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NRC ISSUES REGULATIONS FOR  
ENRICHMENT PLANTS IN OHIO, KENTUCKY

The Nuclear Regulatory Commission is issuing regulations to establish new standards for the U.S. Enrichment Corporation's operation of uranium enrichment plants leased from the Department of Energy at Portsmouth, Ohio, and Paducah, Kentucky.

The 40-year-old plants were previously operated by a contractor for the Department of Energy and therefore were not regulated by the NRC. USEC, a government corporation, began operating the plants on July 1, 1993.

The Energy Policy Act of 1992 requires the NRC to issue appropriate public safety and health standards for the plants by October of 1994. The law also requires the NRC to determine annually--in consultation with the Environmental Protection Agency--whether the plants are in compliance with NRC standards and to report annually to Congress on plant status. USEC is directed to apply at least annually to the NRC for a certificate of compliance.

Under a transition agreement between DOE and NRC, DOE is continuing its regulatory oversight of the plants until NRC issues new standards and certifies that the facilities are in compliance.

The NRC standards, which are contained in a new Part 76 to the Commission's regulations, include technical requirements regarding operational safety, emergency procedures, employee protection against discrimination by USEC if an employee engages in certain protected activities (such as providing the NRC with information about alleged violations of the regulations), completeness and accuracy of information provided by USEC to NRC, and sanctions for deliberate misconduct (such as knowingly engaging in an act that would cause USEC to be in violation of NRC rules). Also included are provisions for material control and accounting, reporting, and security.

Under the procedural standards, NRC will publish a Federal Register notice when USEC files an application for certification and will make copies of the application available for public

comment. A public meeting will be held on the first application and on future applications if the NRC determines that such meetings are in the public interest.

After reviewing USEC's application, the NRC staff may issue a certificate of compliance covering the areas where USEC is in compliance with Commission requirements and approve a compliance plan for the remaining areas, if any. Appropriate terms and conditions may be imposed. This decision will normally be made within six months of receipt of the application.

The NRC staff will publish a notice of its decision in the Federal Register. USEC and persons whose interest may be affected and who previously commented may file a petition requesting Commission review of the decision.

After the NRC issues the initial certificate of compliance or approves an initial plan for achieving compliance, USEC may not operate the plants unless an appropriate certificate or compliance plan is in effect. If USEC files a sufficient and timely annual application for a certificate of compliance, the existing certificate of compliance or approved compliance plan will not expire until the NRC makes a final decision on the application.

A proposed rule on this subject was published in the Federal Register for public comment on February 11. The NRC received requests to extend the comment period. Although the agency decided not to extend the formal comment period (because of a Congressional mandate to publish standards for the plants by October), it agreed to consider additional comments until about mid-July when the NRC staff made recommendations to the Commission. Several comments were received after the formal April 12 closing date, and they were considered in the development of the final rule.

Changes made as a result of the comments received--as well as details of the final rule--are described in a Federal Register notice published on September 23.

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