



Global Nuclear Fuel

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Announcements and Editing Staff

Subject: Comments on Draft NUREG-2159, Docket ID NRC-2021-0170

References: 1) Federal Register, September 23, 2021 (86 FR 52926)
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 draft NUREG-2159 "*Acceptable Standard Format and Content for the Material Control and Accounting Plan Required for Special Nuclear Material of Moderate Strategic Significance*" (Reference 1).

Draft NUREG-2159 is intended to provide guidance to facilitate compliance with applicable provisions in Subpart D of 10 CFR Part 74. GNF-A is providing comments to clarify sections in the draft NUREG.

Attached are GNF-A's specific comments regarding draft NUREG-2159.

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 - Draft NUREG-2159 dated September 2021

Cc: M. Ruffin, USNRC, RII
J. Rowley, USNRC, NMSS
SPM 21-031

Attachment

1. Draft NUREG Section 3.3 "MC&A Organization" states:

An organizational chart and position-by-position description of the entire MC&A organization should be provided. A licensee should designate an individual as the overall manager of the MC&A program, and the MC&A plan must demonstrate the assurance of independence of action and objectivity of decision for the MC&A manager. Two options for meeting the organizational independence are: (1) report directly to the plant or site manager, or (2) report to an individual who reports to the plant or site manager through a management chain with no production responsibilities.

Providing only two options to meet organizational independence appears to unnecessarily restrict organization structures and independent reporting options.

GNF-A recommends this section be replaced by similar guidance from NRC's NUREG-1520 "Standard Review Plan for Fuel Cycle Facilities License Applications, Section 2.4.2 (B)(3) and replace "HS&E" with "MC&A".:

In the organizational hierarchy, the HS&E organization(s) is independent of the operations organization(s), allowing it to provide objective HS&E audit, review, or control activities. "Independent" means that neither organization reports to the other in an administrative sense. (However, both may report to a common manager.) Lines of responsibility and authority are clearly drawn.

2. In addition, draft NUREG Section 9.5 "Resolution of Significant Shipper-Receiver Differences – Commitments and Acceptance Criteria" states:

Each shipping container is inspected within 3 working days after receipt for loss or damage to the container or TIDs to determine whether SNM could have been removed. If the integrity of a container is questionable, the presence of all items that were that were packaged in the shipping container will be confirmed within 24 hours of discovering the questionable integrity.

Current regulation 10 CFR 74.43(b)(7) contains neither a 3 working day or 24 hour requirement. The 24 hour requirement appears to be overly restrictive and depending on the type of package and the number of items in the package in some cases may not be achievable.

GNF-A recommends this section be reworded to be more consistent with current regulation 10 CFR 74.15(a) which requires transaction reports be submitted within 10 days after the material is received.