

May 8, 2007

MEMORANDUM TO: Joseph G. Giitter, Deputy Director
Special Projects and Technical
Support Directorate
Division of Fuel Cycle Safety
and Safeguards

THRU: Stewart Magruder, Chief */RA/*
MOX Branch
Special Projects and Technical
Support Directorate, FCSS

FROM: David Tiktinsky, Sr. Project Manager */RA/*
MOX Branch
Special Projects and Technical
Support Directorate, FCSS

SUBJECT: SUMMARY OF THE CATEGORY 3 PUBLIC MEETING ON THE
LICENSING PROCESS AND NRC'S ROLE, INSPECTION AND
ENFORCEMENT, AND PUBLIC PARTICIPATION RELATED TO
LICENSE APPLICATION FOR THE MIXED OXIDE FUEL
FABRICATION FACILITY TO BE BUILT NEAR AIKEN, SC

On April 12, 2007, the U.S. Nuclear Regulatory Commission (NRC) held a Category 3 public meeting, in Aiken, SC, to provide information regarding NRC's role, responsibilities, the licensing process, inspection, enforcement, and public participation related to the review of the License Application for the Mixed Oxide Fuel Fabrication Facility, to be located on the Savannah River Site in Aiken, South Carolina. NRC gave presentations related to the licensing and hearing process, as well as inspection and enforcement activities planned during the construction and operating phases of the facility if a license is granted. Please see the enclosed meeting summary for more details (Enclosure 1). The summary also includes a discussion of the questions posed by the public and the answers provided by the staff. The meeting attendance list is also enclosed (Enclosure 2) and the meeting handouts are provided in Enclosure 3. The meeting summary does not contain any proprietary or security related information.

Docket 70-3098

Enclosures:

1. Meeting Summary
2. List of Attendees
3. Meeting Handout

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DATE	5/3/07	5/4/07	5/8/07

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SUMMARY OF THE CATEGORY 3 PUBLIC MEETING HELD IN AIKEN, SC ON THE MIXED
OXIDE FUEL FABRICATION FACILITY

Date: April 12, 2007

Place: Aiken Municipal Center, Aiken SC

Attendees: See Enclosure 2

Purpose:

The purpose of this meeting was to provide information to the public regarding the U.S. Nuclear Regulatory Commission's (NRC's) role, responsibilities, the licensing process, inspection, enforcement, and public participation related to the review of the License Application (LA) to possess and use special nuclear material for the Mixed Oxide Fuel Fabrication Facility (MFFF), to be located on the Savannah River Site in Aiken, South Carolina.

Discussion:

NRC presented information regarding the agency's roles, responsibilities, licensing process, inspection, enforcement and public participation regarding the review of the MFFF LA. The presentations were followed by a question and answer period from members of the public.

There was a discussion of the roles and mission of the NRC in the review of the MFFF. NRC ensures that all nuclear projects meet strict safety, security and environmental requirements. The NRC will only issue an operating license after all regulatory requirements have been met.

There was a short discussion of the processes that will be used at the MFFF to purify the weapons grade plutonium that is the feedstock for the facility and process it into fuel that can be used in nuclear reactors.

The staff discussed the two-stage licensing process and the status of the review. The NRC completed its review of the Construction Authorization (CA) and Environmental Impact Statement (EIS) in 2005.

The license application to possess and use special nuclear material at the MFFF was submitted by Shaw AREVA MOX Services and was accepted for review by the NRC in December 2006. The review of the LA is scheduled to take three years with an additional year scheduled for a potential hearing (if contentions are accepted). The staff also outlined the technical review process which will culminate in the preparation of a Safety Evaluation Report.

There was a discussion of the two-phased approach to the construction inspection program that will be used at the MFFF. These phases include construction and pre-operational inspection activities. Construction inspection activities will verify that the quality assurance program is being implemented properly and that the construction of the facility is in accordance with the CA. There was also a discussion of the assessment of applicant performance that will be used

for the MFFF. The various types, timing and documentation of inspection activities were summarized. The enforcement policies used by the agency to assess the significance and severity level of violations was briefly discussed.

The staff discussed the *Federal Register* notice that was issued related to the opportunity for the public to submit contentions and request a hearing. The due date for contentions is May 14, 2007.

The following is a discussion of the questions and answers portion of the MOX public meeting

- Q. In January 2007, the Design Basis Threat (DBT) for physical security was revised (73.1). What is the NRC planning to do with respect to MOX? Will it be grandfathered in?
- A. The MOX facility will meet the new Department of Energy (DOE) and NRC DBT criteria.
- Q. There was a differing professional opinion (DPO) from a member of NRC's staff at an Advisory Committee on Reactor Standards (ACRS) meeting about red oil during the construction authorization. How has this been addressed?
- A. The NRC DPO process was used by the staff and a report is being prepared and is nearly complete. The report will be available to the public shortly on the NRC Agencywide Documents Access and Management System (ADAMS) system.
- Q. What about nuclear waste from the MFFF? Where will it go? How can we monitor this waste issue?
- A. In the final EIS we evaluated what would happen to the waste from the MFFF. The plan is for the DOE to build a facility to process the waste (the waste solidification building (WSB)). If one is not constructed as planned, then the NRC will need to revisit this issue. It was indicated that there are no red oil issues associated with waste processing.
- Q. Explain red oil.
- A. Red oil is a phenomenon that can take place at nuclear fuel facilities that use various chemicals and solvents that could potentially produce runaway chemical reactions under certain conditions. A red oil event could cause an explosion which could cause the release of radioactive material.
- Q. If everything goes according to plan, will there be any hold points on the NRC side for this project?
- A. The NRC does not plan to have any hold points on the project as we perform our review and inspection activities. However, if a serious issue is discovered, the NRC will use its enforcement authority to assure that the facility is constructed and operated in a manner that protects public health and safety.
- Q. How long will the operational readiness review (ORR) process take? (Note that an ORR

will be a condition on a license for the MFFF (assuming a license is granted)). How does the ORR relate to the beginning of operations of the facility?

- A. The license, if granted, will include a requirement for an ORR to be completed prior to the startup of operations at the MFFF. There will be collaboration between the licensee and the NRC during the ORR process and it is not expected to cause a delay in the startup of the facility.
- Q. What is the disposition plan for the six million gallons of waste? How is the waste in this process accounted for? Would there be a vaporization process?
- A. All the waste is planned to be processed in the WSB that DOE is planning on constructing at the site. If there is a change in plans by the DOE regarding the WSB, then the NRC will need to evaluate the potential impact on the EIS.
- Q. How do you assure the technical reviewers in the NRC have the proper qualifications to complete the LA review? Have we consulted the French?
- A. We have a qualification program at the NRC to assure that reviewers are competent to perform technical reviews. The staff has also had opportunity to visit the facilities in France that the MFFF is modeled after and has access to personnel at those facilities.
- Q. Are there two Safety Evaluation Reports (SERs)?
- A. Yes, a SER was issued to document the review of the CA process. A second SER will be issued at the completion of the technical review of the LA to possess and use special nuclear material.
- Q. Why are you approving and promoting the movement of all of this material into this area?
- A. The NRC does not choose the location for facilities. The NRC regulates and licenses the use and possession of special nuclear material.
- Q. I believe its Hanford where nuclear waste is finding its way into the aquifer, what is the NRC's take on that?
- A. Hanford is a DOE controlled site and is not under the statutory regulatory authority of the NRC.
- Q. If a release occurs, is there equipment to detect the release of waste to the aquifer?
- A. The evaluation of environmental monitoring that will occur is part of NRC's review of the LA and the EIS that was completed in 2005.
- Q. About the waste solidification building, does the public ever get to see the plans for this facility?
- A. This question is outside the scope of the NRC's regulatory authority and should be

asked of DOE.

- Q. Do we have a Memorandum of Understanding (MOU) between DOE and NRC on physical protection related to the differences in NRC's and DOE's DBT?
- A. The NRC has not yet concluded whether a MOU will be necessary on physical protection. The applicant has stated that they plan on demonstrating that they will meet both DOE's and NRC's DBT.
- Q. Do you think the report related to the red oil DPO will be public before the May 14 deadline to submit contentions to request a hearing?
- A. Yes, it should be posted in a few weeks.
- Q. In the EIS process there was no review for terrorist acts, do these acts need to be addressed?
- A. The questioner was referring to airplane attacks for a specific site which was addressed by the 9th circuit court and does not cover other EIS's. The Commission has determined that the EIS does not need to evaluate acts of sabotage as they are handled as part of the security review.
- Q. If the DC court agrees with the 9th circuit about considering airplane crashes, what will happen?
- A. The commission would need to consider revisiting this topic.
- Q. If you are going to protect the public, why aren't you considering terrorism?
- A. We do consider terrorism throughout the licensing process and security reviews.
- Q. Does this project fall under Price-Anderson?
- A. This project is covered by DOE nuclear liability protection under the Price-Anderson Act.

Additional statements made by members of the public.

Note: The below mentioned statements do not necessarily represent the general opinion of the public that was present at the meeting. These are individual statements.

"The public considers the Red Oil phenomenon to be an outstanding concern associated to the radioactive waste and the MOX process."

"Aiken is burdened with radioactive waste, they don't want more waste."

"A study by an organization shows toxic air pollution from the MFFF. The person that

conducted the analysis is afraid that MOX will increase the amount of toxins in the air beyond the levels approved for the Savannah River Site.” The validity of the study was questioned by other members of the audience.

A public member stated: “On September 12, 2001 NRC stated that the accidents caused by terrorism are remote and speculative; NRC hasn’t changed the emergency plan since September 12, 2001.”

The meeting was then adjourned.

**April 12, 2007, Category 3 public meeting on
MOX, Aiken, SC Meeting Attendees**

- David Tiktinsky NRC
- Cinthya Roman-Cuevos NRC
- Kenneth Armstrong NRC
- Ken Clark NRC
- Peter Evans
- Samora Korbelik ACWA
- David Scott ACWA
- Stewart Magruder NRC
- Allen Blankett
- Louis Zeller BREDL
- Charles R. Goergen
- Lizabeth C. Goergen
- Vince Zabielski ML&B
- Pete Fledderman WSEC
- Donna Martin MOX Services
- Donald Orth
- Jean Orth
- Ron Campell WSRC
- Don Silverman Morgan Lewis
- Debra Rosenbloom
- Larry Rosenbloom
- Richard Getto
- Dave Eckland
- Sharlene Clarke
- Michael May
- Timothy Vincent WSRC
- Jan Kozyra
- Om Mendiratta MOX Services
- Mark Michelsen
- David Kennedy
- Jean-Noel Alibert AREVA
- Philippe Sordelet AREVA
- Noburu Shimoma IHI
- Kenneth Pugh WSRC
- Jose R. Dubon SHAW
- Kathy Campbell
- David Stinson SHAW
- Dirk Leach AREVA
- Kim Newell SCDHEC
- Clay Ramsey Aiken Angels
- Frank M Redmond Senator - Field Representative
- Nancy Bobbett US Senator Isakson

- Josh Voorhees
- Sam Glenn
- Ben and Emmie Rusche
- Walter Elliott
- Nevin Warude
- Ashib Brahulojadr
- Michael A. Norato
- Ronald L. Feller
- Susan Corbett
- Glenn Carroll

Aiken Standard
DOE
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WSRC
Feller Enterprises
SC Sierra Club
Nuclear Watch South