.