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Tel. 301-504-2240

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NRC RESPONDS TO REQUESTS TO EXTEND COMMENT PERIOD  
ON PROPOSED URANIUM ENRICHMENT REGULATIONS

The Nuclear Regulatory Commission has decided not to extend the formal public comment period on its proposed standards for the U.S. Enrichment Corporation's operation of uranium enrichment plants leased from the Department of Energy at Portsmouth, Ohio, and Paducah, Kentucky. However, since requests have come in to allow further comment and since the NRC staff has not completed its review of public comments received thus far, it is prepared to consider additional comments until such time, in mid-July, when it plans to make recommendations to the Commission. The additional comments will be assessed to the extent possible by time constraints.

The Energy Policy Act, passed on October 24, 1992, requires the NRC to issue appropriate public safety and health standards for the plants within two years. Due to this Congressionally mandated deadline, there is insufficient time to formally reopen the public comment period.

Proposed regulations on this subject were published in the Federal Register on February 11 of this year, with 60 days allowed for public comment. Interested persons were invited to submit written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Any additional comments should be sent to the same address.

Single copies of the proposed regulation may be obtained from Roberta Gordon, Radiation Protection and Health Effects Branch Secretary, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301/415-7555; fax: 301/415-5385. All documents related to the rulemaking may be examined at the NRC Public Document Room, 2120 L Street, N.W., Washington, DC. In addition, the NRC is in the preliminary stages of establishing local public document rooms near the plants where the public will be able to review information relating to NRC certification.

The plants at Portsmouth and Paducah enrich uranium by a gaseous diffusion process. They were previously operated by a contractor for the Department of Energy and, prior to that, for the Atomic Energy Commission. The Energy Policy Act of 1992 amended the Atomic Energy Act of 1954 to establish a new government corporation, U.S. Enrichment Corporation (USEC), for the purpose of conducting a uranium enrichment enterprise. As of last July 1, USEC assumed responsibility for operating the portions of the plants required for the production of low-enriched uranium for commercial uses, and for marketing of low-enriched uranium.

DOE will continue to own the two gaseous diffusion enrichment plants and to control all portions of the plants that are not leased by USEC.

The Energy Policy Act directs the NRC to issue standards to govern the portions of DOE's gaseous diffusion uranium enrichment facilities leased to USEC -- in order to protect the public health and safety from radiological hazards, provide for the common defense and security, and ensure adequate safeguards. NRC is authorized to establish a process under which USEC's operations at the Portsmouth and Paducah plants will be annually reviewed by NRC, in consultation with the Environmental Protection Agency, to determine whether they are in compliance with NRC standards. In consultation with DOE and EPA, NRC will report at least annually to Congress on the status of compliance and on health, safety and environmental conditions at the plants.

Under a transition agreement reached between DOE and NRC, DOE will continue its regulatory oversight of nuclear safety, safeguards and security for the gaseous diffusion plants until NRC issues standards and certifies that the facilities leased by USEC are in compliance.

In proposing certification standards for continued operation, NRC is emphasizing general performance objectives similar to those in the Commission's current regulations for major fuel cycle facilities. The rules would include, in a new Part 76 to the Commission's regulations, the procedural and technical standards that are required by the Act or by the Commission's own procedures. Under the procedural standards, NRC would publish in the Federal Register a notice of the filing of the application for a certificate, and copies of the application would be made available for public inspection and comment. A public meeting will be held on the first certification application, and on future applications if NRC determines that there is sufficient public interest or that a meeting is in the public interest.

The technical standards would include requirements regarding criticality safety, emergency procedures, employee protection against discrimination by USEC if the employee engages in certain protected activities (such as providing the NRC with information about alleged violations of the regulations), completeness and accuracy of information provided by USEC to NRC, sanctions for deliberate misconduct (such as knowingly engaging in an act that would cause USEC to be in violation of NRC rules), material control and accounting, reports required to be submitted to NRC and safeguards.

In addition, the new regulations would make applicable to the gaseous diffusion plants leased by USEC certain other general portions of NRC's regulations, including requirements for notices to workers, radiation protection, reporting of defects, and standards for packaging and transportation of radioactive material.