

From: Brian Smith
To: Pete Miner
Date: 04/11/2007 7:50:42 AM
Subject: Re: USEC Comments on DOE/NRC MOU

Thank you for the quick review of the draft MOU. The DOE and NRC have reviewed your comments and the attached document provides a disposition for each. As we discussed by phone yesterday, some comments were accepted and no changes were made for other comments. We will provide you a copy of the final MOU once it is signed. If you have any questions, please give me a call.

Brian Smith, Chief
Enrichment and Conversion Branch

>>> "Miner, Pete" <MinerP@usec.com> 03/30/2007 11:12 AM >>>

Mr. Smith,

Attached are USEC's comments on the Draft Memorandum of Understanding between the U.S. Department of Energy and the U.S. Nuclear Regulatory Commission dated March 21, 2007 (Reference) pursuant to your request. Please note that Attachment 1 was not included in the document transmitted to USEC on March 21. As such, we utilized the March 16, 2007 version marked as NRC Staff Exhibit 4A for our review.

Reference: Brian W. Smith letter to Mr. Steven A. Toelle, "Draft Memorandum of Understanding between the Department of Energy, Oak Ridge Operations, and the U.S. Nuclear Regulatory Commission on the American Centrifuge Plant," dated March 21, 2007. If you have any questions, please contact me at (301) 564-3470.

Peter J. Miner
Director, Regulatory and Quality Assurance
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1. Page 3, Section I, 2nd paragraph, 1st sentence – Change “3.5 million” to “3.8 million” and “2011” to “2012”Basis: USEC’s February 12, 2007 News Release
2. Page 3, Section II, “Activities associated with the ACP” – Clarify as necessary to ensure scope is clearBasis: Ensure the broadness of this definition does not conflict with other provision of the MOU
3. Page 6, Section IV.A.4 – Add “following completion of decommissioning” after “issued”Basis: Clarify that NRC retains oversight during decommissioning
4. Page 7, Section IV.B.2 – Delete “Communications Security” and “Physical Protection of Classified Equipment/Materials”Basis: There is already ample basis for NRC (or the National Security Agency for communications security) to impose requirements in these areas5.
- Page 7, Section IV.B.3 – Change to read: “DOE shall be solely responsible for interpretations of guidance related to content determinations for Export Controlled Information and Unclassified Controlled Information.”Basis: Clarify scope to be consistent with item IV.B.96. Page 7, Section IV.B.9 – Add “and UCNI determinations, respectively” following “classification determinations”Basis: Reviewing Officials refers to UCNI determinations7. Attachment 1, Page 1, Section III.A – Delete “,” after “USEC” and add “headquarters” after “Inc.”Basis: Clarification8. Attachment 1, Page 2, Section III.D – Ensure the list is not duplicative of facilities encompassed by Lead Cascade MOU or clarify scopeBasis: The existing facilities are already covered by the Lead Cascade MOU and some will not be utilized to support the ACP9.
- Attachment 1, Page 2, Section III.E – Ensure the scope and roles and responsibilities for DOE are clearBasis: The use of the general statement “vendor procurement activities” may broaden the scope beyond what is intended for DOE oversight

CC: DeVaultRM@oro.doe.gov; internet:hutsonjd@oro.doe.gov; J. Keith Everly;
John Hull; Robert Caldwell; Tom Allen; William Szymanski

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