

NOTATION VOTE

RESPONSE SHEET

RELEASED TO THE PDR
3/23/94
Date Initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION
FROM: COMMISSIONER ROGERS
SUBJECT: SECY-93-293 - JOINT STATEMENT OF UNDERSTANDING BETWEEN THE NUCLEAR REGULATORY COMMISSION AND THE DEPARTMENT OF ENERGY ON THE REGULATION OF GASEOUS DIFFUSION ENRICHMENT PLANTS

APPROVED *KCR* DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

There is one editorial correction needed as indicated in the attachment. KCR

9403250203 931029
PDR COMMS NRCC
CORRESPONDENCE PDR

Kenneth C. Rogers
SIGNATURE

RELEASE VOTE

October 29, 1993
DATE

WITHHOLD VOTE

ENTERED ON "AS" YES No _____

240014

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JOINT STATEMENT OF UNDERSTANDING BETWEEN THE
NUCLEAR REGULATORY COMMISSION AND THE DEPARTMENT OF ENERGY
ON IMPLEMENTING THE ENERGY POLICY ACT
PROVISIONS ON THE REGULATION OF GASEOUS DIFFUSION URANIUM
ENRICHMENT PLANTS

By October 24, 1994, pursuant to Title XI of the Energy Policy Act of 1992 (the "Act"), the Nuclear Regulatory Commission (the "NRC") is directed to establish standards (the "standards") for regulation of the gaseous diffusion uranium enrichment facilities (the "facilities" or "GDPS") owned by the Department of Energy (the "DOE") in order to protect the public health and safety from radiological hazard and provide for the common defense and security. Title XI of the Act also specifies that NRC establish a certification process to ensure that the U.S. Enrichment Corporation (the "Corporation"), which is to lease the facilities from DOE, complies with the NRC standards. After NRC establishes the standards, the Corporation is required to apply at least annually to NRC for a certificate of compliance with the standards. The requirement for a certificate of compliance is in lieu of any requirement for a license for the facilities leased by the Corporation. The Act also provides that the Corporation may not operate the facilities unless the NRC makes a determination that the facilities are in compliance with the NRC standards to be established by October 24, 1994, or NRC approves a plan prepared by DOE for achieving compliance with such standards.

Title XI of the Act also provides that the NRC, in consultation with the Environmental Protection Agency (the "EPA"), shall review the operations of the Corporation to ensure that public health and safety are adequately protected. Further, Title IX of the Act provides the Corporation shall lease the gaseous diffusion facilities of DOE at Paducah, Kentucky and Portsmouth, Ohio for a six-year period, beginning July 1, 1993.

Pursuant to the Atomic Energy Act of 1954, as amended, including in particular the provisions of the Energy Policy Act of 1992 on regulation and certification as generally described above, NRC and DOE are issuing this joint statement of understanding (the "Joint Statement") to address matters relating to the process by which NRC will assume, and DOE will relinquish at the time and to the extent provided by law, responsibility for regulatory oversight under the Act for the DOE facilities leased by the Corporation as specified by the Energy Policy Act of 1992. In view of the explicit framework of the Act under which NRC is to assume responsibility for the radiological protection of the public health and safety and the common defense and security after NRC standards are established and become effective for that purpose, this Joint Statement of Understanding identifies certain responsibilities of NRC and DOE with respect to the process, provides for cooperation between NRC and DOE necessary to the successful implementation of the process, and services such other purposes as may be related thereto.

serves

KCC