

August 13, 2013

MEMORANDUM TO: Marissa G. Bailey, Director  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Materials Safety  
and Safeguards

FROM: Brian W. Smith, Chief  
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Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Materials Safety  
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SUBJECT: REGULATORY FRAMEWORK RELATED TO THE POTENTIAL  
TRANSFER OF THE PADUCAH GASEOUS DIFFUSION  
PLANT'S CERTIFICATE OF COMPLIANCE

The framework under which the U.S. Nuclear Regulatory Commission (NRC) regulates the Paducah Gaseous Diffusion Plant (GDP) was established by the Energy Policy Act of 1992. The 1992 legislation amended the Atomic Energy Act to establish a new government-owned corporation, the U.S. Enrichment Corporation (USEC), for the purpose of managing and operating the two gaseous diffusion plants previously operated by the U.S. Department of Energy (DOE). The NRC's 1994 promulgation of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 76 implemented the provisions of the 1992 Act.

The 10 CFR Part 76 regulations allow a certificate of compliance to be transferred, if the Commission, after securing full information, finds that the transfer is in accordance with the provisions of the Act, and consents in writing. However, the scope of the Part 76 authority that could be transferred at DOE's Paducah site would be limited to the operation of those portions of the Paducah GDP that are leased to USEC by DOE. Thus, a transfer of the certificate could be allowed if (1) USEC is willing to transfer the certificate and (2) the NRC determines that any transfer request meets all applicable requirements.

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