

April 28, 2011

Mr. Steven A. Toelle, Director  
Regulatory Affairs  
U. S. Enrichment Corporation  
2 Democracy Center  
6903 Rockledge Drive  
Bethesda, MD 20817-1818

SUBJECT: RESPONSE TO REQUEST FROM UNITED STATES ENRICHMENT CORPORATION REGARDING REQUIRED ACTION FOR CERTIFICATE TERMINATION NOTIFICATION, PORTSMOUTH GASEOUS DIFFUSION PLANT (TAC NO. L32771)

Dear Mr. Toelle:

The U.S. Nuclear Regulatory Commission's (NRC's) staff has reviewed the March 15, 2011, letter submitted by the United States Enrichment Corporation (USEC), Portsmouth Gaseous Diffusion Plant (PORTS), regarding proposed actions to de-lease the remaining NRC-certified facilities at PORTS and terminate USEC Government Services's operations at PORTS under the NRC Certificate of Compliance. The letter from USEC, dated March 15, 2011, is available via NRC's Agencywide Documents Access and Management System (ADAMS), Accession Number ML110830077.

As described in your letter, the proposed actions would decertify, de-lease and transition several USEC facilities and operations to the Department of Energy's (DOE) regulation. The de-leased facilities include the X-705 Decontamination Building, the X-710 Laboratory, with support activities in the X-720 and X-700 Maintenance facilities and the XT-847 Waste Management Facility. The cylinder yards around the X-340 complex and the X-745G cylinder yard would be de-leased and transitioned. Additionally, the site utility systems would be transitioned to DOE and its contractor.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 76.66, a letter from USEC to notify the NRC of its intent to terminate operations is required. As part of this notification, in its letter, USEC agreed to: 1) provide a status of the leased premises at the time of transition, 2) confirm that all regulated material will be transferred to DOE's possession, and 3) provide a description of how USEC will satisfy its waste and depleted uranium disposition responsibilities as described in the Decommissioning Funding Program.

The NRC has identified information and associated actions that will need to be addressed in order for NRC to make a determination regarding the termination of the Certificate. The enclosure to this letter provides a draft Certificate termination checklist that should be considered in USEC's 76.66 notification letter to the NRC.

The NRC would like to provide an opportunity for USEC to review and comment on the draft Certificate termination checklist. The NRC staff will hold a public meeting (ML111101679) in Piketon, Ohio, May 19, 2011, to allow USEC, DOE, relevant stakeholders, and members of the public to ask questions about the NRC process for terminating the PORTS Part 76 Certificate.

S. Toelle

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In accordance with 10 CFR, Section 2.390 of the NRC's Rules of Practice, a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records System component of the NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If you have any questions regarding this action, please contact Mr. Kevin Mattern at (301) 492-3221, or via e-mail to [Kevin.Mattern@nrc.gov](mailto:Kevin.Mattern@nrc.gov).

Sincerely,

**/RA/**

John D. Kinneman, Director  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:  
As stated

Docket No. 70-7002  
Certificate No. GDP-2

cc: Mr. Doug Fogel, USEC-PORTS  
Portsmouth Gaseous Diffusion Plant  
United States Enrichment Corporation  
PO Box 628  
Piketon, OH 45661

Mr. Randall M. DeVault  
U.S. Department of Energy – Oak Ridge  
PO Box 2001  
Oak Ridge, TN 37832

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## **Draft Part 76 Certificate Termination Checklist**

### 1) Seamless Transition of Regulatory Authority

-USEC demonstrates that sufficient regulatory basis is in place to transfer authority and that no gaps in the oversight of GDP's facilities exist at PORTS

-Documentation that DOE agrees to assume regulatory authority of all GDP facilities at PORTS when NRC's authority ends

### 2) American Centrifuge Plant (ACP) Impact

-USEC implements its configuration management process and requests necessary amendments to its Part 70 ACP license to reflect proposed changes in services that support the ACP

-All shared services between PORTS and ACP affected by the Part 76 action will be addressed by amendment (as above) or via discussion in the 76.66 notification submittal

### 3) Control of Special Nuclear Material (SNM)

-USEC demonstrates the ability to maintain, follow, and comply with the current NRC-approved Fundamental Nuclear Material Control Plan and implemented Material Control and Accounting (MC&A) program during the transition until the granting of a certificate termination

-USEC provides assurance of full control of all source material and SNM under its possession, including recordkeeping and reporting requirements, and successfully transfers all materials to the DOE authority

### 4) Decontamination and Decommissioning (D&D) and Waste Disposal

-An USEC submittal for docketing discussing the legal and financial arrangements between USEC and DOE for D&D and disposal of GDP wastes at the PORTS site

-An updated, decommissioning cost estimate and a decommissioning plan for all radioactive waste and material that is not to be transferred to DOE for D&D or disposal

### 5) Security

-Declaration that information security will be maintained during transition

-Declaration that physical security will be maintained and demonstration that any impacts on the physical security and classified matter security plans for the Lead Cascade and ACP have been addressed

### 6) Staffing

-Documentation of a clear management chain for DOE contracted workers providing services to ACP, where USEC retains command and control over NRC-licensed activities

-Demonstration that the contracted workers who would provide services to USEC regarding the ACP are working under an entity cleared to possess classified information