

R2/235
3-16-00

Mr. Robert A. Williams
Licensing Project Manager
Commercial Nuclear Fuel Division
Westinghouse Electric Company LLC
Drawer R
Columbia, South Carolina 29250

SUBJECT: REVISION 16 (TAC NO. L31250)

Dear Mr. Williams:

In accordance with your application dated August 16, 1999, and supplement dated January 28, 2000, and pursuant to Part 70 to Title 10 of the Code of Federal Regulations, Materials License SNM-1107 is hereby amended to (1) change the name of the licensee to Westinghouse Electric Company LLC; (2) incorporate the dates of March 30, 1999, and May 18, 1999, for decommissioning financial assurance in the license; (3) update the organization structure; (4) incorporate administrative revisions; (5) revise the table of plant system and nuclear criticality safety parametric controls commitment; (6) clarify employee training commitments; (7) clarify liquid waste treatment commitments; and (8) clarify the Integrated Safety Assessment commitment. Accordingly, Safety Condition S-1 has been revised to include the dates of August 16, 1999, and January 28, 2000. In addition, Safety Condition S-5 has been incorporated and reads as follows:

S-5. By December 31, 2000, tables of Environmental/Radiological and Chemical/Fire controls will be added to the blank sections titled "Environmental Protection and Radiation Safety Controls" and "Chemical Safety and Fire Safety Controls" in the Enhanced Criticality Safety Evaluation License Annexes submitted in accordance with Safety Condition S-2.

All other conditions of this license shall remain the same. Enclosed are copies of the revised Materials License SNM-1107 and the Safety Evaluation Report, which includes the Categorical Exclusion determination. If you have any questions regarding this licensing matter, please contact the Project Manager, Harry Felsher, of my staff at (301) 415-5521 or by e-mail at HDF@NRC.GOV.

Sincerely,

Eric J. Leeds, Acting Chief
Licensing and International
Safeguards Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket 70-1151
License SNM-1107
Amendment 23

Enclosures: 1. Materials License SNM-1107
2. Safety Evaluation Report

Information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 2
FOIA-2006-0026

I-7

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Distribution: w/encs. (Control No. B60S) [COMPLETE]

Docket 70-1151	PUBLIC	NRC File Center	NMSS r/f	FCSS r/f
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DOCKET: 70-1151

LICENSEE: Westinghouse Electric Company LLC, Columbia, SC

SUBJECT: SAFETY EVALUATION REPORT: REVISION 16 (TAC NO. L31250)

BACKGROUND

By letter dated March 10, 1999, Nuclear Regulatory Commission (NRC) consented to the ownership transfer of Materials License SNM-1107, from CBS Corporation to Westinghouse Electric Company LLC. By letters dated August 16, 1999, and January 31, 2000, (containing supplement dated January 28, 2000) the licensee submitted an amendment request to (1) change the name of the licensee to Westinghouse Electric Company LLC; (2) incorporate the dates of March 30, 1999, and May 18, 1999, for decommissioning financial assurance in the license; (3) update the organization structure; (4) incorporate administrative revisions; (5) revise the table of plant system and nuclear criticality safety (NCS) parametric controls commitment; (6) clarify employee training commitments; (7) clarify liquid waste treatment commitments; and (8) clarify the Integrated Safety Assessment (ISA) commitment.

DISCUSSION

The requested changes regarding name change, decommissioning financial assurance, organization structure, and administrative revisions do not result in any changes to the licensee's operations or in the existing safety requirements. The licensee committed to provide a summary of plant systems and NCS parametric controls, including the explanatory text removed from the NCS chapter, as a Criticality Safety Evaluation (CSE) License Annex. This was necessary to prevent having two conflicting summaries in effect while a major change to the NCS chapter is under review. This means that all the commitments regarding the License Annexes apply to the table of NCS controls License Annex. The clarification of employee training commitments provides the definition and description of training for personnel who will work specifically with SNM. The clarification of the liquid waste treatment commitments provides an updated description of that activity. The clarification of the ISA commitment provides the specific date of December 31, 2002, when ISAs for all systems processing licensed material will be completed, ISAs for ancillary processes that might impact control over licensed material will be completed, placement of all ISA-identified controls under Quality Assurance and Maintenance will be fully implemented, and the structured classification of all systems with respect to their relative risk will be concluded.

The reason for the request to change the commitment of completing the ISAs for all systems processing licensed material from December 31, 2000, to December 31, 2002, is to enable placing ISA-identified safety-significant controls under Quality Assurance and Maintenance in a more timely manner. As the ISAs for the plant systems are completed, the controls will be identified and placed under Quality Assurance and Maintenance and the ISA License Annexes will be completed. In deference to the intermediate milestone in the existing ISA commitment, the licensee requested that Safety Condition S-5 be incorporated into the license:

- S-5. By December 31, 2000, tables of Environmental/Radiological and Chemical/Fire controls will be added to the blank sections titled "Environmental Protection and Radiation Safety Controls" and "Chemical Safety and Fire Safety Controls" in the Enhanced Criticality Safety Evaluation License Annexes submitted in accordance with Safety Condition S-2.

ENVIRONMENTAL REVIEW

These changes are considered administrative and organizational in nature. The staff has determined that the proposed changes do not adversely affect public health and safety or the environment and are categorically excluded from the requirement to prepare a site-specific environmental assessment. Therefore, in accordance with 10 CFR 51.22(c)(11), neither an environmental assessment nor an environmental impact statement is warranted for this action.

CONCLUSION

Based on the discussion, the staff concludes that the proposed changes will have no adverse effect on the public health and safety or the environment. Therefore, approval of the amendment application is recommended.

The Region II inspection staff has no objection to this proposed action.

PRINCIPAL CONTRIBUTORS

Harry D. Felsher
Julie A. Olivier

NRC FORM 374

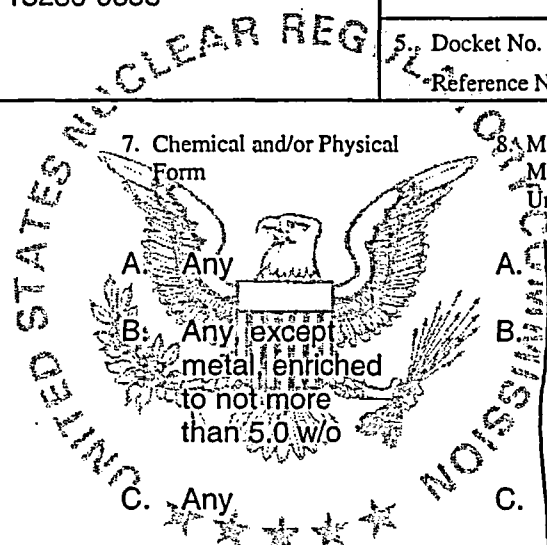
U.S. NUCLEAR REGULATORY COMMISSION

MATERIALS LICENSE

CORRECTED COPY

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee		
1. Westinghouse Electric Company LLC		3. License Number SNM-1107, Amendment 23
2. P.O. Box 355 Pittsburgh, Pennsylvania 15230-0355		4. Expiration Date November 30, 2005
		5. Docket No. 70-1151 Reference No.
6. Byproduct Source, and/or Special Nuclear Material	7. Chemical and/or Physical Form	8. Maximum amount that Licensee May Possess at Any One Time Under This License
A. U-235	A. Any	A. []
B. U-235	B. Any except metal enriched to not more than 5.0 w/o	B. []
C. U-233	C. Any	C. []
D. Pu-238, Pu-239	D. Sealed sources	D. []
E. Plutonium	E. Feedstock with transuranics and fission products	E. []
9. Authorized place of use: The licensee's existing facilities at Columbia, South Carolina.		



Ex. 2

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

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10. This license shall be deemed to contain two sections: Safety Conditions and Safeguards Conditions. These sections are part of the license and the licensee is subject to compliance with all listed conditions in each section.
11. Deleted by Amendment 20, dated November 1999.



FOR THE NUCLEAR REGULATORY COMMISSION

Date: _____

By: Eric J. Leeds, Acting Chief
Division of Fuel Cycle Safety
and Safeguards
Washington, DC 20555

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

SNM-1107

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CORRECTED COPY**SAFETY CONDITIONS**

- S-1. Authorized use: For use in accordance with statements, representations, and conditions in the license application dated April 30, 1995, and supplements dated August 4 and 25, September 25, 1995; August 30, 1996; July 14, 1997; name change amendment December 22, 1997; June 30, July 23, 1998; name change amendment September 28, 1998; August 16, 1999; and January 28, 2000.
- S-2. Criticality Safety Evaluations (CSEs) and Criticality Safety Analyses (CSAs) will define the interim criticality safety bases utilized throughout the CFFF. All CSEs/CSAs will be upgraded and/or completed in accordance with all applicable commitments in Chapter 6.0 of the License Application and all other regulatory requirements. Summaries of the CSEs/CSAs (in the format of License Annexes) will be submitted to NRC for review and approval. All completed CSEs/CSAs will be independently peer-reviewed in accordance with all applicable regulatory requirements and related procedures. Configuration control data packages for ongoing changes to facility structures, systems and components, and controls will be filed with their respective CSEs/CSAs to provide a substantially complete "living" framework for system Integrated Safety Assessments (ISAs) that will ultimately become the Final CFFF Design Safety Basis described in Chapter 4.0 of the License Application.
- S-3. The licensee shall maintain and execute the response measures in the Site Emergency Plan, dated April 30, 1990, and revisions dated March 31, and September 30, 1992; March 25, August 15, and September 30, 1994; January 9, February 17, August 17, and October 23, 1995; or as further revised by the licensee consistent with 10 CFR 70.32(i).
- S-4. Deleted by Amendment 12, April 1998.
- S-5. By December 31, 2000, tables of Environmental/Radiological and Chemical/Fire controls will be added to the blank sections titled "Environmental Protection and Radiation Safety Controls" and "Chemical Safety and Fire Safety Controls" in the Enhanced Criticality Safety Evaluation License Annexes submitted in accordance with Safety Condition S-2.

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CORRECTED COPY**SAFEGUARDS CONDITIONS****SECTION 1.0 -- MATERIAL CONTROL AND ACCOUNTING**

- SG-1.1 The licensee shall follow pages i through xviii and Chapters 1.0 through 9.0 of its "Fundamental Nuclear Material Control Plan for the Columbia Fuel Fabrication Facility," which has been partially revised as indicated by Revision 30 (dated September 20, 1999). Any further revision to this Plan shall be made only in accordance with, and pursuant to, either 10 CFR 70.32(c) or 70.34.
- SG-1.2 Operations involving special nuclear material which are not referenced in the Plan identified in Condition SG-1.1 shall not be initiated until an appropriate safeguards plan has been approved by the Nuclear Regulatory Commission.
- SG-1.3 In lieu of the requirements contained in 10 CFR 74.13(a)(1) and (a)(2) to use the Forms DOE/NRC-742 and 742C, the licensee may use computer generated forms provided all information required by the latest printed instructions for completing the particular form is included.
- SG-1.4 In lieu of the requirements contained in CFR 70.54 and 74.15 to use the DOE/NRC Form-741, the licensee may use computer generated forms provided all information required by the latest printed instructions for completing the particular form is included.
- SG-1.5 Deleted Per Amendment 3, August 1996 Commitment now contained in licensee's Fundamental Nuclear Material Control Plan.
- SG-1.6 Notwithstanding the requirements of the FPMC Plan identified in License Condition SG-1.1, the licensee may use (1) a single standard for measurement control (including daily control limit monitoring and bias corrections) for any linear-response tube or rod scales, in any initially demonstrated to be linear over its range of use within the discrimination of the scale by calculating a bias at four levels across the range of use and demonstrating that the four results are not statistically different, and (2) that the continued linearity of response of the scales is verified by monthly calibration against at least four traceable standards covering the range of use.
- SG-1.7 Notwithstanding the requirements contained in Sections 5.2.2 and 5.2.3 of the licensee's Fundamental Nuclear Material Control Plan, the licensee is exempted from physical inventory requirements relative to the material identified in Condition S-4; provided the conditions and commitments contained in the licensee's November 30, 1993, letter (identification # NRC-93-036) are satisfied.
- SG-1.8 Notwithstanding the requirement of Section 6.2.1(a).5 of the licensee's Fundamental Nuclear Material Control Plan to unpackage and perform an item count upon receipt of special nuclear material, the licensee is exempted from such requirement relative to the material identified in Condition S-4; provided the conditions and commitments contained in the licensee's November 30, 1993, letter (identification # NRC-93-036) are satisfied.

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SG-1.9 Notwithstanding the requirement of Section II.A.7, block U, of NUREG/BR-0006, which is incorporated via 10 CFR 74.15, to complete receiver's measurements of scrap receipts (following recovery processing) within 60 days of receipt, the licensee shall not be subject to any time limit relative to recovering and measuring received UF₆ heels when the block U action code (of DOE/NRC Form 741) is used to book such receipts.

SG-1.10 With respect to Section 5.1.4 (b) of the Plan identified by Condition SG-1.1, "*allowed number*" within the phrase "*allowed number of defects*" is hereby specified as being:

(i) up to two defects when each item within a batch of items has an assigned value equal to or less than 50 grams U-235;

(ii) no more than one defect when each item within a batch of items has an assigned value of less than 500 grams U-235, but one or more items has an assigned value in excess of 50 grams U-235; and

(iii) zero defect when any item within a batch of items contains 500 or more grams U-235.

SG-1.11 Notwithstanding the first paragraph of Section 7.1 of the Plan identified by Condition SG-1.1, the licensee shall conduct shipper-receiver comparisons on all SNM materials received (regardless of whether booked on the basis of receiver's or shipper's values), except for those materials identified in Section 7.1 of NUREG-1065 (Rev. 2) as being exempted from shipper-receiver comparisons.

SECTION 2.0 -- PHYSICAL PROTECTION OF SNM OF LOW STRATEGIC SIGNIFICANCE

SG-2.1 The licensee shall follow the physical protection plan entitled, "Physical Security Plan," Revision 27 dated September 1, 1999 (letter dated September 1, 1999); and as it may be further revised in accordance with the provisions of 10 CFR 73.32(e).

SECTION 3.0 -- INTERNATIONAL SAFEGUARDS

SG-3.1 The licensee shall follow Codes 1 through 6 of Transitional Facility Attachment No. 5A dated August 31, 1988, to the US/IAEA Safeguards Agreement. Such Transitional Facility Attachment shall be interpreted in accordance with Conditions SG-3.1.1 through SG-3.1.7.

SG-3.1.1 With respect to Transitional Facility Attachment Code 2:

The reference design information is that dated by the licensee on October 14, 1985. "Information on the Facility" also includes other facility information submitted via Concise Notes in accordance with 10 CFR 75.11(c).

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CORRECTED COPY**SG-3.1.2 With respect to Transitional Facility Attachment Code 2.2:**

Substantive changes to the information provided in the Columbia Plant Design Information Questionnaire (DIQ) means those changes requiring amendment of the Transitional Facility Attachment. Such changes shall be provided by letter to the NRC Office of Nuclear Material Safety and Safeguards at least 70-days in advance of implementation.

Non-substantive changes to the information in the DIQ means those changes not requiring amendment of the Transitional Facility Attachment. Such changes shall be provided by Concise Note (From DOE/NRC-740M) within 30 days of receiving notification from the NRC that the facility has been identified under Article 39(b) of the US/IAEA Safeguards Agreement.

The types of modifications with respect to which information is required under 10 CFR 75.11, (to be submitted in advance), are those items stated in Code 2.2, specifically:

- (a) "Any change in the purpose of type of facility" means:

Any deviation from the described activities involving special nuclear material and any change to the maximum enrichment and/or quantities of U-235 currently authorized by License No. SNM-1107, and/or as described in Paragraph 5 of the Design Information Questionnaire (DIQ) dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c). Included also is any deviation from the described special nuclear material (SNM) production activities described in paragraph 6 of the DIQ dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c).

- (b) "Any changes in the layout of the facility which affects safeguards implementation of the provisions of the Protocol" means:

Any change in the existing facility and/or site layout or new addition affecting any activity involving SNM as described in Paragraphs 10 and 11 (per the referenced attachments of the DIQ dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c). Included also is any modification to, or deviation from, the data provided in Paragraphs 13 and 14 (per the referenced attachments) of the DIQ dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c).

- (c) "Any change that makes the selected Key Measurement Points (KMPs) (as described in Code 3.1.2) inadequate for the Agency's accounting purpose" means:

Any change to the KMPs as described in Code 3.1.2 of the Westinghouse-Columbia Transitional Facility Attachment to the US/IAEA Safeguards Agreement, or as modified in accordance with 10 CFR 75.11(c), that results in any KMP alteration affecting the purpose of KMPs as stipulated by 10 CFR 75.4(m).

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- (d) "Any change in the physical inventory procedures that would adversely affect the inventory taking for the Agency's accounting purposes" means:

Any change to the description data contained in Paragraph 34 (per the referenced attachments) of the DIQ dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c), that would not permit the Agency to conclude an SNM material balance for the Westinghouse-Columbia facility.

- (e) "Introduction of a significantly less accurate analytical method for accounting purposes" means:

Any recalculation of the "Relative Errors-Random and Systematic" as listed in Attachment 36.2 referenced in Paragraph 36 of the DIQ dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c), that results in the estimates of the random and systematic errors being affected by a factor of two or more.

- (f) "Decrease in the frequency of calibrating measuring equipment if it significantly decreases the accuracy of the materials accounting system" means:

Any change that results in the estimates of the systematic error being affected by a factor of two or more.

- (g) "Any change in the statistical procedures used to combine individual measurement error estimates to obtain limits of error for shipper/receiver (S/R) differences and material unaccounted for (MUF)" means:

Any deviation from (or modification of) the equations and/or calculations outlined in Attachments 37.1, 37.2, and 37.3 referenced in Paragraph 37 of the DIQ dated October 14, 1985, or as modified in accordance with 10 CFR 75.11(c).

SG-3.1.3 With respect to Transitional Facility Attachment Code 3.1.2:

KMP* -- This is a KMP in which all shipper receiver differences (SRDs) must be recorded and reported even if numerically zero. SRDs are computed and reported by the Nuclear Materials Management and Safeguards System upon receipt of the receiver's measurement results.

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CORRECTED COPY**SG-3.1.4 With respect to Transitional Facility Attachment Code 4:**

The licensee shall use the material composition codes documented in the DIQ dated October 14, 1985, and as modified by Concise Notes. Further, notwithstanding any other requirements for advance notification and/or reporting, the licensee may add or delete composition codes for nuclear material routinely processed and on inventory at CFFF immediately upon telephone notification to the Office of Nuclear Material Safety and Safeguards. Follow-up documentation, in the form of a Concise Note accompanied by appropriate changes to Table 1 of Attachment 34.8 to the DIQ shall be submitted within three regular workdays of the telephone notification.

SG-3.1.5 With respect to Transitional Facility Attachment Code 4.1:

Measured discards should be reported as an SN (Shipment to non-safeguards facility) when shipped off-site to an authorized burial ground. (The IAEA system will not process measured discards as loss/disposal (LDs) when they are shipped off-site).

SG-3.1.6 With respect to Transitional Facility Attachment Code 5.1.1:

For inventory changes, time of recording, "upon" means: No later than the next regular workday (Monday through Friday).

For those occasions where natural or depleted uranium is inadvertently enriched above 0.711 percent through commingling with residual enriched uranium in process equipment, the resultant product shall be considered as being produced through a blending operation and the material category change shall be recorded upon obtaining measurement confirmation that a material category change has occurred.

SG-3.1.7 With respect to Transitional Facility Attachment Code 6.2.2:

For Concise Notes describing the anticipated operational programme, "anticipated operational programme" means: Anticipated physical inventory schedule.