



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 20, 2004

Docket No. 03036680  
Control No. 135762

License No. 32-30964-01

Tom Stevens  
Senior Vice President, Federal Operations  
Framatome-ANP Inc.  
400 South Tryon Street, Suite 2100, WC25F  
Charlotte, NC 28285

SUBJECT: FRAMATOME-ANP INC., REQUEST FOR ADDITIONAL INFORMATION  
CONCERNING APPLICATION FOR NEW LICENSE, CONTROL NO. 135762

Dear Mr. Stevens:

This is in reference to your application dated September 21, 2004 applying for a Nuclear Regulatory Commission license. This application was modified by your letters dated October 22, 2004, and November 18, 2004. In order to continue our review, we need the following additional information:

1. Item Number 5 of your revised application stipulates that you are requesting the possession any radioactive material with atomic numbers 3 through 83 inclusive and 84 through 103 inclusive, excluding source material. The isotopes included in the stated ranges only include byproduct material as defined in 10 CFR 30.4.

Please confirm that you understand that your request for these isotopes only includes those that are byproduct material.

2. Please identify each seal source having an assigned Sealed Source and Device (SSD) registration that you intend to use at temporary job sites under NRC jurisdiction. Include the manufacturer name, isotope, source or device model number and confirmation that the source or device has an SSD Registration Certificate. Sealed or plated sources not having SSD certificates may be used by the licensee at temporary job sites provided the quantity of material involved does not exceed the possession limit for unsealed sources listed on the license. See section 8.5.1 of NUREG -1556, Volume 18 for additional guidance regarding possession of sealed sources.
3. Section 8.4.2 of Procedure DD-RP-100 provides a definition for a Radioactive Material Area as 100 times the natural uranium and natural thorium values listed in 10 CFR 20 Appendix C. As stipulated in 10 CFR 20.1902, this definition is established as 10 times the isotopes listed in Appendix C.

Please revise your procedure definition for a Radioactive Material Area to match that established in 10 CFR 20.1902. A statement that this change has been made will be sufficient evidence to support that this correction has been made.

4. Please confirm that pursuant to 10 CFR 30.35(g), you will maintain drawings and records important to decommissioning and transfer these records to a new licensee before licensed activities are transferred, or assign the records to the appropriate NRC Regional Office before the license is terminated.
5. Item 10 of your revised application states that the levels provided in NRC Regulatory Guide 1.86, Table 1, will be used as the surface contamination levels for control of facilities (and materials) outside the restricted area. For the purposes of decommissioning licensed facilities, the requirements of 10 CFR 20, Subpart E- Radiological Criteria of License Termination, apply. Current regulatory guidance relative to the release of facilities for unrestricted use is contained in NUREG-1757, Consolidated NMSS Decommissioning Guidance.

Please confirm that you understand that the surface contamination levels contained in Table 1 of Regulatory Guide 1.86 are not applicable for the decommissioning of restricted or owner controlled areas and that current regulatory guidance (presently established in NUREG-1757) will be used as the basis for decommissioning and eventual unrestricted release of facilities or areas.

6. Please confirm that you will be using survey instruments calibrated by persons specifically licensed by the NRC or an Agreement State to perform such services.
7. Please confirm that you will be using bioassay services provided by persons specifically licensed by the NRC or an Agreement State to perform such services.
8. Section 7 of procedure DD-RP-100 implies that the need for individual monitoring and bioassay will be established by the radiation protection manager on a case-by-case basis depending upon the circumstances of the decontamination/decommissioning activity.

Please provide the methodology that will be used to form the basis for these determinations or state that you will use the guidance provided in Regulatory Guide 8.34 as the basis for such determinations.

9. Section 10.5 of procedure DD-RP-100 discusses your program for monitoring for airborne radioactivity. There is no reference in this section regarding sampling for tritium.

Please submit you tritium airborne monitoring procedure or commit that you will use procedures which meet the requirements of Regulatory Guide 8.25.

10. Section 7.6 of procedure DD-RP-100 implies that the bioassay program will be established on a case-by-case basis depending upon the circumstances of the decontamination/decommissioning activity.

Please submit the elements of your bioassay program including when it will be implemented and the frequency of bioassay to be used or commit that you will use procedures that meet the guidelines of Regulatory Guide 8.9.

11. Section 8.2 of procedure DD-RP-100 states that a site specific plan, procedure or work instruction will be generated to support work activities at temporary job sites. This section further states that the need for such a document shall be made by the radiation protection manager or designee. This exemption is contrary to your response to Application Item 10 which states that specific temporary job site procedures, both operating and emergency, shall be developed prior to commencing work a temporary site.

A site specific work plan, procedure or work instruction will be required for the conduct of activities at temporary job sites. Please confirm that your procedures will be changed to include this requirement.

12. Please provide an outline of the elements that will be addressed in site specific plans, procedures or work instructions referenced in Section 8.2 of procedure DD-RP-100. These elements must include external dosimetry requirements, bioassay requirements, emergency response plans/procedures, material security requirements, occupational safety requirements, and any specialized procedures or requirements required to support the unique nature of the site or planned activities not addressed in existing approved procedures. This information may be included as part of a formal decommissioning plan prepared to support decommissioning activities as outlined in NUREG-1757. In your response, please provide an outline of the specific emergency response plans or procedures which will be included in these site specific documents or commit to the emergency elements included in NUREG-1556, Volume 11, Appendix R.
13. Section 19 of procedure DD-RP-100 does not address the record retention periods to be used for records generated by the licensee.

Please confirm that records will be retained in accordance with the requirements of 10 CFR 20, Subpart L.

14. Section 10.8 of procedure DD-RP-100 references the use of procedure DD-RP-101, Respiratory Protection Program.

Please confirm that your respiratory protection program meets the requirements of 10 CFR 20 Subpart H.

T. Stevens  
Framatome-ANP Inc.

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In accordance with 10 CFR 2.390, a copy of this letter will be placed in the NRC Public Document Room and will be accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html>.

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 135762. If you have any technical questions regarding this deficiency letter, please call Jim Schmidt at (610) 337-5276.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we shall assume that you do not wish to pursue your application.

Sincerely,

***Original signed by Judith A. Joustra***

Judith A. Joustra  
Senior Health Physicist  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
10 CFR Parts 19, 20, and 30

cc:  
Harvey F. Story, Radiation Safety Officer

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