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LES-10-00084-NRC

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Louisiana Energy Services, LLC
NRC Docket No. 70-3103

Subject: LES Proposed Changes in Support of Plant Startup and Commitment to Submit a License Amendment Request

- References:
1. LES-10-00081, Letter from LES to NRC, Proposed Operator Action Enhancements for Administrative IROFS 38, 42 and C6
 2. LES-10-00075-NRC, Letter from LES to NRC, Backfit Claim Concerning Definition of Boundaries for Administrative Control IROFS, Apr 16, 2010.
 3. Draft Staff Considerations on the use of Bounding Assumptions and Passive Engineered Features in Integrated Safety Analyses, April 19, 2010
 4. Public Meeting held on April 27, 2010 in Rockville Maryland to Discuss the use of Design Features to the Performance Requirements of Part 70 Subpart H, April 13, 2010
 5. Memorandum dated March 26, 2010 to Marissa G. Bailey, Deputy Director Special Projects and Technical Support Directorate. Subject: Summary to the March 11, 2010 Public Meeting to Discuss the Use of Design Features to Meeting the Performance Requirements of 10 CFR Part 70 Subpart H.

We appreciate the opportunity to discuss Administrative Items Relied On For Safety (IROFS) boundaries with your staff and representatives of Nuclear Regulatory Commission (NRC) Region II on the phone Tuesday. The NRC provided further clarification on their position and areas where a graded quality approach may be acceptable, provided specific equipment items are included in the Administrative IROFS boundary. LES has evaluated this feedback and proposes a three step approach as described in detail below.

Consistent with Reference 1, the first step is to implement additional operator actions for IROFS 38 and IROFS for Accident Sequence EC3-1 prior to placing the first cascade on line. The associated documentation for these enhancements will be made available for review and the actions will be further described as part of Step 2 below. Step 1 would be implemented within LES' authority to change the license per 10 CFR

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70.72. The new IROFS for Accident Sequence EC3-1 alone will apply sufficient mitigation or risk prevention in order to not require IROFS C6 to satisfy the performance requirements of 10 CFR 70.61. These new actions and IROFS will not rely on the Process Control System (PCS) to implement. Specifically:

- For IROFS38, the operator will be required to base actions on the local digital weight readouts on the stations instead of the PCS digital display from the control room. These actions include trending cylinder weight and terminating cylinder fill using non PCS equipment (valves), and
- For Accident Sequence EC3-1, IROFS will be added to use either control maximum enrichment or perform periodic monitoring to confirm enrichment level and take operator actions. These IROFS will specify non PCS based monitoring and operator actions should enrichment control not be acceptably maintained, such as terminating feed flow to the cascade.

In addition, LES will implement additional operator actions for IROFS 42 prior to Phase 1 of Operations. The associated documentation for these enhancements will be made available to the NRC prior to the Readiness Review for this phase. This step would be implemented within LES' authority to change the license per 10 CFR 70.72. This consists of adding additional operator actions to the boundary of IROFS42 that will be documented in the Boundary Definition Document for IROFS42. The current proposal for IROFS42, would be for the operator to compare product cylinder weight measurements taken at the Product Station local digital display prior to cylinder removal and the WOHWA scale. The measures must both be below the cylinder weight safety limit and within an acceptable range of each other prior to placing the cylinder in an autoclave (Note: this IROFS would not be implemented until the autoclave has been installed and found acceptable through the NRC operational readiness review process).

The second step is to submit for NRC review, a License Amendment Request (LAR) early next week for changes to Administrative IROFS required for first cascade on line. This LAR will identify what support equipment attributes will be added to the boundary of that subset of Administrative IROFS affected by this commitment and how those attributes will be verified. The LAR would identify what, if any, exceptions are required relative to existing IROFS Quality Level 1 requirements. In order to prepare such a submittal, LES will need to select a subset of equipment items currently available to the operator to monitor and take actions since not all existing systems would be needed. As noted in Reference 2, LES does not believe the inclusion of these attributes is required by our current license. However, these additions would enhance the ISA and we will propose these changes through a LAR. We will submit a second, separate, LAR as needed to address any needed similar changes to other Administrative IROFS after initial startup and prior to their required use (such as IROFS42).

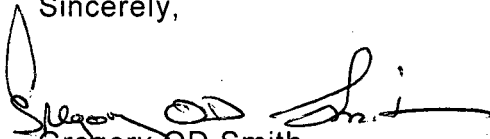
LES believes it is appropriate to address these concerns (Step 2) separately from startup as no safety significant issue has been identified by LES or the NRC. However if the LAR submitted next week, in the opinion of the NRC, requires processing in support of startup we request a turnaround that supports our ability to achieve startup during May 2010. We are available to support any questions or required responses to the LAR throughout the review process. Separately, LES has continued its review of prior license submittals, docketed correspondence, presentations to the NRC on

IROFSC6 (from 2002 to the present), and found no information that conflicts with Reference 2.

The third and final step is to address any further concerns with IROFS boundaries and Design Features as part of the industry initiative underway with the NRC (References 3 and 4). This proposed approach, to defining IROFS boundaries and crediting Design Features, is generic in nature and best resolved as an industry wide concern. Specific to Reference 3, we have identified a number of corollaries in this draft guidance to concerns we identified in Reference 2 regarding our understanding of how the NRC is interpreting the IROFS boundary for LES. LES is participating in the industry meetings and understands potential Notices of Violation at operating nuclear fuel facilities may be reclassified as Unresolved Items (URIs) pending final regulation in this area. Consistent with this approach and the NRC's position on enforcement discretion and use of the draft guidance(Reference 5), we respectfully request that consistent with the other fuel facilities any URIs issued to LES in this context should not be considered startup restraints.

Please contact me if you have questions regarding this letter and commitment for submittal of a LAR.

Sincerely,



~~Gregory OD Smith~~

Chief Operating Officer and Chief Nuclear Officer

cc:

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