

Mr. Peter Hastings, Licensing Manager  
Duke Cogema Stone & Webster  
P.O. Box 31847  
Mail Code: FC-12A  
Charlotte, NC 28231-184

SUBJECT: RESPONSE TO THE DUKE COGEMA STONE & WEBSTER PROPOSED  
PLANNING BASIS FOLLOWING CHANGES TO THE SURPLUS PLUTONIUM  
DISPOSITION PROGRAM

Dear Mr. Hastings:

This letter is in regards to our February 13, 2002 meeting in the Nuclear Regulatory Commission (NRC) Headquarters regarding future revisions to the Mixed Oxide Fuel Fabrication Facility (MFFF) Construction Authorization Request (CAR) and Environmental Report (ER) that will result from programmatic changes in the Department of Energy's (DOE) Surplus Plutonium Disposition program. During this meeting, we discussed your planning basis for the remainder of the ongoing NRC staff safety evaluation and environmental review. At the close of this discussion, I committed to provide to you within 30 days the staff's response to your planning basis.

We anticipate that our schedule for the CAR review will be consistent with your proposed planning basis. However, our plan for issuing a Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) is different than your planning basis, as discussed below.

Since our meeting, the staff has evaluated two approaches that would both fulfill the NRC's obligations under the National Environmental Policy Act (NEPA) and be responsive to your desire to commence construction, if authorized by NRC, by September 30, 2003. The first approach, which is described in your planning basis, would have the NRC issuing a draft EIS (DEIS) at the earliest possible date and a supplement to the DEIS after DCS submits a revised ER containing information on the DOE's Surplus Plutonium Disposition program changes later this year. The second approach is for the NRC to forego issuing the DEIS until the staff updates the analysis using information in a revised DCS ER.

We have decided that the recent Surplus Plutonium Disposition program changes, which include elimination of the Plutonium Immobilization Plant, an increase in the amount of plutonium to be processed at the MFFF, changes in the processing and disposition of radioactive wastes from the MFFF, consideration of the impacts of construction and operation of a new waste management facility to handle MFFF and Pit Disassembly and Conversion Facility wastes, changes to the MFFF footprint, and the consideration of additional reactors in our transportation analysis and reactor use impacts analysis, are changes that, in the aggregate, invalidate the analysis in our current DEIS. As we discussed with you at the meeting, it is important that the draft EIS provide an accurate description of the current proposed action and related impacts, so that the public can participate meaningfully in the regulatory process. Therefore, the staff will forego issuing the DEIS until changes have been made to reflect the revised DCS ER.

The staff's review and analysis of these changes must begin no later than July 15, 2002, upon submittal of a high-quality revised DCS ER that describes and adequately assesses the environmental impact of the changed program, in order for the NRC to complete its review and issue a ROD by September 30, 2003. We would be pleased to meet with you at your convenience to discuss our expectations for quality, completeness, and timeliness of future revisions to the CAR and ER.

Our schedule for the remainder of the CAR and ER review, including intermediate milestones, is attached. Our expectations with regard to the content of your supplemental environmental report are also listed in the attachment to this letter.

If you have any questions regarding this decision, I can be reached at (301) 415-6332.

Sincerely,

**/RA/**

Eric J. Leeds, Chief  
Special Projects Branch  
Division of Fuel Cycle Safety  
and Safeguards  
Office of Nuclear Material Safety  
and Safeguards

Docket: 70-3098

Attachments:

1. MOX Review Schedule
2. NRC Expectations for the Supplemental Environmental Report

cc: J. Johnson, DOE  
H. Porter, SCDHEC  
J. Conway, DNFSB  
D. Moniak, BREDL  
G. Carroll, GANE  
R. Thomas, Environmentalists, Inc.

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<b>OFC</b>	SPB			SPB		DWM		SPB	
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## UPDATED MOX REVIEW SCHEDULE

Reflecting Recent Surplus Plutonium Disposition Program Changes  
March 2002

<b>DATE</b>	<b>ACTION</b>
April 10, 2002	(NMSS) Advisory Committee on Reactor Safeguards (ACRS) Meeting
April 30, 2002	(NMSS) Issue draft Safety Evaluation Report (SER) for construction of Mixed Oxide Fuel Fabrication Facility (MFFF)
July 15, 2002	(NMSS) Duke Cogema Stone & Webster (DCS) submits supplemental Environmental Report (ER)
October 8, 2002	(NMSS) Issue ER Request for Additional Information (if needed)
October 30, 2002	DCS Response to ER Request for Additional Information
October 31, 2002	DCS submits Construction Authorization Request (CAR) supplement
February 24, 2003	(NMSS) Issue draft MFFF EIS (DEIS) for public comment
March 10-14, 2003	(NMSS) Conduct DEIS public comment meetings for MFFF
April 9, 2003	(NMSS) DEIS public comment period ends for MFFF
April 30, 2003	(NMSS) Issue draft SER Rev.1 (includes review of CAR and CAR supplement)
August 29, 2003	(NMSS) Issue final EIS for MFFF
September 30, 2003	(NMSS) Issue Final SER, Construction Licensing Decision, and Record of Decision (ROD)
October 1, 2003	DCS starts construction (if authorized)

U.S. Nuclear Regulatory Commission  
Expectations for the Supplemental Environmental Report

The U.S. Nuclear Regulatory Commission (NRC) Mixed Oxide (MOX) environmental impact statement (EIS) schedule is extremely aggressive. In order to meet the schedule, the NRC will need a complete, high-quality supplemental Environmental Report (ER) from Duke Cogema Stone & Webster. A complete, high-quality supplemental ER would contain the following:

1. Complete and sufficient design and environmental information regarding the new waste processing building.
2. Complete and sufficient information on the waste solidification methodology, and planned disposition pathways.
3. An analysis of reactor use impacts, including those from additional MOX fuel to be made from the alternate feedstock, and including transportation to the reactors.
4. Complete and sufficient information on any changes to the proposed action related to converting non-pit surplus plutonium to an oxide suitable for processing at the MFFF.
5. Complete and sufficient information on the changes to the MOX facility associated with processing the alternate feedstock.
6. A discussion of the ways that the affected area will change with elimination of the PIP facility.
7. Updated cost information.
8. Updated cumulative impacts analysis.
9. Complete and sufficient updated information on the conversion of  $\text{DUF}_6$  to  $\text{DUO}_2$ .