



December 23, 1998  
GDP 98-0223

Dr. Carl J. Paperiello  
Director, Office of Nuclear Material Safety and Safeguards  
Attention: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

**Portsmouth Gaseous Diffusion Plant (PORTS)**  
**Docket No. 70-7002**  
**Certificate Amendment Request - Compliance Plan Issue A.2 Revision**

INFORMATION TRANSMITTED HERewith IS PROTECTED FROM PUBLIC  
DISCLOSURE AS CONFIDENTIAL COMMERCIAL OR FINANCIAL INFORMATION  
AND/OR TRADE SECRETS PURSUANT TO 10 CFR 2.790 AND 9.17.(4)

Dear Dr. Paperiello:

In accordance with 10 CFR 76.45, the United States Enrichment Corporation (USEC) hereby submits a request for amendment to the certificate of compliance for the Portsmouth, Ohio, Gaseous Diffusion Plant (PORTS). This certificate amendment request revises DOE/ORO-2027, Plan for Achieving Compliance with NRC Regulations at the Portsmouth Gaseous Diffusion Plant (Compliance Plan), Issue A.2, Plan of Action and Schedule.

Issue A.2 of the Compliance Plan states that physical modifications to the sampling autoclaves and modifications to the sampling program are required to be completed by December 31, 1998. Physical modifications are planned to the sampling autoclaves as required by Compliance Plan Issue 3, but no physical modifications to the sampling autoclaves are required to support meeting the NRC requirements described in Compliance Plan Issue A.2, Action 3. Consequently, USEC requests NRC approval of the change to Issue A.2, Action 3, which proposes to delete the wording regarding physical modifications to the sampling autoclaves.

When Compliance Plan Issue A.2 was being developed, USEC evaluated the liquid sampling capabilities in place at PORTS. This evaluation concluded that, in order for PORTS to meet NRC sampling requirements for cylinders received from Russian plants which downblend highly enriched uranium taken from nuclear warheads (known as Derived Enriched Uranium, or DEU), it would be necessary to install additional sampling autoclaves. Due to the time and safety considerations involved with liquid sampling, the alternative was developed for a contractor to witness the filling of sample cylinders at the same time the material was also being placed into a product cylinder. This witnessed sampling program has successfully supplied witnessed samples for Russian DEU cylinders

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sent to USEC since it was fully instituted in April 1998. The success of the witnessed sampling program has alleviated the need for PORTS to install additional liquid sampling capacity (i.e., new autoclaves) at the plant to meet NRC requirements.

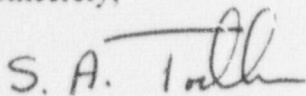
The NRC requirements for sampling enriched UF<sub>6</sub> cylinder receipts are clearly stated in Compliance Plan Issue A.2 and the Fundamental Nuclear Materials Control Plan (FNMCP), Section 9. USEC's sampling program for these types of cylinders is now fully compliant with these requirements, and no additional program or hardware modifications are required. While all actions required by Compliance Plan Issue A.2 are complete, USEC is requesting that the subject Compliance Plan Issue A.2 verbiage be revised to reflect the information described above.

Enclosure 3 to this letter provides a detailed description and justification for the proposed change. Enclosure 4 is a copy of the revised Compliance Plan page. Enclosure 5 contains the basis for USEC's determination that the proposed change associated with this certificate amendment request is not significant.

Enclosure 4 of this submittal contains confidential commercial or financial information or trade secrets that are exempt from public disclosure pursuant to Section 1314 of the Atomic Energy Act of 1954, as amended, and 10 CFR 2.790 and 9.17(a)(4). USEC requests that Enclosure 4 of this submittal be withheld from public disclosure. The enclosed affidavit provides the information required by 10 CFR 2.790(b)(4) with respect to this request. The amendment should become effective upon issuance.

Any questions related to this subject should be directed to Mark Lombard at (301) 564-3248. There are no new commitments contained in this submittal.

Sincerely,

A handwritten signature in black ink, appearing to read "S. A. Toelle". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Steven A. Toelle  
Nuclear Regulatory Assurance and Policy Manager

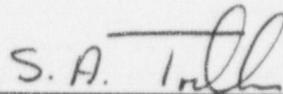
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- Enclosures:
1. Oath and Affirmation
  2. Affidavit of Steven A. Toelle Supporting Request to Withhold from Public Disclosure Certain Portions of the Portsmouth Gaseous Diffusion Plant Letter GDP 98-0223
  3. United States Enrichment Corporation (USEC), Certificate Amendment Request, Compliance Plan Issue A.2 Revision, Detailed Description of Change.
  4. NRC Certificate Amendment Request, Portsmouth Gaseous Diffusion Plant, Letter GDP 98-0223, Removal/Insertion Instructions.
  5. United States Enrichment Corporation (USEC), Proposed Certificate Amendment Request, Compliance Plan Issue A.2 Revision, Significance Determination.

cc: NRC Region III Office  
NRC Resident Inspector - PORTS  
NRC Resident Inspector - PLGP  
Mr. Randall M. DeVault (DOE)

### OATH AND AFFIRMATION

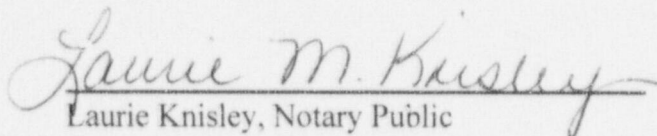
I, Steven A. Toelle, swear and affirm that I am Nuclear Regulatory Assurance and Policy Manager, of the United States Enrichment Corporation (USEC), that I am authorized by USEC to sign and file with the Nuclear Regulatory Commission this Certificate Amendment Request for the Portsmouth Gaseous Diffusion Plant addressing revision to Compliance Plan Issue A.2, that I am familiar with the contents thereof, and that the statements made and matters set forth therein are true and correct to the best of my knowledge, information, and belief.



Steven A. Toelle

On this 23rd day of December, 1998, the authorized individual signing above personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof I hereunto set my hand and official seal.



Laurie Knisley, Notary Public  
State of Maryland, Montgomery County  
My commission expires March 1, 2002

**AFFIDAVIT OF STEVEN A. TOELLE  
SUPPORTING REQUEST TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN  
PORTIONS OF THE PORTSMOUTH GASEOUS DIFFUSION PLANT  
LETTER GDP 98-0223**

I, Steven A. Toelle, Nuclear Regulatory Assurance and Policy Manager, United States Enrichment Corporation (USEC), having been duly sworn, do hereby affirm and state:

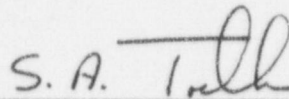
1. I have been authorized by USEC to (a) review the information owned by USEC which is referenced herein relating to the Portsmouth Gaseous Diffusion Plant and which USEC seeks to have withheld from public disclosure pursuant to section 147 of the Atomic Energy Act (AEA), as amended, 42 U.S.C. § 2167, and 10 CFR 2.790(a)(3), 2.790(a)(4), 2.790(d)(1) and 9.17(a)(4), and (b) apply for the withholding of such information from public disclosure by the Nuclear Regulatory Commission (NRC) on behalf of USEC.

2. Pursuant to 10 CFR 76.35(b), the Department of Energy prepared, and USEC submitted, DOE/ORO-2027, "Plan for Achieving Compliance With NRC Regulations at the Portsmouth Gaseous Diffusion Plant" which identifies certain noncompliances in Issue A.2 associated with measures used by USEC at the Portsmouth plant to control and account for special nuclear material that USEC uses, possesses, or has access to. USEC is submitting changes to this Compliance Plan issue to the NRC in Enclosure 4 to GDP 98-0223, dated December 23, 1998.

3. 10 CFR 2.790(d)(1) states that correspondence and reports to or from the NRC containing information concerning an applicant's material control and accounting program for special nuclear material not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data are deemed to be confidential commercial or financial

information exempt from public disclosure. Accordingly, USEC requests that the changes to the Portsmouth Compliance Plan identified in Enclosure 4 to GDP 98-0223 be withheld from public disclosure pursuant to section 147 of the AEA, 42 U.S.C. § 2167, and 10 CFR 2.790(a)(3), 2.790(d)(1) and 9.17(a)(4).

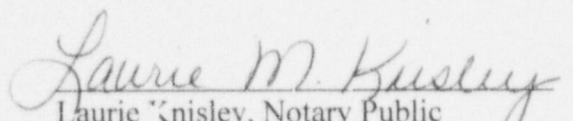
4. Steven A. Toelle, having been duly sworn, hereby confirms that I am Nuclear Regulatory Assurance and Policy Manager of the United States Enrichment Corporation (USEC), that I am authorized by USEC to sign and file with the Nuclear Regulatory Commission changes to DOE/ORO-2027, "Plan for Achieving Compliance With NRC Regulations at the Portsmouth Gaseous Diffusion Plant," (the Compliance Plan) identified in GDP 98-0223, that I am familiar with the contents thereof, and that the statements made and matters set forth therein are true and correct to the best of my knowledge, information, and belief.



Steven A. Toelle

On this 23rd day of December, 1998, the individual signing above personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the same for the purposes therein contained.

In witness hereof I hereunto set my hand and official seal.

  
Laurie M. Knisley, Notary Public  
State of Maryland, Montgomery County  
My commission expires March 1, 2002

**United States Enrichment Corporation (USEC)  
Certificate Amendment Request  
Compliance Plan Issue A.2 Revision  
Detailed Description of Change**

**Description of Change**

DOE/ORO-2027, Plan for Achieving Compliance with NRC Regulations at the Portsmouth Gaseous Diffusion Plant (Compliance Plan), Issue A.2, Action 3, currently states the following:

“The upgrade of the sampling autoclaves and the implementation of sampling program modifications to be compliant with NRC requirements will be completed by December 31, 1998.”

This Certificate Amendment Request proposes to revise this Compliance Plan Action to read as follows:

“The implementation of sampling program modifications to be compliant with NRC requirements will be completed by December 31, 1998.”

**Justification of the Change**

The Plan of Action and Schedule associated with Compliance Plan Issue A.2, Action 3 states that physical modifications to the sampling autoclaves and sampling program modifications are required by December 31, 1998 for compliance with NRC requirements. While it is true that physical modifications are planned to the sampling autoclaves as required by Compliance Plan Issue 3, Autoclave Upgrades, no upgrades to the sampling autoclaves are required to support the sampling program modifications addressed in Compliance Plan Issue A.2, Action 3. These sampling program modifications include the certification of witnessing agents to enable analysis of certified samples provided for Russian enriched receipts. This allows USEC to not have to draw liquid samples at Portsmouth from Russian receipts and, thereby, reduces the need for additional autoclave sampling capacity. The only hardware changes necessary for compliance with the requirements identified under “Commitments” and “Description of Noncompliance” for Issue A.2 are procurement and installation of NDA equipment which has been obtained and is currently in operation.

In addition, the schedule associated with Compliance Plan Issue 3, Autoclave Upgrades, indicates that the upgrades associated with the sampling autoclaves are currently scheduled for completion in 1999 and 2000, which does not support the Issue A.2 completion date of December 31, 1998.

A review of the Justification for Continued Operation (JCO) for Compliance Plan Issue A.2 has been performed to determine if any changes are required as a result of this change. The conclusions of this review are that no changes to the JCO are required and continued operation is justified.

**United States Enrichment Corporation (USEC)  
Certificate Amendment Request  
Compliance Plan Issue A.2 Revision  
Significance Determination**

The United States Enrichment Corporation (USEC) has reviewed the proposed changes associated with this certificate amendment request and provides the following Significance Determination for consideration.

1. No Significant Decrease in the Effectiveness of the Plant's Safety, Safeguards, or Security Programs

No changes to the plant's safety, safeguards, or security programs are required as a result of the deletion of the wording in Issue A.2 which requires upgrade of the sampling autoclaves. Compliance Plan Issue 3 covers all necessary modifications to the autoclaves to achieve compliance with NRC regulations. No physical modifications are necessary to support the sampling program modification requirements required in Issue A.2. Therefore, there is no significant decrease in the effectiveness of the plant's safety, safeguards, and security programs as a result of this certificate amendment.

2. No Significant Change to Any Conditions to the Certificate of Compliance

None of the Conditions to the Certificate of Compliance specifically address the proposed Compliance Plan issue or the subject of the proposed change. Thus, the proposed change will have no impact on any of the Conditions to the Certificate of Compliance.

3. No Significant Change to Any Condition of the Approved Compliance Plan

Issue A.2 is the only portion of the Compliance Plan affected by the proposed change. The Plan of Action and Schedule associated with Compliance Plan Issue A.2, Action 3 states that physical modifications to the sampling autoclaves and sampling program modifications are required by December 31, 1998 for compliance with NRC requirements. While it is true that physical modifications are planned to the sampling autoclaves as required by Compliance Plan Issue 3, Autoclave Upgrades, no upgrades to the sampling autoclaves are required to support the sampling program modifications addressed in Compliance Plan Issue A.2, Action 3. The only hardware changes necessary for compliance with the requirements identified under "Commitments" and "Description of Noncompliance" are procurement of NDA equipment which has been obtained and is in operation. Therefore, the proposed change does not represent a significant change to any condition of the approved Compliance Plan.

4. No Significant Increase in the Probability of Occurrence or Consequences of Previously Evaluated Accidents

No changes to the accidents evaluated in the application SAR are required as a result of this proposed revision to Compliance Plan Issue A.2. For this reason, the probability of occurrence or the consequences of previously evaluated accidents will not be increased.

5. No New or Different Type of Accident

No new accidents beyond those evaluated in the application SAR are initiated as a result of this change proposed to the Compliance Plan Issue A.2. For this reason, no new or different types of accidents will be created.

6. No Significant Reduction in Margins of Safety

This certificate amendment request has no impact on the margins of safety as defined in the basis for any Technical Safety Requirement. Therefore, no significant reductions in margins of safety will result.

7. No Significant Decrease in the Effectiveness of any Program or Plans Contained in the Certificate Application

The proposed revision to Compliance Plan Issue A.2. will not affect any program or plan contained in the Certificate Application. Therefore, there will be no significant decrease in the effectiveness of any program or plan contained in Volume 3 of the Certification Application.

8. The Proposed Changes do not Result in Undue Risk to 1) Public Health and Safety, 2) Common Defense and Security, and 3) the Environment

As discussed in the response to Item 4, this change will not result in a significant increase in the probability of occurrence or the consequences of previously evaluated accidents. As discussed in the response to Item 5, no new or different types of accidents have been identified. In addition, item 7 indicates that no changes to any program or plan in the Certificate Application is required. Therefore, there will be no undue risk to public health and safety, to common defense and security, or to the environment.

9. No Change in the Types or Significant Increase in the Amounts of Any Effluents that May be Released Offsite

This proposed change has no effect on effluent release or accidents evaluated in the SAR. Therefore, there will be no change in the types or significant increase in the amounts of any effluents that may be released offsite.

10. No Significant Increase in Individual or Cumulative Occupational Radiation Exposure

The proposed change has no impact on plant operation. The Compliance Plan JCO will continue to remain in effect. No increases in individual or cumulative occupational radiation exposures are involved.

11. No Significant Construction Impact

The proposed change to Compliance Plan Issue A.2 does not involve construction activities. Therefore, there is no significant construction impact.

12. No Significant Increase in the Potential for Radiological or Chemical Consequences from Previously Analyzed Accidents

As discussed in the response to Item 4, there is no significant increase in the probability of occurrence of previously evaluated accidents. Therefore, there is no significant increase in the potential for radiological or chemical consequences from previously analyzed accidents.