March 16, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
USEC Inc.	)	Docket No. 70-7004
	)	
(American Centrifuge Plant)	)	ASLBP No. 05-838-01-ML

NRC STAFF RESPONSE TO ADDITIONAL QUESTIONS RELATED TO THE SER AND FEIS

INTRODUCTION

On March 2, 2007, the Atomic Safety and Licensing Board ("Board") issued an order identifying hearing topics and questions for the upcoming uncontested licensing hearing.[1] Although the Board did not require a written response to the additional questions, as stated in the NRC staff's ("Staff") March 8, 2007 filing[2], the Staff has determined that a written presentation on some questions would materially aid the Board's understanding, and presents those responses below. As directed in the Board's February 6, 2007 order[3], the Staff has, to the extent possible, coordinated its responses with the license applicant, USEC, Inc. ("the Applicant").

RESPONSE TO BOARD'S QUESTIONS

Each of the Board's questions is restated below, followed by the Staff's response. All of the Staff's responses consist of publicly-available information.

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[1] Memorandum and Order (Issuing Additional Questions and Hearing Topics), Mar. 2, 2007. ("Order").

[2] "Notification of NRC Staff's Intent to File Responses to March 2, 2007 Board Order," Mar. 8, 2007 ("Notice of Intent").

[3] Order (Establishing a Modified Case Schedule)(Issuing Questions and Identifying Hearing Topics), Feb. 6, 2007. ("February 6 Order")

A. S4-1. Nuclear Criticality Safety (NCS)

Discuss how USEC's commitment for measuring criticality control can be incorporated into its license. See App. A: Official Use Only - DOE NOFORN Responses at 23.

Page 5-16 of the license application contains the commitment: "When the enrichment of uranium needs to be measured for a NCS control, the measurement is obtained using either installed equipment or based on samples analyzed in a laboratory." This will be tied down as part of a generic license condition requiring the applicant to comply with all commitments in the license application. Further information on the process for tying down Applicant commitments in the license is included on page 29 of the Staff's testimony on HTS-5.

B. S8-1. Decommissioning

What criteria will the NRC Staff use to assess whether decommissioning is occurring promptly enough to assure that the license can be terminated shortly after cessation of operations? See NRC Staff Response at 52.

As indicated in the response to the previous question, the Rule, "Timeliness in Decommissioning of Material Facilities" [(59 FR 36026-36040, July 15, 1994) (known hereafter at the Timeliness Rule)] amended 10 CFR Parts 2, 30, 40, 70 and 72, and established the criteria for timely decommissioning of material facilities upon termination of operations. The Timeliness Rule: (1) provides requirements for notifying the NRC of pending decommissioning actions and cessations in licensee operations; (2) provides requirements for completing decommissioning activities; and (3) allows licensees to request relief from the timing requirements. NRC issued Administrative Letter (AL) 96-05, Revision 1, dated July 14, 1998, to remind licensees of their responsibility to comply with the requirements of the Timeliness Rule and to assist in that compliance.

Per 10 CFR 30.36, 40.42, 70.38, and 72.54, NRC may grant a request to delay or postpone initiation of the decommissioning process if the Commission determines that the relief is not detrimental to the public health and safety and is otherwise in the public interest.

Guidance on how the staff would review licensee requests was first published in the Standard Review Plan (SRP), "Licensee Requests to Extend the Time Periods Established for Initiation of Decommissioning Activities." The SRP was published on June 26, 2000, as an attachment to NRC Regulatory Issue Summary (RIS) 2000-09 (ADAMS Accession No. ML003720553). RIS 2000-09 was distributed to all NRC material licensees regulated in accordance with 10 CFR Parts 30, 40, and 70. In September 2003, the guidance contained in RIS 2009-09 was incorporated into the Section 2 of NUREG-1757, Vol 3. Licensee requests for alternative time schedules for initiation of decommissioning activities are now reviewed in accordance with the criteria provided in Section 2 of NUREG-1757, Vol 3.

It should be noted that the purpose of the Timeliness Rule is to avoid future problems and reduce potential risk, to the public and environment, that may result from delayed decommissioning of inactive facilities and sites. Specific concerns that prompted the Timeliness Rule include: (1) the potential risk of safety practices becoming lax because of attrition of key personnel, and lack of management interest at facilities once operations cease; and (2) the potential for bankruptcy, corporate takeover, or other unforseen changes in a company's financial status, that may complicate or delay decommissioning. The purpose of the Timeliness Rule is not necessarily to ensure that decommissioning is occurring promptly enough to terminate the license shortly after cessation of operations.

In addition, Section 10. 2 of the Application and Appendix C of the Decommissioning Funding Plan indicate that decommissioning is anticipated to take six years to complete. As such, the Applicant will be required to submit a Decommissioning Funding Plan to satisfy the requirements of 10 C.F.R. § 70.38(d). This Plan will include a schedule for completion of decommissioning activities. S*ee* NUREG-1757 at D-20. This schedule may also be used by

the Staff, through the inspection process, as criteria to assess the Applicant's progress in decommissioning.

Due to a number of factors, including multiple active licenses at a site or the complex nature of the decommissioning activities at a site, licensees have requested alternate decommissioning schedules. The staff has reviewed and approved such licensee requests.

C. E7-1.C. Additional Environmental Questions

Is the centimeter dimension for the heeled cylinders a length, radius, a diameter, or other?
See NRC Staff Response at 92-94.

On page 4-79 of the Final Environmental Impact Statement (FEIS), the text refers to "76-centimeter (30-inch) heel cylinders," in which 76-centimeters correspond to the approximate diameter of a 30 B cylinder. Cylinder dimensions are specified in ANSI N14.1., and are approximated below:

Type of Cylinder	Approximated Outer Diameter	Approximated Length
30B	30 in. (76 cm.)	76 in. (193 cm.)
48X	48 in. (122cm)	86 in. (218 cm.)
48Y	48 in. (122cm)	117 in. (297 cm.)
48G	48 in. (122cm)	116 in. (295 cm.)

CONCLUSION

The above, constitute the Staff's written responses to the questions on the Board's Order.

Respectfully submitted,

/RA by Margaret J. Bupp/

Margaret J. Bupp
Brett M. Klukan
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 16th day of March, 2007

I declare under penalty of perjury that the foregoing response to Question S8-1 is true and correct. Executed on March __, 2007.

_____
Timothy Johnson

I declare under penalty of perjury that the foregoing response to Question S8-1 is true and correct. Executed on March __, 2007.

_____
John Buckley

I declare under penalty of perjury that the foregoing response to Question E7-1.C. is true and correct. Executed on March __, 2007.

_____
Norma Garcia Santos

I declare under penalty of perjury that the foregoing response to Question S4-1 is true and correct. Executed on March __, 2007.

_____
Christopher Tripp