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Enrichment Corporation

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November 13, 1996

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SERIAL: GDP 96-0195

Paducah Gaseous Diffusion Plant (PGDP)
Portsmouth Gaseous Diffusion Plant (PORTS)
Docket Nos. 70-7001 and 70-7002
Direct Final Rulemaking - Part 76

This letter is in response to the posting on FedWorld, the NRC's electronic bulletin board, of the "Rulemaking Plan - USEC Privatization Act" for information and comment. The United States Enrichment Corporation (USEC) is pleased to provide proposed revisions to 10 CFR Parts 76, 70 and 40 for the purposes of implementing the USEC Privatization Act signed into law by President Clinton on April 26, 1996.

In addition to these revisions, we have also proposed language to § 76.45 to clarify the agency's intention concerning Director's decisions on applications for amendments to the Certificate. This proposed clarification is consistent with the process followed by the agency concerning decisions on license amendment requests for nuclear power plants. Finally, we have also proposed deleting certain sections which are immaterial now that the Director's decision on the initial certification has been issued.

We would be pleased to discuss these proposed revisions and respond to any questions. Please contact me or Ms. Lisamarie Jarriel at (301) 564-3247.

Sincerely,

Robert L. Woolley
Nuclear Regulatory Assurance and Policy Manager

Enclosure

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UNITED STATES ENRICHMENT CORPORATION

Comments

on

NRC's Rulemaking Plan - USEC Privatization Act

Section

Proposed Revision

10 CFR 76

- § 76.31 "The Corporation shall . . . and therefore, the Corporation shall apply to the Commission ~~each year on or before April 15~~ periodically, as determined by the Commission, but not less than every 5 years, for renewal of a certificate of compliance in accordance with § 76.36. Any certificate of compliance issued by the Commission shall specify the date by which the next application is due."
- § 76.36 "§ 76.36 ~~Annual renewals~~ Renewal of certificates.
- "(a) After issuance by the Commission of . . . the Corporation shall periodically file an ~~annual~~ application for renewal, . . ."
- § 76.43 "§ 76.43 ~~Annual~~ Date for decision "
- § 76.45 "(a) *Contents of amendment application.* In addition to ~~the annual~~ an application for ~~certification~~ renewal of a certificate submitted . . . "
- "(b) *Director's decision.* Upon receipt. . . the Director will, after appropriate review, issue a decision pursuant to subpart C of this part, ~~except that Director's decisions on applications for amendments will be effective upon issuance.~~ Such decisions will become final as prescribed in § 76.62(c)."
- § 76.55 "In any case in which the Corporation has timely filed a sufficient ~~annual~~ application for renewal of a certificate . . . does not expire until the application for ~~a certificate of compliance~~ renewal has been finally determined . . ."
- § 76.60 "(a) The Corporation shall . . .
- "(b) The Corporation shall not be owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government.
- "(c) Certification shall not be inimical to the maintenance of a reliable and economic domestic source of enrichment services.
- "(bd) The Corporation shall . . .

Section #

Proposed Revision

10 CFR 76 (cont.)

§ 76.60 (cont.)

"(ee) The Corporation shall comply with the applicable provisions of 10 CFR part 19, "Notices, Instructions and Reports To Workers: Inspection and Investigations," ~~with the following modifications:~~

~~—(1) Civil penalties may not be imposed on the Corporation pursuant to Sec. 19.30 of this chapter except for violations of Section 206 of the Energy Reorganization Act.~~

~~—(2) The Corporation shall post NRC Form 3 not later than the date of Director's decision on the initial certificate of compliance and/or an initial plan for achieving compliance, during the term of the certificate, and for 30 days following certificate termination.~~

"(ef) The Corporation shall comply with the applicable provisions of 10 CFR part 20, "Standards For Protection Against Radiation," ~~with the following modifications:~~

~~—(1) Civil penalties may not be imposed on the Corporation pursuant to Sec. 20.2401 of this chapter except for violations of section 206 of the Energy Reorganization Act.~~

~~—(2) The Corporation shall comply with the requirements in this part not later than the date of the Director's decision on the initial certificate of compliance and/or as specified in an approved plan for achieving compliance.~~

"(eg) The Corporation shall comply with the applicable provisions of 10 CFR part 21, "Reporting of Defects and Noncompliance," ~~with the following modifications:~~

~~—(1) The Corporation shall comply with the requirements in Secs. 21.6 and 21.21 not later than the date of the Director's decision on the initial certificate of compliance and/or an initial plan for achieving compliance.~~

~~—(2) Under Sec. 21.31, procurement documents issued by the Corporation after it submits the initial application for a certificate of compliance must specify that the provisions of 10 CFR part 21 apply.~~

"(fh) The Corporation shall . . .

"(gi) The Corporation shall . . .

"(hj) The Corporation shall . . .

"(ik) The Corporation shall comply with the applicable provisions of 10 CFR part 95, "Security Facility Approval and Safeguarding of National Security Information and Restricted Data," as specified in subpart E to this part, ~~provided, however, that civil penalties shall not be imposed on the Corporation pursuant to Sec. 95.61 of this chapter except for violations of Section 206 of the Energy Reorganization Act.~~

§ 76.66

"(c) If the Corporation does not submit ~~an annual~~ a timely renewal application under § 76.376..."

Section #

Proposed Revision

10 CFR 76 (cont.)

- § 76.72 "(d) The procedures set forth in 10 CFR 2.205, and in 10 CFR part 2, subpart G, will be applied in connection with NRC action to impose a civil penalty pursuant to Section 206 of the Energy Reorganization Act of 1974 and the implementing regulations in 10 CFR part 21 (Reporting of Defects and Noncompliance), as authorized by Section 1312(e) of the Atomic Energy Act of 1954, as amended,"
- § 76.131 "(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 1312(e) of the Atomic Energy Act of 1954, as amended, and Section 206 of the Energy Reorganization Act of 1974, as amended, and for a violation of Section 206 of the Energy Reorganization Act of 1974, as amended- 234 of the Atomic Energy Act:
- (1) For violations of any licensing or certification provision of
 - (i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701 of the Atomic Energy Act of 1954, as amended,
 - (ii) Section 206 of the Energy Reorganization Act;
 - (iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;
 - (iv) Any term, condition, or limitation of any license or certificate issued under the sections specified in paragraph (b)(1)(i) of this section.
 - (2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

10 CFR PART 70

- § 70.4 "*Uranium enrichment facility* means:
- (1) Any facility used for separating the isotopes of uranium or enriching uranium in the isotope 235 including a facility using atomic vapor laser isotope separation technology except. . ."

10 CFR PART 40

- § 40.4 "*Uranium enrichment facility* means:
- (1) Any facility used for separating the isotopes of uranium or enriching uranium in the isotope 235 including a facility using atomic vapor laser isotope separation technology except. . ."