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The Nuclear Materials Management and Safeguards System (NMMSS)

NMMSS

2014

Annual Users Training Meeting

May 12-15, 2014

Denver, Colorado

# Recent Submittal of Security Frequently Asked Questions (SFAQs) UPDATE

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## Recent Submittal of Security Frequently Asked Questions (SFAQs)

- In late November of 2013, the Industry with extensive aid from NEI, submitted 2 MC&A related SFAQs to the NRC
- The SFAQs were submitted under NEI 05-10
- The issues involved have been discussed between NRC and Industry for some time, including a panel at the 2013 NMMSS meeting in St. Louis



## Recent Submittal of Security Frequently Asked Questions (SFAQs)

- SFAQ 13-01

A gap exists between the word “all” in 10 CFR 74.19(a)(1) and the NUREG BR-0006/0007 required reportable quantities for special nuclear material at power reactors.

10CFR74.19(a)(1) states that “each licensee shall 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, NUREG BR-0006 and NUREG BR-0007 both state in their respective Regulatory Authority sections that DOE/NRC Forms (741/742/742C) are required for quantities of SNM 1 gram or more of Uranium-235, U-233, or Plutonium. Reporting of PU-238 is to be to the nearest tenth of one gram of the PU-238 isotope. A review of the Statements of Consideration did not provide additional regulatory perspective in this case.



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## Recent Submittal of A Security Frequently Asked Question (SFAQ)

- SFAQ 13-02

ANSI N15.8-2009, Special Nuclear Material Control and Accounting Systems for Nuclear Power Plants, section 8.3.5, Non-fuel SNM, states, “For non-fuel SNM, the method of physical inventory depends on the method of storage and use. For non-installed components stored in primary containment, administrative procedures and controls shall be established so that records concerning the location and unique identity are accurate when the reactor is at power and verification shall be performed during refueling outages.” What administrative procedures and controls are sufficient to satisfy this?

## Recent Submittal of Security Frequently Asked Questions (SFAQs)

- On November 8, 2013, the NRC published a proposed rulemaking on 10CFR74.
  - Industry team assembled with NEI spearheading
  - The proposed rule did not address the issues contained in the SFAQs
  - Comments on the proposed regulation were finalized and sent to NRC in March of 2014
    - Specific comment made on 74.19(a)(1) which concerns the issue of “all” vs. reportable quantity

## Recent Submittal of Security Frequently Asked Questions (SFAQs)

### ■ What else?

- The Regulation (and thus the SFAQ resolution) have moved to a new owner (NMSS from NSIR) within the NRC.
- SFAQ resolution progress appears to be stalled.
- Does the NRC want to address the SFAQ issues via the newly proposed Regulation changes? That would be much more robust than the SFAQ process but it does not appear that way since the proposed rule and FRN did not address them.
- Industry's comments on the proposed 10 CFR 74 rule may require the NRC to go back to square one due to the comprehensive nature of the comments. So, if the NRC desires to address the SFAQs via the rule, this may take a very long time.

## Recent Submittal of Security Frequently Asked Questions (SFAQs)

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- In the meantime...
  - Some of the issues that drove the SFAQs to be created in the first place appear to have waned.
    - What drove that? Revised Inspector guidance?
    - Can NRC provide that guidance to Industry via either training or some other mechanism?
  - SFAQ Panel is being scheduled and responses are forthcoming.

## Recent Submittal of Security Frequently Asked Questions (SFAQs)

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- Recommended Next Steps
  - Receive related guidance from NRC-HQ to the Regions
  - Complete SFAQ 13-01 and 13-02 in the near term per the SFAQ NEI 05-10 process
  - Reflect the SFAQ 13-01 in the rulemaking if it continues

## Recent Submittal of Security Frequently Asked Questions (SFAQs)

### ■ Summary

- Since 11/2013, we've had an agreement in principle with the NRC on the way to resolve the SFAQs.
  - However, since transfer of the SFAQs to new owners and the change out of staff members originally involved, it appears to Industry that the NRC is placing too low of a priority on addressing the SFAQs.
- Industry desires a product out of the process.
  - Either continue forward with the prescribed SFAQ process OR formally state that the Commission will address the issues in the SFAQs in the proposed rulemaking.
  - Industry is prepared to meet at any time to move these issues to prompt resolution.