

November 15, 2006

Lawrence G. McDade, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Richard E. Wardwell  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

In the Matter of  
USEC, Inc.  
(American Centrifuge Plant)  
Docket No. 70-7004

Dear Administrative Judges:

The NRC staff (Staff) hereby provides copies of two memoranda submitted by staff reviewers to NRC management that address the USEC license application. Memorandum to Joseph Giitter, Chief, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, from Christopher S. Tripp, Senior Nuclear Process Engineer, and Frederick H. Burrows, Senior Electrical Engineer, Technical Support Section, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, "Response to August 4, 2006, Memorandum Entitled 'United States Enrichment Corporation License Detail Regarding the Level of Information Needed for 10 CFR Part 70 Licensing,' September 13, 2006 ('Giitter Memorandum') (ADAMS ML062560233); Memorandum to Jack R. Strosnider, Jr., Director, Office of Nuclear Material Safety and Safeguards, from Christopher S. Tripp, Senior Nuclear Process Engineer, and Frederick H. Burrows, Senior Electrical Engineer, Technical Support Section, Special Projects Branch, Division of Fuel Cycle Safety and Safeguards, "Issues Related to the Review Policy and Process for the American Centrifuge Plant," October 19, 2006 ("Strosnider Memorandum") (ADAMS ML062900185). These memoranda were submitted in response to an August 4, 2006 memorandum from Robert C. Pierson, Director, Division of Fuel Cycle Safety and Safeguards (FCSS), Office of Nuclear Material Safety and Safeguards to FCSS Staff, entitled "United States Enrichment Corporation License Detail Regarding the Level of Information Needed for 10 CFR Part 70 Licensing" ("Pierson Memorandum") (ADAMS ML062160073), which provided guidance regarding the Staff's interpretation of Part 70 license application requirements. Although both memoranda were issued after the completion of the Staff's review of the USEC license application, because the memoranda raise concerns regarding the guidance presented to the Staff in the Pierson Memorandum, they are being provided to assure the completeness of the information before the Board.

Judge McDade  
Judge Lam  
Judge Wardwell

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The Pierson Memorandum, which is also enclosed, was developed to supplement the primary guidance document followed by the Staff in conducting its review of USEC's license application, NUREG-1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility." The Staff's use of NUREG-1520 and other guidance documents during its review are discussed in NUREG-1851, "Safety Evaluation Report for the American Centrifuge Plant in Piketon, Ohio" (SER). However, because this memorandum was not cited in the SER, and because it provides context for the Giitter Memorandum and the Strosnider Memorandum, the Staff determined that it also should be brought to the attention of the Board.

Please note that the Giitter Memorandum contains export control information, and so the document on ADAMS has been redacted. Both redacted and unredacted copies of the memorandum are enclosed.

Respectfully submitted,

***/RA by Margaret J. Bupp/***

Margaret J. Bupp  
Counsel for the NRC Staff

Enclosures:           1. Giitter Memorandum (Redacted)  
                              2. Giitter Memorandum (Unredacted)  
                              3. Strosnider Memorandum  
                              4. Pierson Memorandum

cc w/ encls:           D. Wolf  
                              D. Silverman  
                              D. Scott

cc w/out encls:       Office of Commission Appellate Adjudication  
                              Office of the Secretary