

EDO Principal Correspondence Control

FROM: DUE: 11/16/07

EDO CONTROL: G20070754

DOC DT: 10/22/07

FINAL REPLY:

Alexander P. Murray, NMSS

TO:

Commission

FOR SIGNATURE OF :

** GRN **

CRC NO: 07-0712

Weber, NMSS

DESC:

ROUTING:

Unresolved Safety Question on Red Oil Events at
the MOX Facility (EDATS: SECY-2007-0465)

Reyes
Virgilio
Kane
Ash
Ordaz
Cyr/Burns
Carpenter, OE

DATE: 10/26/07

ASSIGNED TO:

CONTACT:

NMSS

Weber

SPECIAL INSTRUCTIONS OR REMARKS:

Coordinate with OE.

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2007-0465

Source: SECY

General Information

Assigned To: NMSS

OEDO Due Date: 11/16/2007 5:00 PM

Other Assignees:

SECY Due Date: NONE

Subject: Unresolved Safety Question on Red Oil Events at the MOX Facility

Description:

CC Routing: OE

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20070754, LTR-07-0712

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

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Priority: Medium

Sensitivity: None

Signature Level: NMSS

Urgency: NO

OEDO Concurrence: NO

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions: Coordinate with OE.

Document Information

Originator Name: Alexander P. Murray, NMSS

Date of Incoming: 10/22/2007

Originating Organization: NMSS

Document Received by SECY Date: 10/26/2007

Addressee: The Commission

Date Response Requested by Originator: NONE

Incoming Task Received: Memo

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Oct 23, 2007 11:46

PAPER NUMBER: LTR-07-0712 **LOGGING DATE:** 10/23/2007
ACTION OFFICE: EDO

AUTHOR: Alexander Murray (NMSS)
AFFILIATION: NRC STAF
ADDRESSEE: CHRM Dale Klein
SUBJECT: Concerns Differing Professional Opinion and potential unresolved safety question on red oil events at the MOX facility

ACTION: Appropriate
DISTRIBUTION: Rence Pederson, RF

LETTER DATE: 10/22/2007
ACKNOWLEDGED No
SPECIAL HANDLING:

NOTES: OCM #1552
FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

EDO --G20070754

MEMORANDUM
OCTOBER 22ND, 2007

TO: Chairman Dale E. Klein
Commissioner Gregory B. Jaczko
Commissioner Peter B. Lyons

FROM: Alexander P. Murray, Senior Chemical Process Engineer
MOX Branch
Special Projects
and Technical Support Directorate
Division of Fuel Cycle Safety
and Safeguards (FCSS)
Office of Nuclear Material Safety
and Safeguards (NMSS)

Alex

SUBJECT: RE: MEMORANDUM OF OCTOBER 18TH, 2007, "POTENTIAL
UNRESOLVED SAFETY QUESTION ON RED OIL EVENTS AT
THE MIXED OXIDE FUEL FABRICATION FACILITY;" (MOX
FACILITY -DOCKET NUMBER: 070-03098)

I have received the subject memorandum from the Secretary of the Commission (Ms. Annette L. Vietti-Cook). It is very short and mentions my August 9th memorandum regarding a Differing Professional Opinion (DPO) and potential unresolved safety question (USQ) on red oil events at the MOX facility, currently under construction at the Savannah River Site in South Carolina. It states the DPO is being addressed under the appeal stage by the Executive Director for Operations (EDO) and a decision on the appeal will be issued directly to me by the EDO.

I note that the subject memorandum provides no illumination of the significant safety issues involved and the USQ. As stated in my August 9th memorandum, the DPO Panel and the independent contractor selected by management agreed 100% with the safety issues in the DPO, using strong inflective language in their reports, like "significant technical questions remain unanswered," "unclear technical bases," "it is unclear how the design bases will provide adequate protection," "safety margin ... is not supported ... may not be adequate," "proposed safety controls ... may not be available and reliable upon demand," "high consequences," and "... not unlikely, high consequence event." These are not phrases that seem compatible with NRC regulations and acceptance, even at the construction authorization stage, and would seem to invalidate the basis for the MOX facility construction permit issued by the NRC in 2005.

CHAIRMAN REC'D
07 OCT 22 PM 3:18

The great majority of the NRC staff has serious reservations and concerns about the DPO process. I share those sentiments. I note that the DPO was submitted in January 2005, and the DPO Panel and Contractor reports were available by February 2007. In the intervening eight months there has been little NRC activity on the safety issue. In fact, staff has been informed that another contractor will be doing the majority of the red oil safety review. Such a laissez-faire approach seems to be inconsistent with the aforementioned inflective language, a 180 degree turnaround in the staff assessment, and the USQ.

I once again ask the Commission to consider my requests from the August 9th, 2007 memorandum. In addition, I note that nuclear-related areas of the MOX facility are currently under construction. In the past, the NRC has ordered work to stop at other licensees when significant safety issues have arisen, and not allowed the work to resume until the safety issues were resolved to the NRC's satisfaction. Consequently, I request a similar approach is applied to the MOX facility; namely, that the NRC issues a stop construction work order and a Demand For Information (DFI) related to resolving the red oil safety issue.

I also request that all documents on this red oil safety issue and DPO be made publicly available to avoid any misperceptions. This includes the subject memorandum, the DPO Panel and contractor reports, all memoranda and E-mails related to the red oil DPO and appeal, and the original management decision memoranda (ADAMS Accession Numbers ML041046620 and ML033640018).

cc:

Sheryl Burrows
Larry Pittiglio
Dale Yeilding