



February 13, 2006
AET 06-0025

Mr. Jack R. Strosnider
Director, Office of Nuclear Material Safety and Safeguards
Attention: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

**American Centrifuge Plant
Docket Number 70-7004
Submittal of Additional Information Regarding Waste Management for the American
Centrifuge Plant (TAC No. L32308)**

Dear Mr. Strosnider:

Pursuant to a request from the U.S. Nuclear Regulatory Commission staff, USEC Inc. hereby submits additional information related to waste management for the American Centrifuge Plant as Enclosure 1 of this letter.

If you have any questions regarding this matter, please contact Peter J. Miner at (301) 564-3470.

Sincerely,

Steven A. Toelle
Director, Regulatory Affairs

cc: M. Blevins, NRC HQ
S. Echols, NRC HQ
Y. Faraz, NRC HQ
B. Smith, NRC HQ

Enclosure: As Stated

NMSSO1

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Additional Information Regarding Waste Management for the American Centrifuge Plant

Enclosure 1 of AET 06-0025

Reviewer: R. Coriell
Date: 02/13/06

NRC Question

Please provide additional information regarding: 1) who will have the authority at the American Centrifuge Plant (ACP) to make "classified/sensitive" determinations (in regard to waste); 2) third party federal reviews of the "classified/sensitive" waste determinations that are made; 3) whether any of the "classified/sensitive" wastes are exempt in any way from U.S. Environmental Protection Agency, Ohio Environmental Protection Agency, or U. S. Nuclear Regulatory Commission (NRC) regulatory authority; 4) whether it is possible for ACP personnel to make "classified/sensitive" waste determinations; 5) whether ACP personnel will have authorities delegated to it by the U.S. Department of Energy (DOE), such as under the *Atomic Energy Act*; 6) whether there will be activities at the ACP that are subject to DOE oversight and exempt from NRC regulation; 7) why a commercial facility with a civilian mission would generate "classified/sensitive" wastes requiring "classified/sensitive" determinations; and 8) whether *Resource Conservation and Recovery Act* (RCRA)-regulated mixed wastes could be generated that are considered classified.

USEC Responses

1. The classification level of matter (e.g., documents, components) is determined by a USEC Inc. (USEC) Derivative Classifier (DC) for Confidential and Secret Restricted Data and a reviewing official for sensitive unclassified information. Similarly, the classification level of waste will also be determined by a DC and reviewing official, in conjunction with Security personnel, depending on the constituency or complexity of the waste stream. The DCs and reviewing officials are appointed by the USEC Centrifuge Classification Officer, who is granted authority by the DOE.
2. DOE issued the classification guidance for USEC's classified and unclassified sensitive centrifuge technology and will likely maintain oversight of classification decisions by USEC personnel and review and approval of classified and unclassified sensitive waste disposal plans.
3. The wastes, regardless of classification, will comply with the appropriate U.S. Environmental Protection Agency, Ohio Environmental Protection Agency, or U.S. Nuclear Regulatory Commission regulations.
4. As discussed in item 1, qualified USEC personnel will make classified and unclassified sensitive waste determinations.
5. As discussed in item 1, the USEC Centrifuge Classification Officer is delegated his authority by DOE.
6. Construction and operation of the ACP, including classified matter protection and radioactive waste management, are regulated by the NRC. Specific details of regulatory oversight

jurisdiction are expected to be provided in a NRC/DOE Memorandum of Agreement.

7. Due to the nature of the technology, whose purpose is to enrich uranium, certain details are necessarily classified by the U.S. Government due to concerns with proliferation of the technology. USEC follows the guidance issued by DOE in determining whether matter (or waste) is classified or unclassified sensitive in nature.
8. It is possible, but not likely, that RCRA-regulated mixed wastes could be generated that are considered classified. Such wastes would be managed in accordance with the Ohio Administrative Code.