



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 13, 1989

The Honorable J. Bennett Johnston, Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In response to your October 12, 1989 request, I am providing the Nuclear Regulatory Commission's (NRC's) views on legislation you may propose with respect to the licensing of uranium enrichment facilities. In particular you solicit the Commission's view as to whether the proposed legislation will accomplish your intent of providing for licensing of uranium enrichment facilities under Parts 40 and 70 rather than under Part 50 of Title 10 of the Code of Federal Regulations.

The NRC agrees with your view that it would be more appropriate to regulate uranium enrichment plants under 10 C.F.R. Parts 40 and 70 than under 10 C.F.R. Part 50. The primary safety hazard in an enrichment plant is that posed by the chemical toxicity of uranium hexafluoride and the resultant hydrogen fluoride formed from the reaction of uranium hexafluoride with moisture in air in the event of an accidental release.

The NRC has for many years regulated other chemical processing facilities, which also use uranium hexafluoride, under 10 C.F.R. Parts 40 and 70. NRC requirements in 10 C.F.R. Part 50 have been promulgated primarily for licensing of nuclear reactors, which are entirely different from uranium enrichment facilities in concept, complexity, and degree of risk.

Subsections (a), (b), (c), and (d) of the proposed legislation are identical to Sec. 114(d)(1)-(4) of S. 83 passed by the Senate on July 20, 1989. Under proposed subsection (a), a uranium enrichment facility will be removed from the statutory definition of "production facility" and therefore from licensing under Part 50. Such a facility will then be licensed and regulated under Subpart L of Part 2 and Parts 40 and 70 since the facility will possess source material and special nuclear material. The NRC believes that existing regulations in Parts 2, 40, and 70 will serve as an adequate regulatory framework for licensing enrichment facilities.

FULL TEXT ASCII SCAN

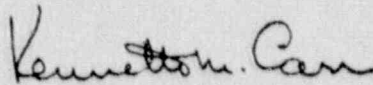
8912060332 891113
PDR COMMS NRCC
CORRESPONDENCE PDC

ccsa
1/1

Subsection (e) of the proposed legislation was not included in S. 83. Section 274c(1) of the Atomic Energy Act prevents the Commission from entering into an agreement with a state under which the Commission would relinquish its authority over the construction or operation of any production or utilization facility. The proposed legislation preserves this prohibition with respect to uranium enrichment facilities. The effect of subsection (e) will be to prevent a state which enters into an agreement for the regulation of source material from sharing regulatory authority with the Commission over a uranium enrichment facility. The NRC believes that the potential significance of a uranium enrichment facility to the Nation's common defense and security and the desirability of avoiding dual regulation makes this provision appropriate.

We appreciate the opportunity to comment on this legislative proposal.

Sincerely,


Kenneth M. Carr

cc: The Honorable James A. McClure