April 22, 2004

MEMORANDUM TO: Joseph G. Giitter, Chief
Special Projects Branch
Division of Fuel Cycle Safety
and Safeguards

THRU: Brian W. Smith, Chief **/RA/**
Gas Centrifuge Facility Licensing Section
Special Projects Branch, FCSS

FROM: Timothy C. Johnson **/RA/**
Senior Mechanical Systems Engineer
Gas Centrifuge Facility Licensing Section
Special Projects Branch, FCSS

SUBJECT: APRIL 13 and 14, 2004, TELEPHONE SUMMARIES: LOUISIANA ENERGY SERVICES REQUESTS FOR ADDITIONAL INFORMATION

On April 13 and 14, 2004, U.S. Nuclear Regulatory Commission (NRC) staff held telephone conference calls with staff from Louisiana Energy Services (LES) to discuss the Requests for Additional Information (RAIs) prepared following review of its application for a uranium enrichment plant. The RAIs were transmitted to LES on April 19, 2004. These telephone conference calls were intended to allow LES to begin response preparation at an early stage. I am attaching the telephone summaries for your use. The summaries contain no proprietary or classified information.

Docket: 70-3103

Attachment: Louisiana Energy Services
Telephone Summaries

cc: William Szymanski/DOE
Monty Newman/Hobbs
Peter Miner/USEC
Glen Hackler/Andrews
James Brown/Eunice
Jerry Clift/Hartsville
Derrith Watchman-Moore/NMED
Clay Clark/NMED
Lindsay Lovejoy/NIRS
Claydean Claiborne/Jal
James Curtiss/W&S
Betty Richman/Tatum
Dennis Holmberg/Lea Cty
Richard Ratliff/Texas
CO'Claire/Ohio
Joseph Malherek/PC
Patricia Madrid/NMAG
Rod Krich/Exelon
Troy Harris/Lovington
James Ferland/LES
William Floyd/NMED
M. Marriotte/NIRS
Lee Cheney/CNIC
Ron Curry/NMED
Glen Smith/NMAG

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DISTRIBUTION: Docket: 70-3103

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OFC	SPB		SPB	2E	SPB	
NAME	TCJohnson		LGross		BSmith	
DATE	4/20 /04		4/ 20 /04		4 / 22 /04	

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Telephone Conference Call Summary

Radiation Protection
Requests for Additional Information

Date and Time: 10:00 AM; April 13, 2004

Call Participants:		
	B. Smith/NRC	J. Klein/NRC
	D. Brown/NRC	T.C. Johnson/NRC
	R. Krich/LES	D. Greene/Excel
	G. Harper/Areva	N. Tamberino/Areva

During the conference call, staff discussed Requests for Additional Information (RAIs) in the areas of radiation protection, the emergency plan, and environmental effects with Louisiana Energy Services (LES) personnel.

In the area of radiation protection, the applicant stated it will revise the Safety Analysis Report (SAR) to clarify its intent to comply with 20.1101(d). It also stated it will clarify the qualifications and designation of a "radiation specialist."

Text removed under 10 CFR 2.390.

Staff asked LES to justify the lack of air effluent monitoring in areas where dispersible forms of uranium are stored or processed. Staff explained that NRC Regulatory Guide 4.16, Regulatory Position C.2, states that applicants should sample gaseous effluents from all operations associated with the plant, regardless of the concentrations of radioactive material that are expected to be in the effluent. Staff stated that area air samplers used in the radiation protection program, as described in Chapter 6 of the Environmental Report, would not be acceptable for use as air effluent samplers. LES stated that it understood the request, and will prepare a response.

Staff requested room volumes, room volumetric flow, and Heating Ventilation and Air Conditioning (HVAC) exhaust flow rates for each likely configuration of the HVAC systems described in Section 3.5.1 of the Safety Analysis Report (SAR). Staff explained that the additional information is required for staff to perform independent consequence assessments of representative accident sequences. LES stated that it understood the request, and will prepare a response.

Staff asked LES to explain the means by which a representative sample is collected from the Treated Effluent Monitor Tanks. Staff explained that NRC Regulatory Guide 4.16, Regulatory Position C.2.2, states that applicants should collect representative samples at each liquid release point. LES stated that it understood the request, and will prepare a response.

Attachment

Staff asked LES to identify whether the environmental performance requirement in 10 CFR 70.61(c)(3) was met for each of the events described in the Integrated Safety Analysis Summary. Staff explained that Sections 3.7.1 and 3.7.2, and Tables 3.7-2 and 3.7-3, of the SAR did not address whether the performance requirement at 10 CFR 70.61(c)(3) would be met. Staff also stated that SAR Table 6.3-5, "Enhanced Definition of Consequence Severity Categories," appears to correctly identify the environmental intermediate consequence (Category 2) for acute radiological exposure as >5.4 mg U/m^3 (24-hr average). However, in the second column of Table 6.3-5, this concentration is incorrectly identified as being evaluated outside the controlled area. Staff stated that the requirement at 10 CFR 70.61(c)(3) should be evaluated at the restricted area boundary. Staff also stated its position that since Chapter 4 of the SAR defines the boundaries of restricted areas as contiguous with process building exterior walls (and the extent of the Uranium Byproduct Cylinder pad), then the method used to evaluate whether 10 CFR 70.61(c)(3) is met should not include consideration of atmospheric dispersion to any distance downwind of the facility structures. LES stated that it understood the request, and will prepare a response.

Telephone Conference Call Summary

Integrated Safety Analysis and Chemical Safety
Requests for Additional Information

Date and Time: 2:00 PM; April 13, 2004

Call Participants:		
	B. Smith/NRC	W. Troskoski/NRC
	T.C. Johnson/NRC	R. Krich/LES
	D. Greene/Excel	M. Kennedy/Areva
	D. Pepe/Areva	G. Harper/Areva

During the conference call, staff reviewed the 11 Integrated Safety Analysis (ISA) and one chemical safety Requests for Additional Information (RAIs) for the LES uranium enrichment facility project. The RAIs briefly included:

ISA

1. Describe the safety margins needed to demonstrate that use of a 1.0 E-4 design basis earthquake can achieve a performance level of about 1.0 E-5 for seismic Items Relied on for Safety (IROFS). The applicant stated that they understood the question and had been working on the response since the staff visit to the Marlborough office in March 2004.

2. Describe the safety margins needed to assure that loads resulting from a centrifuge failure do not result in rotor debris penetration of the casing or break away of the floor mounting elements (flomels). The applicant noted that a classified document had been provided for the Homer license application describing this issue, and the document had been accepted by the staff at that time. The staff noted that the document should be updated, if necessary, for the facility and referenced.

3. Describe any emergency electrical power requirements needed to support the various environmental, security, fire, and emergency response functions should a loss of off-site power occur. The applicant asked if plant operations should also be included in this response and the staff stated that this would not be required, as the application adequately addresses that aspect. The intent of the question was to confirm that regulatory required functions other than IROFS have adequate power.

4. Describe how the attributes and boundaries of each IROFS will be identified to plant personnel, including operations, maintenance, and engineering, once final design is completed (i.e., define how appropriate information concerning IROFS will “flowdown” to the plant staff). The applicant stated that they were working on a document to define and address this issue and define the IROFS boundaries.

5. Define autoclave pressure integrity. The applicant stated that they viewed this issue as a subset of question 4, above, and that it would be enveloped by those actions under development.

6. Clarify whether administrative IROFS rely on any hardware components and discuss application of the QA program to such components, if any. Also confirm that any enhanced administrative controls will be captured in written procedures. The applicant stated that this issue would also be enveloped by their response to the previous two questions.

7. Define the term “independent verification.” The applicant stated that they understood the question and would provide the definition.

8. **Text removed under 10 CFR 2.390.**

9. Describe the bookkeeping measures needed to ensure that no tank holds more than a safe mass of uranium. The applicant stated that they understood the question and believed that their response to development of the IROFS boundary packages would address the concern.

10. Clarify whether the criticality event assumed in accident sequence EC4-2 results in an intermediate consequence to the worker. Table 3.7-2, Accident Sequence Descriptions, accident sequence EC4-2 states that this event is assumed to have an intermediate consequence to the worker and the public. However, Table 3.7-1, Accident Sequence and Risk Index, identifies this as a high consequence event. The applicant stated that this was an administrative error and would be corrected in the next addendum.

11. Clarify whether accident sequence DC1-8 evaluated the effects of a dump operation on members of the public. Table 3.7-2, Accident Sequence Descriptions, accident sequence DC1-7, states that the impact to the workers in the vicinity and impact to the public is evaluated in accident sequence DC1-8. However, accident sequence DC1-8 appears to only address impact on the worker in the vicinity. The applicant stated that this was an administrative error and would be corrected in the next addendum.

<u>Chemical Safety</u>

1. Provide a rational basis for adjusting acute chemical release limits through the use of a time-weighted average methodology, and confirm that the proposed Acute Exposure Guideline Levels (AEGLs) values are based on the latest published figures. The staff noted that use of an approach endorsed by an internationally recognized committee, such as contained in the National Academy of Sciences latest revision to the AEGLs (2004) would be acceptable. The applicant stated that they had been re-performing their consequence analysis based on the 2004 numbers and had no questions.

Telephone Conference Call Summary

Fire Safety
Requests for Additional Information

Date and Time: 3:00 PM; April 13, 2004

Call Participants:		
	B. Smith/NRC	R. Wescott/NRC
	T.C. Johnson/NRC	R. Krich/LES
	D. Greene/Excel	M. Kennedy/Areva
	D. Pepe/Areva	G. Harper/Areva
	C. Drowdher/Lockwood Greene	S. Tyler/Lockwood Greene

During the telephone conference call, staff discussed staff Requests for Additional Information (RAIs) in the area of fire safety with Louisiana Energy Services (LES). The telephone call resulted in modification of one RAI and elimination of two RAIs. Most of the RAIs concerned issues that had already been discussed with LES previously in a telephone conference call of March 18, 2004, (memorandum from Wescott to Giitter, dated April 9, 2004). Significant information exchanged in the April 13 call included:

1. **Text removed under 10 CFR 2.390**.

2. The RAI requesting a more complete description of FF25-a through 25-f in Table 3.7-4 will be eliminated. This RAI was eliminated because information in Table 3.7-3 augments that in Table 3.7-4 and provides additional clarity.

3. **Text removed under 10 CFR 2.390**.

4. The question concerning Fire Brigade size will be eliminated from the RAI on facility fire brigade because the brigade size information was included in SAR Section 7.5.2.1. All other parts of the RAI will remain. The NRC also stated that the baseline needs assessment did not need to be completed prior to licensing, but LES committed to providing it prior to operation.

5. The RAI requesting a definition of “enhanced administrative controls” will be eliminated. The information will be supplied in response to another related RAI in the area of the Integrated Safety Analysis.

Other information exchanged during this call was identical in content to information presented in the above referenced memorandum on the March 18, 2004, telephone call summary.

Telephone Conference Call Summary

General Information and Decommissioning
Requests for Additional Information

Date and Time: 10:00 AM; April 14, 2004

Call Participants: B. Smith/NRC
T.C. Johnson/NRC
M. Wong/NRC
L. Lessard/Lockwood Greene
R. Wescott/NRC
L. Pittiglio/NRC
D. Greene/Excel

During the conference call, staff discussed Requests for Additional Information (RAIs) in the areas of General Information and Decommissioning with Louisiana Energy Services (LES) staff. The call resulted in the elimination of two RAIs. The following is a summary of the discussions:

Staff requested copies of the LES Partnership Agreement and the Industrial Revenue Bond agreement with Lea County. These documents are needed for the financial qualifications review. Staff also requested information on the location of a potential depleted uranium conversion plant that could be co-located with the uranium enrichment facility. It is unclear if the potential facility might be located within the LES controlled or restricted areas. LES staff indicated that there is no intent to have additional facilities within the LES controlled or restricted areas. Therefore, this question was eliminated.

Staff also asked about the LES commitment to obtain public liability insurance. The amount of this insurance is needed. Staff also clarified that the insurance, under 10 CFR 140.13b, would be needed prior to licensing, not prior to operations as had been proposed by LES.

Staff also needs LES to propose possession limits in total amounts not in terms of average annual quantities. Staff also asked if possession limits would be established for other nuclides, such as Tc-99, that sometimes contaminates material in enrichment plants.

Staff discussed an RAI addressing the standards used for the ventilation filtration assemblies and for in-place filter testing.

Information on the depleted uranium storage pad was requested. LES staff indicated that information is presented in several sections of the Safety Analysis Report and in the Environmental Report. These other sections provide sufficient information for the staff to address the safety of the storage pad. Therefore, this RAI was eliminated.

The applicant's cost estimate for the facility is a summary of the construction and decommissioning costs. For example, the applicant estimated the cost to construct the facility at approximately $1.2 billion in 2002 dollars. Table 10.1-1, "Total Decommissioning Costs," did not include a sufficient supporting basis. The applicant needs to provide the cost basis for each major components divided into labor and materials, for each activity. For the staff to evaluate the decommissioning cost estimate, the applicant needs to provide the level of detail described in the most recent NRC guidance, NUREG-1757, Volume 3.

The applicant reduced the contingency factor for the total decommissioning costs based on its past experience. While the staff agrees that a contingency factor lower than 25 percent may be warranted based on past experience at similar facilities, the applicant needs to provide a stronger supporting basis for a reduced contingency. In addition, the staff believes that the contingency factor should be applied across the board, and includes applying the contingency factor to the cost of the tails disposition.

The tails disposition referenced four studies which were developed between 1993 and 2002. The applicant was requested to provide copies of the referenced documents.

Telephone Conference Call Summary

Electrical
Requests for Additional Information

Date and Time: 10:30 AM; April 14, 2004

Call Participants:

B. Smith/NRC	F. Burrows/NRC
T.C. Johnson/NRC	A. Pal/NRC
R. Krich/LES	D. Greene/Excel
M. Kennedy/Areva	D. Pepe/Areva
L. Suave/Lockwood Greene	J. Bucher/Lockwood Greene

During the conference call, staff discussed with Louisiana Energy Services (LES) personnel Requests for Additional Information pertaining to electrical systems. Specifically, the following questions were asked:

1. **Text removed under 10 CFR 2.390**.

2. 10 CFR 70.64(a)(7) requires that the design must provide for continued operation of essential utility services. The applicant was requested to provide information on the facility's essential utility services (if any) and how the design provides for their continued operation.

   In response, LES stated that a response to the issue would be provided.

3. **Text removed under 10 CFR 2.390**.

4. The applicant was requested to provide a discussion of the control power for the 480/460 V breakers, if any.

   In response, LES stated that no direct current (dc) control power is required for these breakers. Alternating current (AC) power would be supplied for breaker control.

5. **Text removed under 10 CFR 2.390**.

Telephone Conference Call Summary

Management Measures
Requests for Additional Information

Date and Time: 2:00 PM; April 14, 2004

Call Participants: B. Smith/NRC
T.C. Johnson/NRC
R. Krich/LES
M. Kennedy/Areva
W. Smith/NRC
D. Pepe/Areva
D. Greene/Excel

During the conference call, staff discussed with Louisiana Energy Services (LES) staff Request for Additional Information issues that need further clarification related the LES Safety Analysis Report Chapter 11 on Management Measures.

Staff indicated that a general description is needed of the Configuration Management (CM) process and controls that are in place during design, application review, construction, and operation to assure that the design, engineering, procurement, and construction drawings and documents and the Integrated Safety Analysis (ISA) are consistent and current.

Staff asked what selective documentation, in addition to the ISA, is controlled by the CM program during design and construction. Staff also asked LES to confirm that the scope of structures, system, and components (SSC) under the CM program includes all SSCs and each change to them, and not just Items Relied on for Safety (IROFS) and any items which may affect the function of the IROFS.

In addition, staff asked LES to confirm a committment to ensuring comprehensive program oversight through audits and assessments of the CM program, initially and at least once every year in accordance with the Quality Assurance Program Document and Quality Assurance procedure requirements.

Telephone Conference Call Summary

Instrumentation and Controls
Requests for Additional Information

Date and Time: 2:30 PM; April 14, 2004

Call Participants:

B. Smith/NRC	F. Burrows/NRC
T.C. Johnson/NRC	R. Shaffer/NRC
R. Krich/LES	D. Greene/Excel
M. Kennedy/Areva	D. Pepe/Areva

During the conference call, staff discussed with Louisiana Energy Services (LES) personnel Requests for Additional Information (RAIs) related to instrumentation and control (I&C) systems. LES committed to providing future responses to these issues, because the project is still in the design phase. At this point, acceptability of the LES application, with regard to I&C systems, relies upon statements in the Safety Analysis Report (SAR) committing to compliance with the regulations, as well as commitments to certain codes and standards and good engineering practice. The following RAIs were asked:

1. Submit an I&C software system architecture block diagram showing the interrelationship of the major software functions with the hardware, process, and plant systems. Clearly identify which software functions are involved with Items Relied on for Safety (IROFS). Submit codes and standards framework used and correlate with hardware functions.

2. For IROFS involving software, firmware, microcode, etc., discuss the software design process used to develop the programmable logic controller (PLC) software, as well as software quality assurance programs, including configuration management. Reference any codes and/or consensus standards regarding hardware and software quality (e.g., Institute of Electrical and Electronics Engineers (IEEE), American Society of Mechanical Engineers (ASME)). Applicable regulations include 10 CFR 70.62(d) and 10 CFR 70.64(a)(1).

3. In Section 3.4, for all systems with interfaces to the plant control system (PCS), describe the interfaces to the PCS, including the Central Control System (CCS) and the Local Control Center (LCC). Particular attention should be paid to the interconnection of IROFS to the LCC (and CCS, if applicable). Provide information on how the safety functions are independent from the process control system components at the LCC and CCS.

4. Section 3.1.7.J states, in part, “Instrumentation and control systems shall be designed to fail into a safe state or to assume a state demonstrated to be acceptable on some other basis if conditions such as disconnection, loss of energy or motive power, or adverse environments are encountered.” For IROFS relying on “fail safe” instrumentation, describe the conditions that cause a safe failure and how these conditions are sensed and corrected/masked by the “fail safe” function in the IROFS. Explain how this conforms to Section 3.1.7.J by describing the implementation of the “fail safe” capability (such as on-board diagnostics and/or condition monitoring) and the kinds of failures

against which the design protects (such as random failures, circuit failures, software failures, malicious failures, etc.).

5. For IROFS involving instrumentation, provide information regarding the approach used to determine the setpoint and the measurement uncertainties. Account for all uncertainties in the measurement path, from the sensor along the signal lines through the data acquisition and data conversion components to the data processing element, as appropriate.

6. Section 3.1 states, "When failure probabilities are required for an event, Table 3.1-10, Failure Probability Index Numbers, provides the index values." Section 3.8, Table 3.8-1, provides failure probability index numbers for the IROFS. For IROFS involving instrumentation and control equipment relying upon both hardware and software, describe the process(es) (including testing, analysis, or industry experience) that was (were) used to establish the failure probabilities (i.e., Probabilities of Failure on Demand in Table 3.1-10 and Table 3.8-1). In the discussion, clearly explain how equipment or processes from vendors (such as Urenco, and other third-party equipment suppliers) were evaluated by LES. Provide criteria or data upon which values in Table 3.8-1 were based (for those IROFS involving hardware and software). Reference applicable consensus standards.

7. The regulations, 10 CFR 70.64(a)(10), require that the design must provide for inclusion of instrumentation and control system to monitor and control the behavior of IROFS. Section 3.1.7.J in the SAR states, in part, "Instrumentation and control systems shall be provided to monitor variables and operating systems that are significant to safety over anticipated ranges for normal operation, for abnormal operation, for accident conditions, and for safe shutdown." Describe these instrumentation and control systems and how they meet the requirements of 10 CFR 70.64(a)(10). Include reference to codes or consensus standards.

8. The regulations, 10 CFR 70.64(a)(4), state the design must provide for adequate protection from environmental conditions and dynamic effects associated with normal operation, maintenance, testing, and postulated accidents that could lead to loss of safety functions. These include Electromagnetic Interference/Radio Frequency Interference, temperature, and humidity. Section 3.5.9.1, pg 3.5-43, states "field-proven designs fabricated from proven materials for intended...operating conditions are specified, as well as process instrumentation qualified for use in uranium enrichment plants." For IROFS utilizing instrumentation, describe how the design complies with 10 CFR 70.64(a)(4). Reference applicable consensus standards (e.g., IEEE, ASME).

9. **Text removed under 10 CFR 2.390**.

Staff indicated to LES personnel that additional similar questions related to other plant systems would also be included in the RAI package. It was decided that discussion of these RAIs during the call was unnecessary.

Telephone Conference Call Summary

Security
Requests for Additional Information

Date and Time: 3:00 AM; April 14, 2004

Call Participants:

B. Smith/NRC	T. Pham/NRC
T.C. Johnson/NRC	C. Gonzalez/NRC
K. Everly/NRC	A. Frazier/NRC
R. Krich/LES	D. Greene/Excel
M. Kennedy/Areva	D. Pepe/Areva
T. Lambke/Lockwood Greene	

During the conference call, staff discussed with Louisiana Energy Services (LES) staff Requests for Additional Information (RAIs) related to physical security, protection of classified matter, and materials control and accounting.

Physical Security Section

Initial discussion was focused on the U. S. Nuclear Regulatory Commission (NRC) licensing basis for accepting the LES Physical Security Plan. Following the current licensing process, the acceptance of the LES Physical Security Plan prior to license approval will be based solely on the requirements in 10 CFR 73.67 for facilities that store or process Special Nuclear Material (SNM) of low strategic significance. Staff stated that it should be recognized by LES management that Orders, which may be issued to LES in the future, may not be identical to those issued to licensees in the past. Therefore, LES should carefully consider the implementation of security measures which may be intended to address future Orders without the full knowledge of the requirements of those Orders. LES indicated the security measures described in the LES Physical Security Plan will be designed with as much flexibility as possible to accommodate future Order requirements and minimize facility impact. NRC staff expressed the desire for regular communication on this subject to minimize the impact on facility design and construction.

The remaining discussion regarding the Physical Security related RAIs consisted of a staff summary of the approximately 19 separate items. LES requested clarification of some items but offered no major objections or comments. Clarification that was provided verbally in the conference call will be incorporated into the RAIs, as applicable.

Classified Matter Section

NRC staff personnel discussed ten RAI's related to the protection of classified matter. LES requested clarification of some items but offered no major objections or comments. Since some information on items such as alarms and shredders could not be provided at this point in time, LES agreed to commit to alarm types that are approved by the U.S. Government for the protection of classified matter or shredders that are on National Security Agency's approved shredder list. The other remaining items centered on "lack of detail or specificity" all of which LES agreed to provide once they receive the RAIs.

Material Control and Accounting (MC&A)

The purpose of this information discussion was to provide LES a summary of preliminary items in the MC&A area that will be included in the RAI package. Staff stated that LES needs to provide clarification or additional information for the items to facilitate the staff's comprehensive review in order to determine the completeness and adequacy of the LES' submitted Fundamental Nuclear Material Control Plan. LES offered no objections and indicated the need for additional communication with the NRC staff on the responses to all RAI items.