



Nuclear Regulatory Commission
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NRC000023

NRC Staff Responses to Licensing Board's Supplemental Publicly-Available Questions Regarding Safety Matters

Supplemental Question Regarding AES Response to Publicly-Available Question 8: *In response to Publicly-Available Question 8, AES indicated that section 2.3.2 of the EREF Fundamental Nuclear Material Control Plan (FNMCP) for Gaseous UF₆ Sampling incorrectly states that feed material is sampled once per feed cylinder prior to feeding the material into the enrichment system to confirm feed assay and compliance with American Society for Testing and Materials (ASTM) C787. See AES Initial Publicly-Available Questions Response at 5-6. Further, AES committed to correcting this error under the AES corrective action program. How will the FNMCP be corrected? And how will AES's corrective action program ensure correction of the error?*

Response to Supplemental Question Regarding AES Response to Publicly-Available

Question 8: (T. Pham): The regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) § 70.32(c) and 10 CFR § 70.34 allow licensees to revise their FNMCPs. Thus, the staff expects that AES will clarify its statement regarding sampling of the feed material in a revision to its FNMCP. However, this clarification is not expected to change the staff's conclusion that AES provided an adequate FNMCP. The staff would review the revised FNMCP to ensure that the sampling confirms that the feed material is Commercial Natural UF₆ and that the revision continues to meet the requirements of 10 CFR § 74.33. In addition, the staff expects that the AES corrective action program will document the revision of the FNMCP to completion.

Supplemental Question No. 28: *The staff response to Publicly-Available Question 6 noted that some locality-specific factors at the EREF Idaho site will differ from conditions in Europe and speculated that these differences could cause centrifuges at the EREF to perform differently from centrifuge machines in Europe. See Staff Initial Publicly-Available Questions Response at 14. Along this line, but taking a broader view, please list the locality-specific factors that could adversely affect safety at the proposed EREF, but are generally not considered to be potential threats to safety in Europe. Also, please briefly discuss the process used to identify locality-specific potential safety hazards to the proposed EREF and to assure that all factors were identified.*

Response to Supplemental Question No. 28: (K. Everly): In its response to the Licensing Board's Publicly-Available Question 6, the staff suggested that should the centrifuge machines operate outside of the known historical ranges of the machines in Europe, new RD would be created. Performance information generated during the operation of the proposed facility will be

classified as new RD based on whether the information is outside the known historical ranges of the centrifuges operating in Europe and not on locality-specific factors. In general, performance outside of the known historical ranges is not expected. However, it cannot be ruled out completely since locality-specific factors may differ between the U.S. and Europe, thereby opening the possibility of generating performance information that is not known outside the U.S. While it is prudent to have protocols in place to address the potential for creation of new RD, the expectation is that little, if any, new RD will be generated.