

February 22, 2013

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

SUBJECT: RETRACTION OF CERTIFICATE AMENDMENT REQUEST TO REVISE
POSSESSION LIMITS TABLE TO INCLUDE AMERICIUM-241 - TECHNICAL
ASSIGNMENT CONTROL NUMBER L36004

Dear Mr. Toelle:

I am responding to your letter dated February 14, 2013 (GDP 13-0003), in which you informed the U.S. Nuclear Regulatory Commission (NRC) about the United States Enrichment Corporation's (the Corporation's) decision to retract its January 2, 2013 (GDP 12-0039), request for an amendment to the Certificate of Compliance (COC) for the Paducah Gaseous Diffusion Plant (PGDP). The Certificate Amendment Request (CAR) proposed to revise Safety Analysis Report (SAR), Table 1-3, "Possession Limits for NRC-Regulated Materials and substances," to add Americium-241 to the isotopes listed in the table. In your February 14, 2013, request you stated that the CAR was submitted following discussions between NRC's and the Corporation's staff to correct what may have been an oversight during initial certification. In addition, in your letter you stated that, as a result of the NRC staff's issuance of inspection report 70-7001/2012-005, which discusses apparent violations related to Process Gas Leak Detector devices (PGLDs), the Corporation determined that supplemental information to the CAR cannot be provided until the issues raised by the apparent violations are resolved.

The NRC staff has completed its review of your submittals. The NRC staff received the CAR on January 9, 2013, and assigned Technical Assignment Control (TAC) number L36004 to this licensing action. An initial review of the CAR identified issues with the request, which consisted of missing information regarding PGDP's handling of the PGLDs. The NRC staff contacted the Corporation to discuss this issue since it made the CAR inadequate and, as such, further review could not be accomplished. In addition, the NRC staff stated that, under the NRC's review schedule and metrics system, it had until February 22, 2013, to accept the CAR and suggested that the Corporation supplement the request to provide the missing information for conducting further review before this date so that the CAR could be accepted.

On February 11, 2013, the NRC staff issued inspection report 70-7001/2012-005, which discusses apparent violations related to the PGLDs. As a result of the inspection results, the Corporation determined that supplemental information to the CAR cannot be provided at this time and determined to retract the CAR until the issues raised by the apparent violations are resolved. Therefore, in view of these latest developments, the NRC is accepting your request to retract the January 2, 2013, CAR. As such, the NRC staff review of the CAR is discontinued and efforts under TAC number L36004 are closed.

In accordance to Title 10 of the *Code of Federal Regulations* 2.390(d) 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 component of NRC's document system Agency wide Documents Access and Management System(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. Osiris Siurano-Perez at 301-492-3117, or e-mail Osiris.Siurano-Perez@nrc.gov.

Sincerely,

/RA/

Brian W. Smith, Chief
Uranium Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-7001
Certificate No. GDP-1

cc: Vernon Shanks, USEC-Paducah

In accordance to Title 10 of the *Code of Federal Regulations* 2.390(d) 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 component of NRC's document system Agency wide Documents Access and Management System (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. Osiris Siurano-Perez at 301-492-3117, or e-mail Osiris.Siurano-Perez@nrc.gov.

Sincerely,

/RA/

Brian W. Smith, Chief
Uranium Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-7001
Certificate No. GDP-1

cc: Vernon Shanks, USEC-Paducah

DISTRIBUTION:

FCSS r/f MBailey/FCSS JDiaz/RII JDowns/UEB
DHartland/NRC JKinneman/FCSS JHickey/RII RRussell/NRC

ML13053A376

OFFICE	NMSS/FCSS/UEB	NMSS/FCSS	NMSS/FCSS/UEB
NAME	OSiurano	TRichmond	BSmith
DATE	02/ 22 /13	02/ 22/13	02/22 /13

OFFICIAL RECORD COPY