

Nuclear Material Safety and Safeguards  
Policy and Procedures 1-59

Procedure for Preparing the  
Report to Congress on the  
Gaseous Diffusion Plants  
Revision 2

May 2003

Uranium Processing Section  
Division of Fuel Cycle Safety and Safeguards

## PREPARATION OF "REPORT TO CONGRESS" ON THE GASEOUS DIFFUSION PLANTS PURPOSE OF PROCEDURE

The purpose of this procedure is to provide guidance and a standard format for preparation of the "Report to Congress," [required by Section 1701 of the Atomic Energy of Act, 1954, as amended(AEA)] on the status of the health, safety and environmental conditions at the Gaseous Diffusion Plants (GDPs) operated by the United States Enrichment Corporation (USEC). The Report will also include the status of security and safeguards at the GDPs. The AEA requires the "Report to Congress" to be issued no later than the date on which the Certificate of Compliance is issued. Therefore, the Report is to be prepared in conjunction with recertification reviews.

### 1.0 RESPONSIBILITY FOR REVIEW

Primary: Uranium Processing Section, Fuel Cycle Facilities Branch, Division of Fuel Cycle Safety and Safeguards

Secondary: Cognizant Region

Supporting: Resident Inspector staff and Inspection staff

### 2.0 AREAS OF REVIEW

The Report will discuss the status of health, safety, and environmental conditions, as well as the status of security and safeguards at the GDPs. The AEA requires that the Report include a determination regarding whether the GDPs are in compliance with applicable regulations (10 CFR Part 76). The Report will address operations under U. S. Nuclear Regulatory Commission (NRC) regulatory oversight. The U. S. Department of Energy (DOE) and The U.S. Environmental Protection Agency (EPA) will be consulted during the preparation of the report.

### 3.0 REVIEW PROCEDURES

#### 3.1 Interagency Coordination

The AEA requires that NRC consult with both EPA and DOE on the Report. The staff will seek input from EPA/DOE as part of the required consultation process on the recertification by June 15<sup>th</sup> of the year the renewal application is submitted.

EPA may be contacted at 202-564-2579, Federal Facilities Enforcement Office, Washington, DC, 20460. DOE may be contacted at 423-241-4497, Oak Ridge Operations, Oak Ridge, TN 37830.

### 3.2 Schedule

Preparation of the Report should begin with receipt of the recertification application (on or about April 15). A specific individual should be assigned the lead for preparation of the Report; however, specific sections may be assigned to other staff members. A schedule should be established with interim dates and provided to those individuals involved in preparation of the report. The schedule should be closely coordinated with the lead Project Manager for the recertification effort. If it is necessary to obtain input from USEC, the request should be sent as part of a request for additional information on the recertification application. Early in the process, input should be requested from EPA as part of the consultation process on the recertification.

Appendix A has an example schedule. The schedule assumes that the recertification review will take 6 months and that the Director's Decision on the recertification will be to the Nuclear Material Safety and Safeguards (NMSS) Director by late September of the year the application is received. By statute the actual Certificates of Compliance for the recertification can not be issued until after the Report has been provided to Congress.

The report will be coordinated with the cognizant Region, Office of the General Counsel (OGC), and the Division of Nuclear Security and Incidental Response, and prepared by the NMSS Division of Fuel Cycle Safety and Safeguards. Each of these organizations should appoint a liaison to work with the lead Project Manager assigned for development of the Report. These coordination activities should be scheduled to ensure timely completion of the Report. The final Report will be provided to the Executive Director for Operations (EDO) by the end of September of the year the application is received. The following schedule should be maintained to ensure delivery of the final "Report to Congress":

- |   |                            |
|---|----------------------------|
| ● Due for Interoffice review and concurrence: | September 15 <sup>th</sup> |
| ● Due to NMSS                                 | September 27 <sup>th</sup> |
| ● Due to EDO:                                 | September 30 <sup>th</sup> |

### 4.0 Issuance of Report

The Report will be provided to the Commission as an attachment to a Commission Paper. The Commission Paper should provide a very brief background and summary. Enclosed with the Commission Paper will be transmittal letters from the Chairman to Congress. The Office of Congressional Affairs should be consulted regarding the transmittal letters.

### 4.1 Contents

Although the Report need not be written until the year the renewal for the application for Certificates of Compliance is received, certain sections need to be compiled annually to facilitate trends analysis. The sections for which data need to be compiled annually are as follows:

- Certification Activities
- Inspection Activities
- Event Reports

All other sections need only be updated at the end of the reporting period.

The following paragraphs briefly describe the type of information that should be included in each section of the Report. Appendix B contains the minimum for a suggested outline for the "Table of Contents".

#### 4.2 Executive Summary

This section should contain a short summary of the Report.

#### 4.3 Background

This section should contain a brief discussion of the Energy Policy Act, USEC Privatization Act, the history of Part 76, the certification process, certification history, interactions with DOE, and any Memoranda of Understanding or Agreements entered into.

#### 4.4 GDP Operations

This section should contain a brief description of the activities that occur under NRC regulation at each site.

#### 4.5 Status of Compliance Plan Activities

This section should include a short narrative of the history and the purpose of Compliance Plan items. Briefly discuss those items that have been completed during the reporting period. This information should be available from USEC's periodic Compliance Plan status reports. Briefly discuss those items remaining open, as defined by USEC, and the time frame for completion. Describe any significant revisions to the Compliance Plan during the reporting period.

#### 4.6 Health, Safety, and Environmental Status

This section should discuss the status of the GDPs in meeting NRC health, safety and environmental regulations. Specifically, this section should describe the personnel dose and environmental radioactive release requirements governing the GDPs, citing the applicable sections of Part 76. This section should also discuss whether the GDPs met those requirements, using input from personnel exposure data, overexposure reports, and effluent release information. This information is obtained, by request, from USEC.

#### 4.7 Certification Activities

(For this section, collect data for each fiscal year and compile at the end of the reporting period.)

This section will summarize significant certification efforts during the reporting period.

This section should include a table of the number of amendments received and approved by fiscal year of the reporting period and provide a statement as to any discernible trend. Amendments of particular interest during the reporting period should be discussed

#### 4.8 Inspection Activities

(For this section, collect data for each fiscal year by the end of each calendar year, and compile at the end of the reporting period.)

The Division of Fuel Cycle Safety and Safeguards will have the lead for preparation of this section. The section should briefly describe significant inspection findings for the facilities during the reporting period. In addition, the section should include: 1) a table of the number of inspections and the inspection hours for the facilities; by fiscal year of the reporting period; 2) a table of the cited violations, by level, for each fiscal year, and, 3) a statement of the trend.

A summary of civil penalties, escalated enforcement, or orders issued during the reporting period should also be briefly discussed.

#### 4.9 Event Reports

(For this section, collect data for each fiscal year by the end of each calendar year and compile at the end of the reporting period.)

The Division of Fuel Cycle Safety and Safeguards, will have the lead for preparation of this section. The section should briefly summarize significant event reports that were during the reporting period. The section should include a table of the number of reported events by fiscal year of the reporting period. Provide detail for events that resulted in activation of the NRC Operations Center, including a discussion of the circumstances of the event and the adequacy and status of any follow-up actions taken.

#### 4.10 Regulatory Activities

This section should summarize any proposed regulatory changes concluded or underway that impact GDP operations, the certification review, or the Certificates of Compliance. This section should also provide a brief status report on NRC efforts associated with the application for any new enrichment technologies since the availability of other enrichment technologies or facilities, has the potential to impact GDP operations.

#### 4.11 EPA and DOE Consultation

This section should summarize consultation activities with EPA and DOE. The section should include a summary of their input, using relevant information.

#### 4.12 Summary Assessment of Performance

The cognizant Region has the lead for preparation of this section. The section should summarize the performance assessment of the GDPs during the reporting period, with the emphasis on recent performance (last Licensee Performance Review). The performance assessment should include a review of safety operations, safeguards, radiological controls, and facility support. This section should include a discussion of how the GDPs meet any performance indicators used for NMSS licensees.

#### 4.13 Determination of Compliance with Applicable Laws

This section should summarize the conclusions of the most recent certification review for each site. Include a specific discussion of the status of compliance with 10 CFR Part 76. Summarize the status and adequacy of corrective actions taken to achieve compliance with respect to any significant violations based on inspection results and make the required determination with respect to compliance with NRC requirements.

#### 5.0 IMPLEMENTATION

The Report will normally cover the time period between certifications (up to 5 years), up to and including September 30, of the year of certificate expiration.

#### 6.0 APPLICABLE REFERENCES FOR THE DEVELOPMENT OF THE REPORT TO CONGRESS

- Manual Chapter 2604, "Licensee Performance Review"
- Inspection Reports of the GDPs
- Event Reports from the GDPs
- Certificate of Compliance and Amendments
- USEC Applications and Compliance Plans

## APPENDIX A - PROPOSED SCHEDULE FOR PREPARATION OF REPORT (BEST CASE\*)

Assign Lead Preparer	April 15
Hold internal meeting	April 25
Request input from EPA	May 15
Request Input from DOE	May 15
Request for Additional Information from USEC	June 15
Issue for comment; Headquarters, DOE, Region, and EPA	August 1
Issue for concurrence (Region, ADM, OGC)	September 15
Due to NMSS	September 27
Due to EDO	September 30
Commission signs out	November 30

\* If the recertification review cannot be accomplished within this time frame, the schedule for the Report can be altered accordingly.

## APPENDIX B - TABLE OF CONTENTS OUTLINE FOR REPORT

### TABLE OF CONTENTS OUTLINE

EXECUTIVE SUMMARY

BACKGROUND

GDP OPERATIONS

STATUS OF COMPLIANCE PLAN ACTIVITIES

HEALTH, SAFETY, AND ENVIRONMENTAL STATUS

CERTIFICATION ACTIVITIES

INSPECTION ACTIVITIES

EVENT REPORTS

REGULATORY ACTIVITIES

EPA AND DOE CONSULTATION

DETERMINATION OF COMPLIANCE WITH APPLICABLE LAWS

SUMMARY ASSESSMENT OF PERFORMANCE

APPENDIX A - ABBREVIATIONS AND ACRONYMS