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67 FR 20183

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30 August 2002
DCS-NRC-000107

Michael T. Lesar, Chief
Rules and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6D59
Washington, DC 20555

Subject: Notice of Delay in Issuance of the Draft and Final Environmental Impact Statements for the Mixed Oxide Fuel Fabrication Facility (67 FR 20183), Comments on Scope of the Revised Draft Environmental Impact Statement

On 24 April 2002, the U.S. Nuclear Regulatory Commission (NRC) issued a Notice of Delay in Issuance of the Draft and Final Environmental Impact Statement (67 FR 20183). At that time NRC requested public comment on the following:

- (1) How the immobilization of surplus plutonium as a No Action Alternative should be discussed in the DEIS, since DOE has canceled plans to build the Plutonium Immobilization Plant.
- (2) Whether there are additional reasonable alternatives not identified during scoping that should be considered in the DEIS, in light of the changes described in the notice.

Duke Cogema Stone and Webster (DCS), as applicant for the Mixed Oxide (MOX) Fuel Fabrication Facility (Facility), appreciates the opportunity to provide input to the NRC on the scope of the proposed MOX Facility Environmental Impact Statement (EIS).

In response to the first question posed in the Notice, DCS believes that it is not necessary to analyze immobilization of surplus plutonium in the DEIS as a second No Action Alternative. In its Amended Record of Decision (ROD) of 15 April 2002, the Department of Energy (DOE) cancelled the immobilization portion of its plutonium disposition program. Since DOE has decided not to construct the immobilization facility, and the NRC's responsibility and authority does not extend to reconsideration of DOE policy determinations, analysis of 100% immobilization as a No-Action Alternative is unnecessary. Since the Proposed Action is licensing of the MOX Facility, the appropriate No-Action Alternative remains denial of the license (and the attendant continued storage of excess plutonium). The EIS could, however, discuss the fact that immobilization is not being analyzed as an alternative because of the policy decision of the federal government to cancel the Plutonium Immobilization Plant.

In response to the second question, DCS has not identified any additional reasonable alternatives that should be considered in the DEIS which were not previously identified. The

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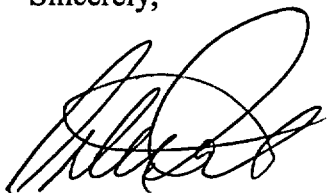
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Notice of 24 April 2002 states that "[I]f the immobilization alternative is not considered, then the DEIS would only evaluate the proposed action and one No Action Alternative." DCS' Environmental Report (ER), however, considers a broader range of alternatives than the NRC's April 24 Notice. Specifically, the ER contains a discussion of appropriate siting alternatives, and a reasonable range of MOX Facility design alternatives in addition to the Proposed Action and No Action Alternative.

If you have any questions concerning these comments please contact me at (704) 373-7820 or Mary Birch at (704) 382-1401.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter S. Hastings', with a stylized, cursive script.

Peter S. Hastings, P.E.
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