

**August 31, 2011**

**ATTACHED ARE SLIDES WHICH  
WERE PRESENTED AT THE  
AUGUST 17, 2011 PART 40  
PUBLIC MEETING**

# Fuel Cycle Industry Comments on Proposed Part 40\*

Fuel Facility Representatives  
NEI Representatives

August 17, 2011 NRC Public Meeting

\* Comments are illustrative and not all inclusive



NUCLEAR  
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# Overview

- ISA Implementation & Costs
- Jurisdictional & Consistency Concerns
- Examples of Rule Edits
- Conclusion

# ISA Implementation & Costs

- Regulatory Stability - Transition of Existing ISAs not Addressed; Coordination with New ISA Effective Dates not Clear
- Schedule - ISA Schedule is Overly Restrictive and Does not Consider Transition from Existing ISA
- Costs - ISA Development & Implementation Costs Significantly Underestimated by NRC Based on Industry Experience

# Jurisdictional Concerns

- NRC's Jurisdiction Needs to be Clarified
- SOC, p. 28341: NRC to be “Sole Licensing Authority” ( $\geq 2000$  kg UF<sub>6</sub>) and “Hold Licensing Authority for All Radiological Activities of Such Licensees”
  - Licensing of (and Scope of ISAs for) Uranium Compounds other than UF<sub>6</sub> under Part 40, 70 or Agreement States not Clear
  - Part 40 Should Exempt Part 70 Licensees Possessing Natural or Depleted UF<sub>6</sub>

# Consistency Needed

- Consistency Across Fuel Facility Fleet Needed
  - 40-Year License Term
  - Conforming Changes to Part 70, Appendix A, Reportable Safety Events (PRM 70-8)
  - Recognition of Higher Soluble Uranium Intake Values Allowed by NRC and Presented in Industry Consensus White Paper
  - ISA Approach Consistent with Part 70

# Examples of Suggested Rule Edits

- 40.4: Considering definition of Design Features and Conforming Modifications to Definitions of Configuration Management and ISA
- 40.81(b)(4)&(c)(4): Add “inhalation” for Worker Exposure Standard
- 40.82: Modify to Consider Sequential Nature of Submittals (e.g. Timelines Experienced by Part 70 facilities)
- 40.82: Exempt Current Part 70 Licensees from a Part 40 ISA
- 40.86: Modify to Require Annual Submittal of ISA Summary Updates within 60 Days of License Anniversary Instead of 30 Days After the End of the Calendar Year

# Conclusion

- ISA:
  - Implementation & Costs Concerns
  - Efficient and Effective Transition of Existing ISAs
- NRC's Jurisdiction Not Clear
- Fuel Facility Fleet Consistency Needed, e.g., Reportable Events & Soluble Uranium Intake