

October 3, 2014

NOTE

FROM: Christopher Ryder, Licensing Project Manager

SUBJECT: Summary of Meetings: Westinghouse 40-Year License Renewal: Acceptance Review

Date and Time

Tuesday, September 23, 2014, 12:00 PM

Friday, September 26, 2014 11:30 AM

Participants

<u>NRC</u>	<u>Westinghouse</u>
Craig Erlanger ^(a)	Douglas Weaver ^(f)
Alan Blamey ^(b)	Nancy Parr ^(g)
Robert Johnson ^(c)	
Timothy Mossman ^(d)	
Christopher Ryder ^(e)	

Notes

- a. Deputy Division Director, FCSS
- b. Deputy Division Director (acting, outgoing), FCSS
- c. Chief, Fuel Manufacturing Branch, FCSS
- d. Chief, Programmatic Oversight and Regional Support Branch, FCSS (attended the meeting on September 23, 2014.
- e. Licensing Project Manager, FMB, FCSS
- f. Vice President, Nuclear Regulatory Affairs
- g. Licensing Manager

Background

The staff at the U.S. Nuclear Regulatory Commission (NRC) met with the staff at the Westinghouse Electric Company LLC (Westinghouse) to discuss preliminary results from the acceptance review of an application (Ref. 1) for a 40-year license. The current license was issued on September 30, 2007, and expires on September 30, 2027.

The NRC staff has the perspective that Chapter 3, Management Measures lacks sufficient detail to begin a technical review in that information regarding features and attributes of management measures procedures are lacking. The purpose of the meeting was for the NRC staff to understand the perspective of the Westinghouse staff and to determine a path to resolve the issues about the amount of detail that should be in the license application.

Previously, Westinghouse had informally asked for a public meeting to discuss, among other issues, the scope of the review. After discussions with the NRC staff, the request was withdrawn. Before the subject meeting, the NRC staff had sent Westinghouse an advance copy of a tentative list of information that may be necessary to be submitted as a supplement to the renewal application.

Discussion

The NRC staff gave a summary of the acceptance review. The acceptance reviews of the most of the other chapters had been completed. Chapter 1 appears to lack a description of the facility.¹ The Environmental Report, and several other chapters, have a few minor deficiencies that could be addressed during the technical review.

The NRC staff will be conducting a complete technical review of the review topics. The information required by Title 10 of the *Code of Federal Regulations* (10 CFR) 70.22 will be reviewed for the NRC staff to make a finding as required by 10 CFR 70.23.

The list of supplemental information consisted of excerpts from the Standard Review Plan (Ref. 2). Westinghouse took exception to the list of 37 items of information, stating that much of the information is in procedures at the Columbia Fuel Fabrication Facility (CFFF). They also highlighted that Subpart H is a risk-informed regulation and that the NRC staff appears to be making information prescriptive, not risk informed.

To Westinghouse, the list of supplemental information implies that the current licensing basis for the CFFF is inadequate. Since the licensing basis today is adequate, additional information for the renewal application is tantamount to forcing new requirements on Westinghouse. Little has changed since the current license was issued in 2007. Safety at the CFFF has improved:

- Westinghouse has reduced risk without the urging of regulators, such as by removing anhydrous ammonia and implementing triple contingency for criticality safety.
- Westinghouse had voluntarily performed the Integrated Safety Analysis (ISA) prior to the Subpart H rulemaking.
- Westinghouse had designated safety significant controls (SSCs) before any requirements to do so. Per Subpart H, a subset of SSCs became IROFS, meaning that Westinghouse has more safety controls than required.
- Westinghouse has an effective program of management measures, which assures the reliability and availability of SSCs and IROFS.
- When an issue arises with a SSC or IROFS, relevant operations are stopped.

Few changes have occurred in applicable regulations. The safety basis of the CFFF has not changed. The Integrated Safety Analysis (ISA) is kept current. The licensing basis has evolved as regulatory requirement have evolved. The scope of the review should be on the environmental report where potential changes occurred in going from a 20-year license application to a 40-year license application. When the Commission issued a policy (Ref. 3) allowing licensees to obtain a 40-year license, Westinghouse was in license renewal for a 20-year license; the environmental report of the application would have had to be redone for a 40-year license.

Westinghouse made two points:

- The SRP is guidance, not a regulatory requirement. The SRP is one way to comply with the regulatory requirements.
- The NRC staff has inspected the CFFF since 2007 without raising the issues that are the current subject.

¹ Afterwards, Westinghouse stated that the site description was incorporated by reference in an enclosure listing references.

Westinghouse has no safety issues at the CFFF.

From the perspective of Westinghouse, the NRC staff should visit the CFFF after the acceptance review, during the technical review, as was done during the 2007 renewal. There, the NRC staff can look at procedures, and discuss the information that should appear in a revised application. From the perspective of the NRC staff, the most efficient way to use review resources, both at the NRC and at Westinghouse, is to have the supplemental information before the technical review begins.

From the perspective of Westinghouse, the NRC staff are not making a distinction between the acceptance for a technical review and approval to issue a license. Westinghouse believed the acceptance review would be a relatively simple task for a renewal license application at an existing facility that was found to meet regulations in 2007, and has had acceptable performance.

The NRC staff acknowledged that the existing licensing basis is considered adequate. Inspections indicate no safety issues. The NRC staff wants to begin the review with a complete application. With the submitted application, the NRC staff cannot make much progress during the technical review. The NRC staff does not want the written CFFF procedures on the docket. The NRC staff wants key elements of the safety programs in the license application. Then the licensee can move the corresponding implementation details among procedures without NRC approval. An additional level of detail, such as key programmatic elements can then be used by future inspectors. In other circumstances, inspectors have had difficulties with inspecting against license application if sufficient information has not been provided.

Westinghouse stated a concern that if the language of the application is revised, NRC staff may not agree with the revision. Thus, there is a need for an active dialog between the Westinghouse staff and the NRC staff during the technical review; the acceptance review is not the forum to obtain additional information. Additional information is obtained during the technical review. Westinghouse stated that the review done in 2007 was performed in this manner and by visiting the CFFF. Also, Westinghouse asked if the NRC reviewers had looked at the safety evaluation report (SER) before making any conclusions about the acceptability of the license application; the NRC staff stated that they did not know the extent to which the previous SER was used for the acceptance review, but the NRC reviewers had been encouraged to use the previous renewal to facilitate the current renewal. Westinghouse stated that NRC reviewers of the 2007 renewal and the associated SER should be consulted.

The NRC staff stated that the license application and the SER of the license application have to stand alone. The NRC staff stated that the application needs to have enough information to make a finding. Review topics are addressed by the application.

Closing Remarks

For NRC, the review schedule is predicated on completing the acceptance review. The NRC reemphasized that their interest was in conducting an efficient and effective review, and they believed that obtaining supplemental information prior to accepting the application was essential to effectively using staff time (and Westinghouse resources). Staff stated that the discussion was useful to determine how to proceed.

Follow-Up

On Friday, September 26, 2014, the NRC Staff met with Westinghouse to make the following points:

- The NRC staff may visit the Columbia site to discuss with the licensee how they believe that they meet regulatory requirements.
- The acceptance review has yet to be completed for the NRC staff to make a decision.
- The acceptance decision will be based on the information in the application.
- Westinghouse believes that key elements of the safety program procedures are included in the license application.
- The views of Westinghouse expressed on September 23, 2014, will be taken into account.
- Issues with the application will be communicated with clear unambiguous ties to regulatory requirements.
- The NRC staff will make a sound technical decision based on the contents of the application, considering a range of options.
- Westinghouse will be kept informed of such decisions.
- The NRC staff has, as a milestone, October 20, 2014, as the date to make a decision on acceptance of the license application.
- The NRC staff is relating acceptance criteria in the section of the SRP to regulatory requirements.

References

1. Letter from N. Parr, Westinghouse Electric Company, "SNM-1107 License Renewal", July 31, 2014. ADAMS accession number ML14213A105.
2. U.S. NRC, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility", NUREG-1520, Rev 1, May 2010. ADAMS accession number ML101390110.
3. U.S. NRC, "Policy Issue: Increasing Licensing Terms For Certain Fuel Cycle Facilities", SECY-06-0186, August 24, 2006. ADAMS accession number ML060880241.