



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 19, 2003

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-03-0189

TITLE: REPORT TO CONGRESS ON THE HEALTH,
SAFETY, AND ENVIRONMENTAL CONDITIONS
AT THE GASEOUS DIFFUSION PLANTS

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 19, 2003.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette Vietti-Cook", with a long horizontal line extending to the right.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

SECY NOTE: THIS VOTING RECORD WILL BE PUBLICLY RELEASED 5
WORKING DAYS AFTER THE REPORT IS DISPATCHED.

VOTING SUMMARY - SECY-03-0189

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	11/18/03
COMR. McGAFFIGAN	X					11/13/03
COMR. MERRIFIELD	X				X	11/12/03

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on November 19, 2003.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN DIAZ
SUBJECT: SECY-03-0189- REPORT TO CONGRESS ON THE
HEALTH, SAFETY, AND ENVIRONMENTAL
CONDITIONS AT THE GASEOUS DIFFUSION PLANTS

Approved xx ^{w/edits} Disapproved _____ Abstain _____
by

Not Participating _____

COMMENTS:

Chip Diaz
SIGNATURE

Nov. 18, 03
DATE

Entered on "STARS" Yes No _____

CHAPTER 9

NRC CONSULTATION WITH EPA AND DOE

RESULTS OF DOE CONSULTATION

Between FY 1999 and FY 2003, DOE provided NRC with a series of annual reports on the status of HS&E conditions at the Paducah and Portsmouth GDPs to help NRC prepare this report. DOE issued the first of these reports, "Department of Energy Annual Report on the Status of Environmental, Safety, and Health Conditions at the Paducah and Portsmouth Gaseous Diffusion Plants for Fiscal Year 1999," DOE/ORO-2087, in November 1999. Subsequent reports include the following: DOE/ORO-2104 (FY 2000); DOE/ORO-2120 (FY 2001); DOE/ORO-2142 (FY 2002); and DOE/ORO-2158 (FY 2003) (not yet released).

These DOE reports provide information on the status of the following: (1) HS&E conditions and initiatives in the DOE-managed (non-leased) areas of the GDPs for which DOE retains oversight responsibility; (2) environmental management activities at both GDPs; (3) HEU activities at the Portsmouth GDP; (4) activities for long-term management of DOE-owned DUF₆ and other uranium materials; (5) the DOE Regulatory Oversight Program; (6) the Lease between DOE and USEC; (7) DOE's review of Certificate Amendment Requests (CARs) related to the Compliance Plans; (8) the MOU and other agreements employed by DOE and NRC in their joint oversight of activities at the GDPs; and (9) reportable occurrences related to the non-leased areas of the GDPs.

DOE activities to enhance and improve HS&E conditions at both the Paducah and Portsmouth GDPs between October 1, 1998, and September 30, 2003, have been numerous and extensive.⁵ As input for NRC to use in preparing this report, DOE provided a summary of its activities at the GDPs. This summary is included herein as Appendix C to this report, as provided by DOE.

RESULTS OF EPA CONSULTATION

EPA was provided an opportunity to comment on a preliminary draft of this report, or provide other input. EPA Headquarters consulted with its Regional Offices responsible for Ohio and Kentucky and had no comment because remedial action and environmental compliance issues of concern at the Paducah, Kentucky and Portsmouth, Ohio GDP locations are matters for which DOE has responsibility. EPA was provided with a separate opportunity to provide comments regarding the recertification of the GDPs; it responded by letter stating that EPA had "no official comment."

⁵DOE integrates HS&E protection into all its projects at the GDPs. DOE HS&E-related activities at the GDPs include: (1) environmental protection; (2) nuclear safety; (3) industrial hygiene; (4) industrial safety; (5) radiation protection; (6) transportation safety; (7) risk management; and (8) occupational medicine.

Pursuant to 10 CFR 76.53, the NRC consulted with and requested written comments on the renewal application from the U.S. Environmental Protection Agency (EPA). EPA responded on June 27, 2003, indicating that they did not have comments. The NRC staff has reviewed the certificate renewal applications for the GDPs located near Paducah, Kentucky, and Portsmouth, Ohio. USEC's applications for certificate renewal did not propose any changes to the current safety basis or requirements. However, updates to USEC's Depleted Uranium Management Plan (DUM) and Decommissioning Funding Plan (DFP) were provided, to reflect a revised 5-year projection of accumulated depleted uranium and new cost estimates. Previous applications, statements, and reports are incorporated by reference into the renewal application as provided for in 10 CFR 76.36. These include the Technical Safety Requirements, Safety Analysis Report, Compliance Plan, Quality Assurance Program, Emergency Plan, Security and Safeguards Plans, Waste Management Program, and Decommissioning Funding Program, changes made pursuant to 10 CFR 76.68.

for disposition of depleted uranium and radioactive waste.

Based on its review of the certificate renewal applications, the staff has concluded that in combination with existing certificate conditions, they provide reasonable assurance of adequate safety, safeguards, and security, and compliance with NRC requirements. The NRC staff has prepared Compliance Evaluation Reports which provide details of the staff's evaluations. The NRC staff has determined that the renewals satisfy the criteria for a categorical exclusion in accordance with 10 CFR 51.22 (c) (19). Therefore, pursuant to 10 CFR 51.22 (b), no environmental impact statement or environmental assessment needs to be prepared for this action.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

The Honorable George V. Voinovich, Chairman
Subcommittee on Clean Air, Climate Change
and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Energy Policy Act of 1992 modified the Atomic Energy Act to require the U.S. Nuclear Regulatory Commission (NRC) to prepare a report to Congress (Report to Congress) discussing the health, safety, and environmental conditions at the gaseous diffusion plants which are located near Paducah, Kentucky, and Portsmouth, Ohio. The last report, covering the period from October 1, 1997, to September 30, 1998, was sent to the Congressional oversight committees on January 15, 1999. Enclosed is the third NRC Report to Congress, which covers a 5-year period, October 1, 1998, to September 30, 2003. As required by the Act, this report has been coordinated with the U.S. Department of Energy (DOE) and the U.S. Environmental Protection Agency.

United States Enrichment Corporation (USEC) continues to actively pursue research and development of gas centrifuge technology for uranium enrichment. On June 17, 2002, USEC and DOE signed an Agreement, in which, among other commitments, DOE committed to work with USEC in its development and deployment of an advanced gas centrifuge uranium enrichment plant. A discussion of the gas centrifuge process is provided in Chapter 8 of the Report to Congress and is included since it has the potential to impact gaseous diffusion plant operations.

Sincerely,

*as well as current USEC
and NRC plans and activities
related to its development and
deployment,*

Nils J. Diaz

Enclosure:
Report to Congress on the GDPs near
Paducah, KY and Portsmouth, OH

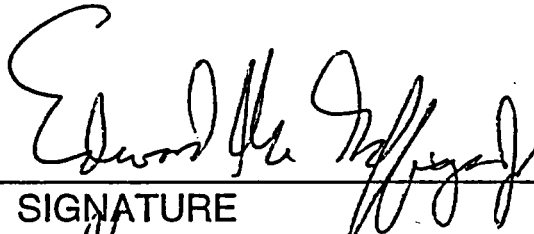
cc: Senator Joseph I. Lieberman

NOTATION VOTE
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MCGAFFIGAN
SUBJECT: **SECY-03-0189- REPORT TO CONGRESS ON THE
HEALTH, SAFETY, AND ENVIRONMENTAL
CONDITIONS AT THE GASEOUS DIFFUSION PLANTS**

Approved Disapproved _____ Abstain _____
Not Participating _____

COMMENTS:



SIGNATURE
November 13, 2003

DATE

Entered on "STARS" Yes No _____

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER MERRIFIELD
SUBJECT: **SECY-03-0189- REPORT TO CONGRESS ON THE
HEALTH, SAFETY, AND ENVIRONMENTAL
CONDITIONS AT THE GASEOUS DIFFUSION PLANTS**

Approved Disapproved Abstain

Not Participating

COMMENTS:

See attached comments.



SIGNATURE

11/2/03

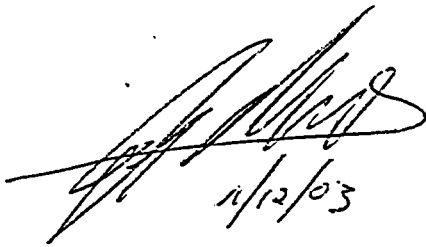
DATE

Entered on "STARS" Yes No

Comments from Commissioner Merrifield on SECY-03-0189:

I approve the staff recommendation in SECY-03-0189 on providing the attached Report to Congress on the gaseous diffusion plants as modified below:

On page 8 of the Report to Congress (attachment 1 of the SECY paper), there is a discussion which reads "On August 11, 2000, USEC submitted an amendment request to DOE to exclude these two autoclaves from the scope of the compliance issue. On February 20, 2001, DOE, in response to USEC's request, agreed to suspend the autoclave upgrades from the Compliance Plan, but declined to approve deletion, in order that USEC be responsible for the upgrades if the autoclaves are, in the future, determined to be needed. Therefore this issue remains open pending DOE and a subsequent NRC approval of the amendment request." The last sentence should be deleted. As written, the last sentence could be read to imply that the August 2000 license amendment request is still open, although from a strict reading it reads that the "issue" is still open. The reality is that August 2000 request was denied by DOE. The Compliance Plan issue is still open (although the specific activity is suspended); and if in the future USEC wants to get this specific issue removed from the plan, USEC will need first to obtain DOE approval and then submit an amendment request to NRC. Simply deleting the last sentence in the current paragraph would resolve the confusion and still present all the appropriate facts for the Congressional report.



11/12/03