

September 17, 2009

MEMORANDUM TO: Thomas G. Hiltz, Chief
Advanced Fuel Cycle, Enrichment,
and Uranium Conversion Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

FROM: M. Breeda Reilly, Senior Project Manager */RA/*
Advanced Fuel Cycle, Enrichment,
and Uranium Conversion Branch
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SUBJECT: AUGUST 20, 2009, TELEPHONE CALL SUMMARY: AREVA
ENRICHMENT SERVICES EAGLE ROCK LICENSE
APPLICATION – CLARIFICATION OF DRAFT REQUEST FOR
ADDITIONAL INFORMATION: MANAGEMENT MEASURES
MM-1

On August 20, 2009, U.S. Nuclear Regulatory Commission staff held a telephone conference call with staff from AREVA Enrichment Services (AREVA) to clarify a draft request for additional information regarding management measures. The summary of this call is enclosed. The summary contains no proprietary or classified information.

Docket No.: 70-7015

Enclosure: As stated

cc: Jim Kay, AREVA Enrichment Services

CONTACT: Breeda Reilly, NMSS/FCSS
(301) 492-3110

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DATE	8/18/09	9/14/09	9/17/09

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Telephone Conference Call Summary

Management Measures Draft Request for Additional Information

Date and Time: 1:00 P.M. (EDT); August 20, 2009

Call Participants: K. Morrissey, U.S. Nuclear Regulatory Commission (NRC)
B. Reilly, NRC

J. Kay, AREVA Enrichment Services (AES)

During the conference call, staff discussed the NRC's draft request for additional information (RAI) (ADAMS Accession Number ML092370035) concerning management measures, item MM-1. MM-1 requests information on the criteria that AES will use to evaluate any changes to the facility and activities of personnel not included in the safety program, in order to determine whether prior NRC approval is required. AES asked NRC for clarification of this question.

Prior to the call, NRC staff provided a copy of the Draft Regulatory Guide DG-3037, "Guidance for Fuel Cycle Facility Change Processes" (<http://www.nrc.gov/reading-rm/doc-collections/reg-guides/fuels-materials/draft-index.html>) and example criteria for allowing changes to the application without prior NRC approval (Attachment).

During the call, NRC and AES staff discussed the regulatory requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) 70.72 as well as the example criteria. Based on this discussion, the applicant had no additional questions about MM-1 and will respond to the final RAI.

Enclosure

Attachment

Example Criteria

16.2.3 Changes to License Application

A change to the facility or its processes is evaluated, as described above, before the change is implemented. The evaluation of the change determines, before the change is implemented, whether an application for an amendment to the License Application (LA) is required to be submitted in accordance with Title 10 of the Code of Federal Regulations (10 CFR) §70.34.

The sites, structures, processes, systems, equipment, components, computer programs, and activities of personnel are described in the License Application. [Licensee] may make changes to these items, as described in the LA, without prior U.S. Nuclear Regulatory Commission (NRC) approval, if the change:

- Does not decrease the level of effectiveness of the design basis as described in the LA;
- Does not result in a departure from a method of evaluation described in the LA 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 LA is made, the affected onsite documentation will be updated promptly per written procedures. [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 LA 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, [Licensee] submits an amendment request to the NRC in accordance with 10 CFR §70.34 and §70.65.
- For changes that do not require NRC pre-approval of the LA, [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.