

Regulatory Guide Periodic Review

Number: 4.9, Revision 1

Title: Preparation of Environmental Reports for Commercial Uranium Enrichment Facilities

Office/Division/Branch: NMSS/FCSE/ERB

Technical Lead: Diana Diaz-Toro

Staff Action Decided: Reviewed with issues identified for future consideration

1. What are the known technical or regulatory issues with the current version of the Regulatory Guide (RG)?

RG 4.9 was issued in 1975, to provide specific guidance on environmental reports, for uranium enrichment facilities in order to comply with the NRC regulations in 10 CFR Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection." The purpose of this RG is to provide information to applicants developing environmental reports regarding the construction, operation, and decommissioning of uranium enrichment facilities.

The regulations in 10 CFR Part 51 were revised in 2014 with a new title, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." As a result, RG 4.9 is not cross-referencing to the correct regulatory citations.

In addition, RG 4.9 is not consistent with NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs," (ADAMS Accession No. ML032450279). NUREG-1748 provides guidance to the NRC staff for conducting environmental reviews in support of uranium enrichment facilities.

2. What is the impact on internal and external stakeholders of not updating the RG for the known issues, in terms of anticipated numbers of licensing and inspection activities over the next several years?

Although RG 4.9 is outdated and does not reflect changes to the NRC environmental review regulations in 10 CFR Part 51, there are no uranium enrichment license applications expected for the next 2-3 years where this RG could be used, and therefore there is no effect on licensing and inspection activities. However, during the next review the staff should review the most current regulations, technology, and standards available that could be endorsed in the revised guide.

3. **What is an estimate of the level of effort needed to address identified issues in terms of full-time equivalent (FTE) and contractor resources?**

An estimate of the effort needed to correct the identified issues is between 0.10 full-time equivalent (FTE) and 0.20 FTE.

4. **Based on the answers to the questions above, what is the staff action for this guide (Reviewed with no issues identified, Reviewed with issues identified for future consideration, Revise, or Withdraw)?**

Reviewed with issues identified for future consideration.

5. **Provide a conceptual plan and timeframe to address the issues identified during the review.**

As discussed in Management Directive (MD) 6.6, "Regulatory Guides," the NRC staff periodically reviews RGs to ensure that these guides continue to provide useful guidance. The staff will consider the regulatory citation issues and any other technical information that may need to be updated during the next periodic review of the guide and develop a revision of the guide.

NOTE: This review was conducted in September 2016 and reflects the staff's plans as of that date. These plans are tentative and subject to change.