USEC
A Global Energy Company

June 12, 2006
GDP 06-0034

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

Paducah Gaseous Diffusion Plant (PGDP)
Docket No. 70-7001, Certificate No. GDP-1
Request for Relief from a Bulletin 91-01 Reporting Requirement

Dear Mr. Strosnider:

The United States Enrichment Corporation (USEC) requests relief from a reporting requirement contained in NRC Bulletin 91-01, Supplement 1, Reporting Loss of Criticality Safety Controls, dated July 27, 1993, for a specific recurring instance. This relief applies only to PGDP.

USEC's commitment to the reporting requirements for NRC Bulletin 91-01, Supplement 1, are identified in the PGDP SAR Chapter 6.9, Table 1, Event notification and reporting criteria applicable to USEC, Criteria A. Specifically, reporting Criteria A.4.a, requires PGDP to report incidents of *"violations involving operations that comply with the double contingency principle and do not meet the aforementioned criteria (listed above), but still result in a violation of the double contingency principle, such as events where the double contingency principle is violated but control is immediately re-established."* Identification of incidents meeting this criterion requires PGDP to verbally notify the NRC Headquarters Operations Center within 24 hours. USEC requests relief from this 24-hour verbal notification requirement for the specific instances described below.

On November 22, 2005, in accordance with the above reporting criteria, PGDP verbally notified the NRC Operations Center (Event Number 42165) that, during ongoing waste drum remediation activities, a waste drum was discovered to contain ^{235}U in excess of the 120g ^{235}U limit for NCS Spacing Exempt drums specified in the safety basis documentation for this activity. To maintain the double contingency principle during drum remediation activities, drums exceeding the 120g ^{235}U NCS limit require a minimum 2-foot edge-to-edge spacing between other fissile or potentially fissile drums. This drum had previously been stored in an NCS Spacing Exempt

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storage area, which violated one leg of double contingency, and was therefore reportable in accordance with the above reporting criteria. The drum was moved and controlled in accordance with approved procedure CP4-EW-WM9002, "Remediation Requirements for C-335 Generator Staging Area (C335-10)", which incorporates the NCS controls from the safety basis documentation necessary to re-establish double contingency in the event a suspect drum is found to have a ^{235}U content in excess of the NCS limit (120g) and is not stored in accordance with the minimum NCS spacing requirements. This methodology will ensure any future waste drums found to contain greater than 120g ^{235}U are handled under approved NCS controls until final disposition. This specific drum was one of approximately 12,000 drums to be re-characterized during the drum remediation project. As of May 1, 2006, there are approximately 10,800 drums remaining to be re-characterized. The remediation plan recognizes that drums containing greater than 120g ^{235}U will be discovered.

In April 2005, NRC HQ inspectors reviewed the corrective actions associated with the drum remediation project. These corrective actions were developed to assure adequate characterization of waste drums containing fissile material. The inspectors opened Inspector-Follow-Up Item (IFI) IFI 70-7001/2005-201-02 to track the issue. In October 2005, the inspectors reviewed PGDP procedure, CP4-EW-WM9002, "Remediation Requirements for C-335 Generator Staging Area (C335-10)", and determined the procedure adequately incorporated the NCS controls identified in the safety basis documentation. The inspectors concluded the re-characterization of suspect drums complied with the double contingency principle and assured sub-criticality in the event a suspect drum was found to have a ^{235}U content in excess of the NCS limit (120g). Based on this conclusion, the inspectors documented the closure of the IFI in NRC Inspection Report IR 2005-203 issued on October 19, 2005.

Since November 22, 2005, PGDP has notified the NRC Operations Center on 5 separate occasions to report a total of 13 drums discovered to exceed the NCS limit. Recently, the frequency of these notifications has increased due to increased efforts to re-characterize suspect drums. With approximately 10,800 drums remaining to be re-characterized, it is expected that PGDP will be required to make an unusually high number of notifications. These notifications have not provided any new information beyond that provided in the November 22, 2005 report, and therefore, are an un-necessary burden on both NRC and PGDP. USEC believes this request, if approved, will eliminate the future administrative burden without impacting NRC's ability to protect the health and safety of the public. PGDP will continue to document future discoveries of drums containing greater than 120g ^{235}U using the corrective action process, which is monitored by the NRC Resident Inspectors stationed at PGDP, and to control these drums in accordance with the NCS controls noted in approved procedures.

PGDP will continue to make reports in strict accordance with NRC Bulletin 91-01 until the NRC acts on this request. Approval of this request will have no affect on the reporting of other NCS events under the subject reporting requirement.

There are no new commitments contained in this submittal.

If you have any questions regarding this request, please contact Steve Cowne at (270) 441-6796.

Sincerely,

S. A. Toelle

Steven A. Toelle
Director, Regulatory Affairs

cc: G. Janosko, Chief, Fuel Cycle Facilities Branch
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