

May 27, 2011

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

SUBJECT: TRANSMITTAL OF THE PART 76 CERTIFICATE TERMINATION CHECKLIST TO THE 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 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's Government Services 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 you know, the NRC responded to your letter on April 28, 2011, (ADAMS Accession Number ML111040093) and provided a Draft Part 76 Certificate Termination Checklist for your information and consideration. The intent of this draft checklist was to provide an informed and timely response to USEC's March 15, 2011, letter while allowing sufficient time for public interaction and process development.

The NRC's staff subsequently held a public meeting (ADAMS Accession Number ML111101679) in Piketon, Ohio, May 19, 2011, to allow USEC, the U.S. Department of Energy (DOE), relevant stakeholders, and members of the public to ask questions about the NRC process for terminating the PORTS Part 76 Certificate. The presentations made by NRC, USEC, and DOE provided members of the public with background information and a description of how the interagency transition would proceed. The meeting discussion provided the staff with additional insights, which will aid in its review of USEC's anticipated Title 10 of the *Code of Federal Regulations* (10 CFR) 76.66 submittal. However, the content and nature of the discussions yielded no additional items of consideration that the staff would need for its review of your termination notification. Therefore, the finalized Certificate Termination Checklist remains largely unchanged from the previously transmitted draft version.

As previously stated, the NRC has identified information and associated actions that will need to be addressed for the NRC to make a determination regarding the termination of the Certificate. The enclosure to this letter provides a finalized Certificate Termination Checklist that should be considered in USEC's 76.66 notification letter to the NRC.

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/**

Thomas G. Hiltz, Acting Deputy Director  
Fuel Facility Licensing Directorate  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Enclosure:  
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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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/**

Thomas G. Hiltz, Acting Deputy Director  
Fuel Facility Licensing Directorate  
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Office of Nuclear Material Safety  
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**ML111430628**

**\*via e-mail**

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## **Part 76 Certificate Termination Checklist**

### 1) Seamless Transition of Regulatory Authority

-United States Enrichment Corporation (USEC) demonstrates that sufficient regulatory basis is in place to transfer authority and that no gaps in the oversight of the Gaseous Diffusion Plant (GDP's) facilities exist at (Diffusion Plant) PORTS

-Documentation that the U.S. Department of Energy (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

-USEC demonstrates the ability to maintain, follow, and comply with the current Nuclear Regulatory Commission's (NRC's) approved Fundamental Nuclear Material Control Plan and implemented a Material Control and Accounting 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's and classified matter's security plans for the Lead Cascade and ACP have been addressed

### 6) Staffing

-Documentation of a clear management chain for DOE's 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