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April 11, 1994

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: Docket No.: 70-3070
Louisiana Energy Services
NRC Certification of Gaseous Diffusion Plants
File: 6046-00-2001.01

Dear Secretary:

Please find enclosed in Attachment A Louisiana Energy Services' (LES) comments on the NRC's proposed regulations for Certification of Gaseous Diffusion Plants published in the Federal Register Notice ("Notice") on Friday, February 11, 1994 [59 FR 6792]. As requested in the Notice a copy of this letter in electronic format is enclosed.

Please call me at (704) 382-2834 if there are any questions concerning these comments.

Sincerely,

Peter G. LeRoy
Licensing Manager

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Attachment A

Louisiana Energy Services' Comments on Proposed Regulations for Gaseous Diffusion Plants

1) Contents of Applications

Proposed section 10 CFR § 76.35 should include a paragraph, which is similar to 10 CFR § 70.22(a)(1), requiring that the certification application contain the following:

Full name, address, age (if an individual), and citizenship of the applicant and the names and addresses of three personal references. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal office, the names, addresses, and citizenship of its principal officers, and shall include information known to the applicant concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation, or foreign government.

Although this information about the Corporation is known now, the Corporation may become a private corporation in the future, which cannot be "owned, controlled, or dominated by an alien" and this information may be needed to continue certification of the gaseous diffusion plants ("GDPs") (42 USC § 2297d-1).

2) Decontamination and Decommissioning

On page 6794, in the third column of the Federal Register Notice, the Commission specifically requests comments on the NRC's regulatory jurisdiction concerning decommissioning funds. 10 CFR §§ 76.35(k) and (l) should be imposed on the USEC to ensure that adequate funding is available to ensure proper decontamination and decommissioning ("D&D"), including depleted uranium disposition, of the GDPs. A portion of the funds needed for D&D may be included by the USEC in the pricing of enrichment services. 10 CFR §§ 76.35(k) and (l) are also needed in light of the fact that any modifications to management methods for treating and disposal of radioactive wastes and funding estimates for D&D will likely be generated by the Corporation and could affect final D&D costs and activities.

Attachment A

Louisiana Energy Services' Comments on Proposed Regulations for Gaseous Diffusion Plants

A requirement similar to 10 CFR § 70.25(g) should also be incorporated into 10 CFR § 76.35 to ensure accurate recordkeeping of:

- a) spills or other unusual occurrences involving the spread of contamination around the facility, and
- b) as-built drawings of structures and equipment in areas where radioactive materials are used or stored.

In addition, a requirement similar to that imposed upon Louisiana Energy Services by license condition should be imposed upon the USEC for disposition of depleted uranium hexafluoride. The USEC should be required to convert to U_3O_8 and dispose of depleted uranium hexafluoride at the GDP facilities produced in excess of 480,000 metric tons (approximately 15 years production) or stored more than 15 years after it has been produced.

3) Liability Insurance

There is no section in the proposed regulations that covers liability insurance comparable to that required by 10 CFR § 140 for uranium enrichment facilities licensed by the NRC (reference 10 CFR § 140.13b). A provision should be made in 10 CFR § 76.45 either requiring the Corporation to have and maintain nuclear liability insurance, or requiring the USEC to demonstrate an adequate level of liability insurance.

4) Plant Changes

The proposed regulations for plant changes (reference 10 CFR § 76.68) should be preserved as written. This section of the proposed regulation, which parallels 10 CFR § 50.59, allows appropriate oversight by the NRC without inappropriately burdening the GDPs with unnecessary regulation. The proposed regulations should be amplified to provide a definition for "unreviewed safety question" (see 10 CFR § 76.68(a)(6)) and to indicate the required action if a proposed plant change is not permitted under section 10 CFR § 76.68(a) (i.e., paragraph § 76.68(d) should state "the Corporation *shall* apply under § 76.45 for amendment of the certificate for new or modified activities not permitted by paragraph (a) of this section"). The NRC should also add this proposed regulation to 10 CFR Part 70.

Attachment A

Louisiana Energy Services' Comments on Proposed Regulations for Gaseous Diffusion Plants

5) Backfitting

The proposed regulations for backfitting (reference 10 CFR § 76.76) should be preserved as written. This section of the proposed regulation, which parallels 10 CFR § 50.109, allows appropriate oversight by the NRC without inappropriately burdening the GDPs with unnecessary regulation. The NRC should also add this proposed regulation to 10 CFR Part 70.

6) Assessment of Accidents

The proposed regulations for assessment of accidents (reference 10 CFR § 76.85) do not specify the specific events that should be reviewed in terms of natural phenomena. The following specific events should be included in the final rule:

- a) Wind Speeds (Tornadoes) - Historical information concerning the regional and local incidence and severity of tornadoes shall be used to establish a site-specific design tornado event. The characteristics of the design tornado shall be determined considering both the tornado frequency for the region in which the facility is located, as well as the frequency of occurrence for a tornado of a given intensity within that region.*

* (The techniques used in "U.S. Tornadoes, Part 1, 70-Year Statistics, T. Theodore Fujita, the University of Chicago," "Historical Extreme Winds for the United States - Atlantic and Gulf of Mexico Coastlines, M. J. Changery, NOAA, May 1982, NUREG/CR-2839," and "Methodology for Estimating Extreme Winds for Probabilistic Risk Assessments," J. V. Ramesdall, et. al., NUREG/CR-4492, PNL-5737, October 1986, to relate return period to design wind speed serve as examples of acceptable techniques. Mean return periods of 10,000 years are likely to yield satisfactory wind speeds.)

- b) Seismicity - Historical information concerning the regional seismicity interpreted in light of regional structural geology and site geological conditions shall be used for determining the maximum vibratory ground motion which reasonably could be expected to affect the site during the life of the facility. Such an earthquake will have a mean return period of the order of 500 years.

Attachment A

Louisiana Energy Services' Comments on Proposed Regulations for Gaseous Diffusion Plants

- c) Flood - The design basis flood as a minimum shall be the Standard Project Flood as defined and in common use by the Corps of Engineers. The Standard Project Flood is the flood resulting from the most severe flood-protection rainfall depth-area-duration relationship and isohyetal pattern of any storm that is considered characteristic of the region in which the watershed is located. If snow melt may be substantial, appropriate amounts shall be included with the flood-producing rainfall. When floods are predominantly caused by snowmelt, the Standard Project Flood shall be based upon critical combinations of snow, temperature, and water losses.
- d) Accident Dose Assessment - On page 6795 of the Federal Register Notice, in columns one and two, it is indicated the NRC will require the corporation to assess operational safety to ensure that "no individual at the site boundary would be likely to receive a total radiation dose to the whole body in excess of 0.25 Sieverts (25 rems)." The Notice states further that the proposed 0.25 Sieverts (25 rems) was chosen because there is little risk of permanent damage in the event of an accidental release and it is also used in 10 CFR Part 100 for Part 50 licensees. 10 CFR Parts 100 and 50 have been written predominantly for licensing nuclear power plants. The accident dose assessment should use the "limits" provided in NUREG-1391, "Chemical Toxicity of Uranium Hexafluoride Compared to Acute Effects of Radiation." This report already quantifies in terms of uranium intake (10 mg) and exposure to a concentration of hydrogen fluoride ($C = 25 \text{ mg/m}^3 \cdot (30 \text{ min/t})^{0.5}$) the amounts comparable to receiving an acute radiation dose of 25 rems to the whole body. The final standards for Accident Dose Assessment should be applied equally to all enrichment facilities.