



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

M-45  
Per

AUG 30 1990

MEMORANDUM FOR: Charles J. Haughney, Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS

FROM: Dr. Donald A. Cool, Chief, Radiation Protection and Health Effects Branch, Division of Regulatory Applications, RES

SUBJECT: LOUISIANA ENERGY SERVICE LICENSING REVIEW BASES

As requested in your memo of July 16, 1990, Mr. Charles W. Nilsen of my staff has broadly reviewed the subject document. The following comments are provided:

1. On April 22, 1988, the Nuclear Regulatory Commission published the Advance Notice of Proposed Rulemaking "Regulation of Uranium Enrichment Facilities" which included "- - the Commission presents its current analysis of the applicability of the existing regulations, in 10 CFR Part 50 - - ." The analysis included a section by section review of Part 50 for application to uranium enrichment facilities. In their Licensing Review Basis document, LES has changed the applicability of several sections of Part 50 from that presented by the Commission in the ANPR. As one example, LES includes 50.109 backfitting as applicable to their facility which is in opposition to the ANPR. In broad terms, LES should be told that the ANPR is the Commission position concerning use of Part 50 for the licensing of their facility.
2. The ANPR, as published, also included the staff prepared draft General Design Criteria. Based on comments received on the ANPR, it was concluded that no changes would be made in the draft design criteria. LES in their document has presented some general design criteria that, albeit similar to those in the ANPR appear to be substantially different. Again, LES should be informed, broadly, that any deviations from the ANPR design criteria should be addressed in their license application.
3. Operators performing some operations (as yet undefined) at a licensed uranium enrichment facility, will be licensed by the NRC as required by the Atomic Energy Act. The ANPR did not address implementation of operator licensing but did request comment on the subject. LES in their licensing review document, identifies provisions of 10 CFR Part 55 Operators' Licenses, which they deem applicable. The LES position is not trackable as their comments are not based on a current version of 10 CFR 55.
4. The Atomic Energy Act requires a specific finding concerning complete construction of a facility prior to Commission issuance of a Part 50 operating license. LES should, again, be told that incremental start-up

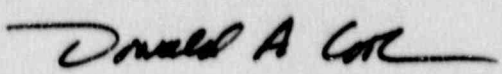
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of complete portions of the facility and the need for complete construction is an issue still requiring clarification. It appears from the review bases document that construction could be considerably less than 25 percent complete when LES proposes start-up.

These general comments and more detailed comments have been discussed with Peter Loysen by Mr. Nilsen.



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cc:  
P. Loysen