

**NIMA ASHKEBOUSI**

*Sr. Project Manager, Radiation and  
Materials Safety*

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



NUCLEAR ENERGY INSTITUTE

October 21, 2016

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

9/21/2016  
81 FR 64905

2

RECEIVED

2016 OCT 25 AM 9:41

RULES AND REGULATIONS  
DIVISION  
OCT 25 2016

**Subject:** NEI comments on Draft Regulatory Guide DG-5051; Docket ID NRC-2016-0189

**Project Number: 689**

Dear Ms. Bladey:

On behalf of the Nuclear Energy Institute's (NEI)<sup>1</sup> fuel facility members, we appreciate the opportunity to provide comments on Draft Regulatory Guide (DG) DG-5051 "Shipping, Receiving, and Internal Transfer of Special Nuclear Material at Fuel Cycle Facilities" (Docket ID NRC-2016-0189). The purpose of DG-5051 is to update outdated guidance and provide licensees with a methodology that the Nuclear Regulatory Commission (NRC) considers acceptable for meeting the requirements of 10 CFR Part 74 for monitoring facility shipments and receipts, as well as internal transfers, at fuel cycle facilities. This DG consolidates Regulatory Guide (RG) 5.28 "Evaluation of Shipper-Receiver Differences in the Transfer of Special Nuclear Material", RG 5.49 "Internal Transfers of Special Nuclear Material", and RG 5.57 "Shipping and Receiving Control of Strategic Special Nuclear Material".

As a general matter, DG-5051 is part of NRC's effort to consolidate 27 Material Control and Accounting (MC&A) RG's into eight documents. As staff prepares updates to the other documents, we request that consideration be given to the timing of their release for public comment in the context of the cumulative effects of regulation, which takes into account the impact of all regulatory initiatives competing for the industry's resources. Furthermore, we request that a 60 day comment period is provided for future DG's.

**Comments:**

We offer the following comments based on our review of DG-5051. We appreciate your consideration of these comments and look forward to seeing how they are resolved.

<sup>1</sup> 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.

NUCLEAR. CLEAN AIR ENERGY

SUNSI Review Complete  
Template = ADM - 013

E-RIDS= ADM-03

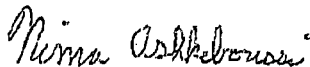
Add= 4. To the (EWT)  
M. Bayless (MMBI)

Ms. Cindy K. Bladey  
October 21, 2016  
Page 2

- The last paragraph in Section 2, on Page 6, states "the shipper or receiver values are then adjusted to the resulting accepted value". In actual practice, shipper's values are normally booked. If a shipper-receiver difference (SRD) results in the acceptance of the receiver's value, then the book value is changed to the receiver's value. No shipper or receiver values are changed as a result of an SRD. A determination is made as to which one is booked.
- Page 7, Section c, and Page 8, Sections 3.a and 3.b outline the expectation to conduct shipper-receiver comparisons and evaluate any SRDs. It is not clear if the comparison and evaluation should be conducted for discrete items or only the entire shipment. Again, in practice, shipper-receiver comparisons are conducted for individual items and the total shipment.
- Starting on page 9, there were several comments regarding the use of a "referee laboratory" for the resolution of significant SRDs. Significant SRDs are investigated by the receiver, which includes contacting the shipper and requesting the shipper to review their measurements and uncertainties. It is unrealistic to expect the receiver to use a referee laboratory. In most cases, it will be impossible to send samples to a referee laboratory. Just consider the case of 3013's and no retainer samples. If the SRD cannot be resolved, then the receiver documents the investigation and will most likely accept their measured values. The receiver makes the choice as to which value to book since they take the risk for IDs. The process of using a referee lab is outdated and unrealistic. The use of a referee lab should be removed from the guidance and replaced with a discussion of the receiver investigating, resolving and documenting significant SRDs in conjunction with the shipper, when applicable.
- Page 9, Section 4.b, states "The resolution process should specify whose weight value is used in the resolution process if shipper's and receiver's weights differ by more than one-half of the combined standard error." This statement is incorrect. The weights need to differ by at least 2 times the combined standard error before a significant difference is declared.
- Page 12, Section 8.d, outlines the expectation that material should be measured in the receiving area "when nuclear material is transferred by pipeline from one area to another". This expectation is unrealistic and may not potentially be feasible in continuous flow situations. We recommend this portion be removed from this section.

Please contact me if you have any questions.

Sincerely,



Nima Ashkeboussi

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