

70-1257



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 4, 1997

Mr. L. J. Maas
Manager, Regulatory Compliance
Siemens Power Corporation
2101 Horn Rapids Road
Richland, Washington 99352-0130

SUBJECT: ADEQUACY OF SIEMENS POWER CORPORATION LICENSING SUBMITTALS

Dear Mr. Maas:

This letter is intended to reinforce previous discussions regarding submittals for licensing action. Siemens Power Corporation (SPC) has informed the staff in the past that criticality safety analyses are not done until the proposed facility has been designed and built. Normally, a criticality safety analysis (CSA) is performed during the design phase and updated with the as-built drawings once the construction is complete. Per previous meeting summaries dated February 5 and June 24, 1997, the staff has informed SPC that CSA summaries must be submitted with the amendment request. It is not appropriate to request an amendment prior to your assessment reflected in a CSA that the facility will be safe in accordance with 10 CFR 70.23.

Instead of providing the required CSA summaries, SPC has requested in several amendment applications that the staff amend the license based on the approved programs currently committed to in its license. After granting the amendment, the staff would be expected to trust that SPC's analyses would be conducted in an adequate manner and reflect the appropriate level of safety. The staff has stated previously that this approach inappropriately would leave the determination of adequacy of the margins of safety for both normal and accident scenarios up to the staff rather than the licensee. In your July 14, 1997, amendment request for the addition of an operations scrap warehouse, you stated "SPC's criticality safety program, committed to in Chapter 4 of SPC's application... will apply to the operation of this warehouse. This commitment includes completing a CSA and confirming the proper application of controls prior to the introduction of SNM into the warehouse." The paragraph further states that accident scenarios will be considered when the CSA is performed. This approach is inconsistent with what the staff has previously stated to you regarding expectations for amendment submittals. SPC needs to demonstrate to NRC the safety of its proposed operation as part of an amendment request. The staff already expects that all programs in all chapters of SPC's current license will be followed.

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Additionally, in the recent past, the staff has spent extensive effort obtaining adequate information from SPC regarding process description and identifying information inconsistencies between submittals. This effort is unnecessarily burdensome for both of us. For example, the staff's review of the use of two rotary vacuum filters in the mop water uranium extraction process required several exchanges of questions and answers along with a trip to the site before this amendment could be granted. Another example is the Modular Extraction/Recovery Facility (MERF). SPC had submitted a Fire Hazards Analysis on May 1, 1997, which did not adequately analyze a fire with plastic ductwork. During a visit to the MERF manufacturer, staff discovered that the material of construction for the ductwork had changed to stainless steel. If the chosen materials had changed since the amendment submittal, you have an obligation to supplement your original amendment request. Incomplete or inaccurate amendment submittals affect the ability of the staff to conduct a valid safety review and are inconsistent with 10 CFR 70.9.

Based on a review of past submittals, staff found that required information, like that requested previously and here, has been submitted by SPC in support of amendment requests. As examples, the staff has previously given SPC a copy of two prior SPC amendment requests which provide justification of why SPC considers the requested operations safe. The minimum information which should be included in an amendment request that requires criticality safety approval is: (1) an adequate description of the process so that an independent analysis may be completed and (2) a summary of the assumptions made in the licensee's CSA (to be sure accident conditions were considered rather than just normal operations) and the results, including margins of safety for the parameters controlled. If the staff's independent review does not support your conclusions, then a full CSA may be required to be submitted. This information should support a positive finding by the staff that SPC's proposed equipment and facilities are adequate to protect health and minimize danger to life or property in accordance with 10 CFR 70.23.

On the basis of your failure to provide sufficient safety bases on which the staff can base its approval, you are requested to submit supplements, with CSA summaries, to the applications for amendments for the UF₆ recertification facility (TAC No. L30997), the operations scrap warehouse (TAC No. L30987), and the lagoon uranium recovery/solids processing facility (TAC No. L30929). You are requested to supplement the amendment request for the MERF (TAC No. 30986) with the correct information on the material of construction of the ductwork. The staff is not in a position to approve license amendments without such supporting information demonstrating the basis for your conclusion that your proposed operations are safe.

Loren J. Maas

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If you have any questions, please contact NRC's Project Manager for the SPC facility, Kimberly Hardin, at (301) 415-8119.

Sincerely,

Original signed by:

Michael F. Weber, Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards, WMSS

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