

DOCKET: 70-1257

LICENSEE: AREVA NP, INC., RICHLAND FACILITY

SUBJECT: SAFETY EVALUATION REPORT, AMENDMENT 4 TO LICENSE
NO. SNM-1227, OWNERSHIP CONSOLIDATION

BACKGROUND

By letter dated August 24, 2011, AREVA NP, Inc. (AREVA), Richland Facility submitted an amendment (Agencywide Documents Access and Management System [ADAMS] Accession No. ML11241A143) to the U.S. Nuclear Regulatory Commission (NRC) requesting changes to Chapter 1 of the License Application (LA), including changed pages for Section 1.2.1 "Corporate Identity." As a result of AREVA SAS purchasing Siemens AG's minority interest, it transitioned from being the majority shareholder to becoming the sole owner of AREVA NP SAS. Therefore, AREVA NP SAS remains the sole owner of AREVA NP USA, Inc. and consequently sole shareholder of AREVA. To reflect this ownership consolidation, AREVA requests to amend Chapter 1 of the LA. The request is made pursuant to the requirements in Title 10 of the *Code of Federal Regulations* (10 CFR), Section 70.34.

The NRC staff conducted its safety and safeguards review to determine compliance with 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulating Functions," and other applicable regulations.

DISCUSSION

AREVA NP SAS was the majority owner of AREVA, with Siemens AG holding a minority portion. In this consolidation, AREVA NP SAS retains ultimate responsibility and authority for control of plans, policies, procedures, and regulatory matter associated with this license.

The NRC staff reviewed the incoming request using the guidance in NUREG-1556, Volume 15, "Consolidated Guidance About Material Licenses – Guidance About Changes of Control," (NRC, 2000).

Appendix F of the guidance contains the definition of *Control* based on the decision regarding *Safety Light Corporation* (ALAB-931, 31 NRC 350 1990):

"...Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and thus the direction of the activities under the license...."

Appendix D of the guidance provides several examples where no change of control takes place. Following the guidance mentioned above, the NRC staff determined that the requested action falls into this category.

The licensee provided a complete description of the transaction in the amendment request, and confirmed that there would be no changes to the name, personnel, or duties related to the licensed program. There are no changes in the organization, location, or facilities described in Chapter 1 of the LA. Changes are limited to Section 1.2.1 of the LA. There are no changes to

the programs or records required by the LA. There are no changes to the records or descriptions of the facility's decommissioning plan. The information listed in Appendix F has been provided.

ENVIRONMENTAL REVIEW

According to 10 CFR 51.22(c)(11), the issuance of amendments to licenses for fuel cycle plants which are administrative, organizational, or procedural in nature—or which result in a change in process operations or equipment—are eligible for a categorical exclusion provided that:

- (i) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.
- (ii) There is no significant increase in individual or cumulative occupational radiation exposure.
- (iii) There is no significant construction impact.
- (iv) There is no significant increase in the potential for or consequences from radiological accidents.

The changes in this amendment do not affect the scope or nature of the licensed activity and will not result in a change in the types or amounts of effluents released offsite. There will not be any increase in individual or cumulative occupational radiation exposure, and there will not be any increase in the potential or consequences from radiological accidents. There is no construction associated with this change, so there will not be any impact from construction. For these reasons, the NRC staff has determined that the proposed action is categorically excluded in accordance with 10 CFR 51.22(c) (11). Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is warranted for this action.

CONCLUSION

The NRC staff concludes that the information and requested changes provided by AREVA in their license amendment application provide reasonable assurance of adequate safety of the fuel fabrication facility's operations. The NRC staff concludes that the proposed changes will not have an adverse impact on the public health and safety, the common defense and security, or the environment: and meet the applicable requirements in 10 CFR Parts 20, 51 and 70.

CONTRIBUTORS

Marilyn Diaz
Merritt N. Baker

REFERENCES

(AREVA, 2011) "Application for Amendment to License No. SNM-1227; Ownership Consolidation (Docket No. 70-1257)," August 24, 2011. (ADAMS Accession Number ML11241A143)

(NRC, 2010) U.S. Nuclear Regulatory Commission, NUREG-1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility."

(NRC, 2000) U.S. Nuclear Regulatory Commission, NUREG-1556, Volume 15, "Consolidated Guidance About Material Licenses – Guidance About Changes of Control."