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NRC CHANGES REGULATIONS FOR RENEWING OR AMENDING USEC CERTIFICATES

The Nuclear Regulatory Commission is changing its regulations that govern uranium enrichment plants leased and operated by the U.S. Enrichment Corporation (USEC) at Paducah, Kentucky, and Portsmouth, Ohio.

NRC first issued regulations in 1994 to establish a process by which it would assume regulatory authority for a portion of the gaseous diffusion plants, which previously operated under the authority of the Department of Energy and the Atomic Energy Commission. The Energy Policy Act of 1992 directed that the Corporation operate the plants and required the NRC to certify them to ensure compliance with its safety, safeguards, and security requirements.

The NRC assumed regulatory jurisdiction over the plants' operations in 1997, after issuing initial certificates of compliance. However, in implementing the certificate renewal and amendment processes, the NRC staff identified several improvements that should be made to make these processes more effective and efficient.

After the Commission published the proposed changes in the Federal Register for public comment last September, it received one comment letter, from the USEC. As a result, the NRC changed the proposed rule to allow an appropriate period for USEC to implement any amendments to the certificate issued by the NRC, rather than requiring immediate implementation as stated in the proposed rule.

The amendments will:

(1) Give NRC officials discretion as to whether to publish a Federal Register notice when an application for certificate renewal is received. Currently such publication is mandatory. Under the revisions, for example, if the renewal application does not address any new safety issues or there have not been any major changes to the facility or its operating procedures that would substantially increase the risk to public or worker health and safety, the NRC might decide that a Federal Register notice is not necessary.

(2) Allow responsibility for granting or denying an amendment application to be delegated to the appropriate NRC branch chief, a lower level of management than is currently required. Decisions by a branch chief could be appealed to the Office Director and, if necessary, to the Commission. (Currently, decisions on amendment applications are made by the Office Director and can be appealed directly to the Commission.)

(3) Eliminate the current distinction between “significant” and “non-significant” amendments.

(4) Make NRC staff decisions on certificate renewal requests effective on a date specified by the staff, give the staff discretion as to whether to publish a Federal Register notice announcing such decisions, and increase the Commission’s review time from 60 to 90 days.

(5) Eliminate restrictions as to who may file a petition seeking review of NRC’s approval or denial of a certificate of compliance or a plan for achieving compliance for a gaseous diffusion plant. The revisions also will extend the time to file a petition from 15 to 30 days after a Federal Register notice is published.

Further details of the amendments will be contained in a Federal Register notice to be published shortly on the NRC’s website: <http://www.nrc.gov>. The revisions to the rule will be effective 30 days after the Federal Register notice.

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