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**Dominion®**

March 14, 2014

11/8/2013  
78 FR 67224

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

GL13-010

**COMMENTS ON 10 CFR PARTS 40, 70, 72, 74, AND 150**  
**AMENDMENTS TO MATERIAL CONTROL AND**  
**ACCOUNTING REGULATIONS**  
**DOCKET ID NRC-2009-0096 and NRC-2013-0195**  
**(FEDERAL REGISTER VOLUME 78, NUMBER 217**  
**DATED NOVEMBER 8 2013, PAGES 67225 - 67252)**

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Dominion Resources Services, Inc. (Dominion) appreciates the opportunity to comment on 10 CFR Parts 40, 70, 72, 74, and 150, Amendments to Material Control and Accounting Regulations, as described in the subject *Federal Register* notice.

Dominion is concerned that the adoption of the proposed rule would result in increased regulatory burden without commensurate safety benefit, and introduce more regulatory uncertainty by making the regulation less clear and predictable. The NRC provided an earlier opportunity for input on this rulemaking by publishing preliminary rule language in May 2011 and Dominion provided comments on June 20, 2011. However, the comments provided in 2011 do not appear to have been considered in this latest version. It is unclear to us how these proposed rule changes will strengthen the requirements for MC&A. Also, without a clear understanding of the intent of the proposed changes, it is difficult to ascertain the full impact to implement the proposed rule changes.

Dominion concurs with the related comments on the proposed regulation that were provided by NEI on March 10, 2014. Additionally, Dominion submits the attached specific comments regarding the proposed rule for NRC consideration. If you have any questions, please contact:

Mark Laidlow

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Respectfully,

T. R. Huber, Director  
Nuclear Licensing & Operations Support  
Dominion Resources Services, Inc. for  
Virginia Electric and Power Company,  
Dominion Nuclear Connecticut, Inc. and  
Dominion Energy Kewaunee, Inc.

Attachment

**SUNSI Review Complete**  
**Template = ADM - 013**  
**E-RIDS= ADM-03**

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## ATTACHMENT

### DOMINION COMMENTS ON PART 74 - MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

1. Section §74.3 (e) requires information protection for MC&A information that "might assist adversaries to carry out acts of theft, diversion, misuse, or radiological sabotage." The terms "might" and "adversaries" need further clarification to understand the scope and range of application that is intended in these words. Without explicit guidance regarding what information must be protected, from whom it is protected, and to what extent it must be protected, the regulatory application becomes highly subjective and not likely repeatable. Currently MC&A information is handled under record control protocols at each facility. A change to current practices that is undefined in scope and classification could subject large amounts of information to undefined increased controls.
2. Section §74.19(a)(1) presently requires licensees to "...keep records showing the receipt, inventory, acquisition, transfer and disposal of all SNM in its possession regardless of its origin or method of acquisition." However, §74.13 and §74.15 either directly or through the endorsement of NUREG BR-0007 and NUREG BR-0006 both state that the SNM reports are required for quantities of SNM of 1 gram or more unless it is PU-238 then it is one tenth of a gram. These limits are referred to as "reportable quantities." There needs to be explicit understanding and consistency between the term "all" and "reportable quantities."

The minute, sometimes microscopic quantities of SNM pose no risk to either the health or safety of the general public, or to our common defense and security. In order to focus MC&A resources and reduce personnel exposure (ALARA concepts), minimum threshold values commensurate with "reportable quantities" should be used to determine if an item is included in the MC&A program (i.e. Specifically, the word "all" should be replaced with "reportable quantity").

Furthermore, the current scope of 10 CFR 74.2 states that the general reporting and recordkeeping requirements of Subpart B apply to licensees who possess, transfer, or receive quantities of SNM of one gram or more. This can result in the following contradiction: vendors, who supply the nuclear power industry items containing minute quantities of SNM, but possess less than one gram of SNM at one time, could be exempt from the requirements to report or maintain records under 10 CFR 74. The licensees who receive these items containing minute quantities of SNM could be required to incorporate the item into their MC&A program only because they possess other items containing a reportable quantity of SNM.

3. Section §74.19 (c) proposes to change the frequency of the physical inventory from intervals not to exceed 12 months to intervals not to exceed 12 months or 370 days. The addition of "or 370 days" does not add any additional clarification to the frequency. On March 13, 2007 the NRC issued a response to industry concerns, through NEI, defining "intervals not to exceed 12 months." That interpretation of the regulation is: "If a licensee completes physical inventory in a given month, the next physical inventory must be completed by the last day of the same month in the following year." It is recommended that the reference to "or 370 days" be struck from the requirement.