

SAFETY EVALUATION REPORT
USEC INC. PROPOSED MATERIALS LICENSE AMENDMENT FOR THE AMERICAN
CENTRIFUGE PLANT AND THE AMERICAN CENTRIFUGE LEAD CASCADE FACILITY
TO ADDRESS CHANGES OUTSIDE THE PROVISIONS OF 10 CFR 70.72
AMERICAN CENTRIFUGE LEAD CASCADE - DOCKET 70-7003
AMERICAN CENTRIFUGE PLANT - DOCKET 70-7004

1.0 **INTRODUCTION**

By letter dated March 15, 2012 (AET 12-0018), USEC Inc. (USEC) requested the U.S. Nuclear Regulatory Commission's (NRC's) review of a proposed amendment to the American Centrifuge Lead Cascade Facility (Lead Cascade) and the American Centrifuge Plant (ACP) Materials Licenses to address making changes to licensing basis documents and the criteria for determining the need for prior NRC approval. In its letter, USEC provided a detailed description, justification for the proposed change, and determination that the proposed amendment to Lead Cascade and ACP Materials Licenses associated with their request is not significant. USEC also provided a proposed license condition for the Lead Cascade and the ACP Materials Licenses.

2.0 **BACKGROUND**

On December 29, 2011, the NRC issued Regulatory Guide (RG) 3.74, "Guidance for Fuel Cycle Facility Change Processes" (Agencywide Documents Access and Management System (ADAMS) Accession Number ML100890016). This RG addresses the Title 10 *Code of Federal Regulations* (CFR) 70.72 change process and provides guidance on its implementation. It also provides an acceptable method for making changes to licensing basis documents which are not authorized under 10 CFR 70.72. This method involves the licensee requesting an amendment to their license.

By letter dated February 3, 2012 (ADAMS Accession Number ML12033A034), the NRC informed USEC of the recent issuance of RG 3.74. In its letter, the NRC stated that a recent NRC staff's review regarding a licensee's ability to make changes to its licensing basis documents, using the requirements of 10 CFR 70.72, had concluded that the use of this regulation for making changes to those documents and evaluating the need for prior NRC approval using that regulation was not applicable. Further, the letter stated that licensing basis documents are not part of the items specified in 70.72(c) and the criteria for evaluating the need for prior NRC approval specified in 70.72(c)(1) is not applicable for the types of changes expected to be made in licensing basis documents.

On February 28, 2012, the NRC staff and USEC held a conference call to discuss and clarify the information provided on the February 3, 2012, letter. Following the call, USEC submitted its

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license amendment request following the guidance provided in RG 3.74 and clarification provided during the call.

3.0 USEC'S REQUEST

USEC's letter requested the NRC to review and approve a proposed amendment to materials licenses SNM-7003 and SNM-2011, for the Lead Cascade and the ACP, respectively, to incorporate a condition that would allow USEC to make certain changes to the License Applications without prior NRC approval. In its request, USEC states that the proposed amendment will not impact the design function, or method of performing or controlling design functions, structures, systems, and components, nor will the change decrease the effectiveness of any program or plan contained in the License Application and Supporting Documents. USEC further states that the proposed amendment would not change the assumptions, or change, degrade or prevent actions described or assumed in accident sequences evaluated and described in the Lead Cascade's or the ACP's Integrated Safety Analysis (ISA) Summary, nor will any items relied on for safety (IROFS) be affected. In its letter, USEC also states that the proposed amendment does not adversely affect safety or continued safe operation of the Lead Cascade or the ACP, or result in an increase in the radiological or chemical consequences of accidents scenarios described in the Lead Cascade's ISA Summary or the ACP's ISA Summary.

In its request, USEC provided a draft license condition to provide the criteria for addressing changes to the licensing basis documents and the requirements for prior NRC approval. The draft license condition provided the criteria for evaluating changes to the licensing basis documents and determine whether an application for an amendment to the License Application, before implementation, is required as follows:

A change to the facility or its processes is evaluated before the change is implemented using the criteria below. The evaluation of the change determines, before the change is implemented, whether an application for an amendment to the License Application is required to be submitted in accordance with 10 CFR 70.34.

- The licensee may make changes to the License Application, without prior NRC approval, if the change:
 - Does not decrease the level of effectiveness of the design basis as described in the License Application;
 - Does not result in a departure from a method of evaluation described in the License Application used in establishing the design bases;
 - Does not result in a degradation in safety;
 - Does not affect compliance with applicable regulatory requirements;
 - Does not conflict with an existing license condition.

- If a change to the License Application is made, the affected onsite documentation will be updated promptly per written procedures. The licensee maintains records of changes to its facility. These records include a written evaluation that provides the bases for the determination that the changes to the License Application do not require prior NRC approval. These records are maintained until termination of the license.
- Changes are communicated to the NRC as follows:
 - For changes that require NRC pre-approval, the licensee submits an amendment request to the NRC in accordance with 10 CFR 70.34 and 70.65.
 - For changes to the License Application that do not require NRC pre-approval, the licensee submits to the NRC annually, within 30 days after the end of the calendar year during which the changes occurred, a brief summary of the changes.

4.0 DISCUSSION AND EVALUATION

The NRC staff evaluated USEC's proposed license condition against the guidance in RG 3.74, the February 3, 2012, letter, and previous NRC approved license conditions addressing this matter to determine if USEC's proposed license condition would be adequate to address changes to the licensing basis documents for the Lead Cascade and the ACP and determine if prior NRC approval would be required. Based on its evaluation of USEC's proposed license condition, the NRC staff determined that the proposed license condition was drafted following the guidance in RG 3.74 and the February 3, 2012, letter. The NRC staff also determined that USEC's proposed license condition provided the criteria for making changes to licensing basis documents, and that it contained provisions for documenting the changes to the licensing basis documents and how those changes would be communicated to the NRC, following USEC's determination on whether or not prior NRC approval is required before implementation. In addition, the NRC staff noted that the proposed license condition was identical to license conditions addressing this matter that have been previously approved by the NRC.

5.0 CONCLUSION

The NRC staff considered the information provided by USEC in its March 15, 2012 (AET 12-0018), letter and concludes that the proposed amendment would not decrease the effectiveness of USEC's programs or plans contained in the License Application and Supporting Documents. The NRC staff concludes that the proposed license condition appropriately addresses changes to the licensing basis documents for the Lead Cascade and the ACP to determine if prior NRC approval would be required. In addition, the NRC staff concludes that USEC's proposed license condition meets the guidance in RG 3.74, "Guidance for Fuel Cycle Facility Change Processes," and the information provided in the February 3, 2012, letter. The NRC staff also concludes that the process for tracking changes to the licensing basis documents, the timeliness required for updating the onsite documentation, and the timeframe for reporting changes to the NRC are reasonable and consistent with the process for making changes to the safety program as described in 10 CFR 70.72. The NRC staff also concludes that the commitment to perform and

document the evaluation of changes is acceptable. Therefore, the NRC staff finds that USEC's proposed license condition for making changes to the licensing basis documents is acceptable and, as such, USEC's request should be approved.

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ADAMS Accession Number: **ML120880144**