March 5, 2010

MEMORANDUM TO: Eric Oesterle, Acting Chief
Mixed Oxide and Uranium
Deconversion Branch
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

FROM: Sabrina D. Cleavenger, Quality Assurance Engineer **/RA/**
Mixed Oxide and Uranium
Deconversion Branch
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

SUBJECT: MEETING BETWEEN THE NUCLEAR REGULATORY COMMISSION STAFF AND FUEL CYCLE INDUSTRY REPRESENTATIVES TO DISCUSS QUALITY ASSURANCE REQUIREMENTS FOR URANIUM ENRICHMENT FACILITIES

On March 1, 2010, the Nuclear Regulatory Commission (NRC) staff met with the Nuclear Energy Institute (NEI), utility representatives, and other stakeholders via teleconference to discuss quality assurance (QA) guidance for licensing of uranium enrichment facilities. Attachment 1 lists the meeting attendees.

A public meeting notice was issued on February 17, 2010, and was posted on the NRC's external (public) web page (ADAMS Accession No. ML100350130). The notice included the meeting agenda and an attachment that outlined QA requirements and guidance that are currently in place and available to applicants. The meeting notice identified that the purpose of the meeting was to follow up on feedback provided by uranium enrichment facility stakeholders during a 2009 Commission briefing which indicated a need for improved QA guidance for safety reviews of license applications.

CONTACT: Sabrina Cleavenger, NMSS/FCSS
(301) 492-3204

In opening remarks, Ms. Sabrina Cleavenger of the NRC presented a brief summary of the requirements of 10 CFR Part 70 for applicants seeking a license for a uranium enrichment facility and the associated guidance contained in NUREG-1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility," published March, 2002. Ms. Cleavenger highlighted that there are no provisions in Part 70 requiring uranium enrichment facilities to comply with or commit to the requirements of Appendix B to 10 CFR Part 50. She indicated that applicants may use Appendix B for guidance in establishing management measures for the facility, specifically "other QA elements." Ms. Cleavenger also mentioned that applicants are not required to submit QA program documents (QAPDs), also known as QA plans, as part of their license applications; however, a description of the applicant's management measures, including "other QA elements," is required as part of the license application. Ms. Cleavenger explained that while an applicant may elect to submit a description of the "other QA elements" that will apply to its facility in a QAPD or a QA plan, there is no requirement to do so.

After the opening remarks, meeting attendees provided feedback regarding challenges they have experienced in implementing NRC requirements related to QA for uranium enrichment facility applications. Mr. Peter Miner of United States Enrichment Company (USEC) stated that USEC had engaged the NRC during April of 2002 to clarify requirements. Mr. Miner added that USEC had subsequently submitted its QAPD to the NRC in July, 2002, and had found the guidance for uranium enrichment facility applications easy to understand. Mr. Miner concluded by stating that he had used the guidance to license two facilities and had no concerns with the existing guidance.

Ms. Julia Olivier of General Electric – Hitachi (GEH) Global Laser Enrichment (GLE) identified that GLE had also discussed QA requirements with the NRC prior to making its license application submittal. Ms. Olivier explained that GLE had been confused as to whether or not it was required to submit a QAPD for NRC review and approval. Through discussions with its counsel and with NRC staff, GLE concluded that it would explain its application of other QA elements in Chapter 11 of its license application and would submit its QAPD to the NRC for information use only (not for review and approval) to supplement Chapter 11 of its license submittal.

Ms. Olivier identified that GLE had encountered another challenge in the preparation of its license application: GLE was aware that it could use Appendix B to 10 CFR Part 50 (Appendix B) as guidance in establishing and describing GLE's implementation of "other QA elements," but it was not clear to GLE to what level it should apply Appendix B requirements. Since compliance with Appendix B is not required, GLE deliberated over how much of Appendix B to incorporate into its management measures under "other QA elements" to satisfy the requirements of 10 CFR Part 70 and to establish adequate QA controls for NRC approval of the GLE license application.

Mr. Dave Hamilton of GEH stated that GLE had received a request for additional information (RAI) from the NRC staff related to commercial grade dedication (CGD). Mr. Hamilton explained that follow-on discussions with the NRC were necessary to gain a fuller understanding of the RAI issues and to reach an acceptable resolution. Ms. Janet Schlueter of the Nuclear Energy Institute (NEI) asked if the NRC was considering rulemaking and a revision to NUREG-1520 to provide clarification on commercial grade dedication at uranium enrichment facilities. Ms. Cleavenger of the NRC staff indicated that, although there are no specific NUREG-1520 revisions planned to address CGD at this time, the NRC staff is considering a comprehensive rulemaking to 10 CFR Part 21 that would provide the necessary clarification for

fuel cycle facilities. Ms. Cleavenger stated that a change to the definitions of “basic component”, “commercial-grade item”, “critical characteristics”, “dedication”, and “dedicating entity” in 10 CFR Part 21 would be an appropriate method to enhance CGD guidance for fuel cycle facilities.

Mr. Eric Weiner of Areva Enrichment Services commented that Areva had used other QA programs that were available on the public docket as a reference in developing it’s QAPD for the Eagle Rock enrichment facility. Mr. Weiner stated, however, that in using these other QA programs, he had noticed a wide degree of variation in how the programs established QA levels for items relied on for safety (IROFS) and how the programs applied graded management measures to IROFS of different QA levels. Mr. Weiner suggested that NRC staff guidance on defining and implementing graded QA levels for IROFS would be useful to applicants for uranium enrichment facilities.

The staff indicated that it will consider development of an appropriate generic communication to provide clarification to uranium enrichment facility applicants on the topics discussed during the public meeting.

Enclosure: Meeting Attendees

cc: Janet Schlueter (jrs@nei.org)

fuel cycle facilities. Ms. Cleavenger stated that a change to the definitions of “basic component”, “commercial-grade item”, “critical characteristics”, “dedication”, and “dedicating entity” in 10 CFR Part 21 would be an appropriate method to enhance CGD guidance for fuel cycle facilities.

Mr. Eric Weiner of Areva Enrichment Services commented that Areva had used other QA programs that were available on the public docket as a reference in developing it’s QAPD for the Eagle Rock enrichment facility. Mr. Weiner stated, however, that in using these other QA programs, he had noticed a wide degree of variation in how the programs established QA levels for items relied on for safety (IROFS) and how the programs applied graded management measures to IROFS of different QA levels. Mr. Weiner suggested that NRC staff guidance on defining and implementing graded QA levels for IROFS would be useful to applicants for uranium enrichment facilities.

The staff indicated that it will consider development of an appropriate generic communication to provide clarification to uranium enrichment facility applicants on the topics discussed during the public meeting.

Enclosure: Meeting Attendees

cc: Janet Schlueter (jrs@nei.org)

DISTRIBUTION:
M. Bailey, FCSS M. Tschiltz, FCSS

ML100630528

OFFICE	MODB	MODB
NAME	SCleavenger	EOesterle
DATE	03/05/10	03/05/10

OFFICIAL RECORD COPY

LIST OF ATTENDEES

MEETING REGARDING QUALITY ASSURANCE REQUIREMENTS

FOR URANIUM ENRICHMENT FACILITIES

Monday, March 1, 2010

NAME	TITLE	ORGANIZATION
Sabrina Cleavenger	QA Engineer	NRC/NMSS/FCSS
Eric Oesterle	Acting Branch Chief	NRC/NMSS/FCSS
Wilkins Smith	Senior Materials Engineer	NRR/DLR/RAPB
Eric Weiner	QA Manager	Areva Enrichment Services
Camillo DiNunzio	Project QA Manager	Areva Enrichment Services
Peter Miner	Director, Regulatory & QA	USEC
Elaine Hiruo	Reporter	Platts
Tyson Smith	Attorney	Winston & Strawn
Julia Olivier	Licensing Project Mgr	GEH Global Laser Enrichment
Dave Hamilton	QA Manager	GEH Global Laser Enrichment
Jerry Mancuso	Quality Program Manager	GEH
Steve Chappelle	Project QA Manager	Merrick & Company
Russ Bastyr	Nuclear QA Director	GEH
Janet Schlueter	Dir., Fuel and Matls. Safety	NEI

NMSS = Office of Nuclear Material Safety and Safeguards
FCSS = Division of Fuel Cycle Safety and Safeguards
NRR = Office of Nuclear Reactor Regulation
DLR = Division of License Renewal
RAPB = Aging Management of Plant Systems Branch
USEC = United States Enrichment Corporation
GEH = General Electric Hitachi
NEI = Nuclear Energy Institute

Enclosure