1.0 GENERAL INFORMATION
1.2 INSTITUTIONAL INFORMATION

1.2.1 CONDUCT OF REVIEW

This chapter of the draft Safety Evaluation Report contains the staff's review of institutional information described by the applicant in Chapter 1 of the Construction Authorization Request (CAR). The staff used Chapter 1 in NUREG-1718 as guidance in performing the review. The staff evaluated the institutional information provided by the applicant by reviewing Chapter 1 of the CAR, other sections of the CAR, and supplementary information provided by the applicant.

1.2.1.1 Corporate Identity

The applicant for the proposed Mixed Oxide (MOX) Fuel Fabrication Facility is Duke Cogema Stone & Webster (DCS), a consortium of Duke Engineering & Services, Inc., COGEMA, and Stone & Webster, Inc. The applicant is a limited liability company registered in the State of South Carolina and its principal offices are located in Charlotte, North Carolina. Duke Engineering & Services recently announced it is negotiating to sell the corporation to Framatome ANP. The sale has not yet been completed. The applicant indicated that Duke Energy will assume the Duke Engineering & Services ownership share in DCS and Framatome will provide consulting services to DCS under an existing contract. The applicant committed to provide details of the new organization when the sale is completed.

The applicant is proposing to construct the MOX Fuel Fabrication Facility at the U.S. Department of Energy's (DOE's) Savannah River Site in Aiken, South Carolina. This facility will produce MOX fuel from weapons-grade plutonium and depleted uranium using processes adapted from existing plants in France. Licensed activities will involve an aqueous polishing process intended to remove impurities from the feed plutonium and fuel fabrication processes that include material mixing and blending, pelletizing, sintering, and fuel rod loading and inspection. The fuel is intended for use in commercial reactors in the United States.

The applicant provided the names of its principal corporate officers, all of whom are United States citizens. The applicant is using technical support from other companies in the design of the proposed facility. These companies include Belgonucleaire, SGN (a subsidiary of COGEMA), Framatome ANP, and Nuclear Fuel Services, Inc. The applicant also plans to use other contractors at the site, but these contractors have not yet been selected.

1.2.1.2 Foreign Ownership and Control

COGEMA, a French company, owns 30 percent of DCS. The remainder of the corporation is owned by Duke Energy (40 percent) and Stone & Webster, Inc. (30 percent), which are both United States companies. The U.S. Nuclear Regulatory Commission (NRC) has confirmed that the applicant was rendered a favorable foreign ownership, control, or influence determination (FOCI) on March 12, 1999, by the DOE. Upon completion of the Framatome ANP sale, DOE will re-perform its FOCI analysis. The NRC accepts DOE FOCI determinations based on a Memorandum of Understanding between NRC and DOE dated October 9, 1996.

1.2.1.3 Proposed License Information

The applicant provided information on its proposed operations and the type of license (including possession limits) it will later be requesting. The applicant is requesting authorization to construct a MOX Fuel Fabrication Facility under 10 CFR Part 70 that would possess the following materials:

Type of Material	Form of Material	Possession Limit
Source Material (Natural or Depleted Uranium)	Any chemical or physical form.	110,250 lb (50,000 kg uranium) (natural or depleted)
Plutonium	Any chemical or physical form.	22,050 lb (10,000 kg) Pu total
MOX (mixture of UO_2 and PuO_2), with $\leq$22 wgt percent Pu-239	Any chemical or physical form.	882 lb (400 kg) Pu total 2649 lb (1,200 kg) U total
MOX, with $\leq$6.3 wgt percent PuO_2	Any chemical or physical form.	19,845 lb (9,000 kg) Pu total 269,600 lb (120,000 kg) U total
Enriched Uranium	Any chemical or physical form in unpolished plutonium and waste.	220.5 lb (100 kg) U-235
Decay Products	Any chemical or physical form in unpolished plutonium and waste.	220.5 lb (100 kg)

The term of the license to be requested is 20 years.

The applicant also identified special exemptions to be requested related to decommissioning funding and financial protection under the Price Anderson Act. These exemptions will be requested in the operating license application.

1.2.2 EVALUATION FINDINGS

The staff evaluated the institutional information for approval to construct a MOX fuel fabrication facility at the SRS in South Carolina according to Section 1.2 of NUREG-1718. The applicant, however, has not yet provided information on organizational changes applicable to the upcoming sale of Duke Engineering & Services to Framatome ANP. Therefore, at the conclusion of the sale of Duke Engineering & Services to Framatome ANP, the applicant needs to provide additional information applicable to any organization changes and provide a new FOCI determination reflecting the new corporate ownership. (GI-1)

DCS has stated that it will provide additional information concerning the open item identified by the staff as GI-1(Reference 1.2.3).

1.2.3 REFERENCES

Hastings, P., Duke Cogema Stone & Webster, letter to U.S. Nuclear Regulatory Commission, RE Clarification of Responses to NRC Request for Additional Information, April 23, 2002.