From: Bartlett, Matthew
Sent: Wednesday, September 16, 2009 2:13 PM
To: John J. Miller
Cc: Steve Laflin ; Jim Thomas
Subject: RE: Phase 1 and Phase 2 descriptions in the ER

John,

The following items are the responses to your questions

Preparing an ER for an environmental assessment verses an environmental impact statement:

Deconversion facilities do not meet the criteria listed in 51.20(b) which would require an environmental impact statement (EIS) by default. The NRC may conduct an environmental assessment (EA) of the Environmental Report (ER) but must transition to an EIS if the review is unable to produce a finding of no significant impact (FONSI), see NUREG 1748 Section 3.4.10. An EA is generally less intensive than an EIS, however, transitioning from an EA to an EIS results in increased effort and scheduling delays over and above an EIS. The NRC may bypass the EA and proceed directly with an EIS, if the staff determines the ER will not result in a FONSI. Since the INIS deconversion facility is a large, new facility, involving hazardous chemicals, near Native American cultural lands, it will most likely have some significant impact on the environment which would require an EIS. (Note: A significant impact in any of the areas listed in NUREG 1748 Section 6.4.1-6.4.13 would require an EIS.)

INIS should ensure the appropriate level of information is provided in the ER for the anticipated level of review. An EIS requires a higher level of detail in the ER than would be required by an EA. If this information is not provided in the ER, requests for additional information may delay the review.

Phased approach to submitting the application:

Any application accepted for review by the NRC must be complete. Thus, each application, whether in phases or whole, must contain its own ER. Each licensing request could require an EA or an EIS, depending on the scope of that particular application, (whether or not the EA results in a FONSI).

For the phased approach, NEPA requires all reasonably foreseeable future actions to be addressed in an ER. As such, both phases must be addressed in the phase 1 ER regardless of the scope of the application. The ER for the second phase would not need to repeat applicable information addressed in the first phase, which could be incorporated by reference. However, should there be any changes in analysis or data when the Phase 2 application is submitted, the NRC may have to perform an additional supplemental environmental review (EA or EIS) if "there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts" (Part 51.72). Also, the NRC uses information from the safety portion of the application to evaluate accidents and conduct a cost-benefit analysis during the review of the ER. When the scope of the application and ER differ, the information must be obtained through requests for additional information which may delay the review.

A single licensing application and ER may be used to license separate phases of construction for a new facility. The application and ER must incorporate both phases which are reviewed and approved at the same time, but constructed separately. This approach requires additional work up-front but eliminates the need for a second ER, application, and NRC reviews. Since all applications must be complete, the safety programs, integrated safety analysis, ER, decommissioning funding, etc. must address the entire application (both phases) in accordance with 40.31 & 32 and applicable orders. The application would have to address accident sequences, IROFS, management measures, safety programs, etc. for both phases. Changes in design of phase 2 which occur after license approval would require an amendment to the original application.

Preconstruction:

The impact of preconstruction activities (if you seek such an exemption) must be described in each area of impact in the environmental report. For example, if there are 13 areas of impact addressed in the ER (consistent with NUREG 1748 Section 6.4.1-6.4.13), preconstruction impact must be addressed in each of the 13 areas. Failure to address preconstruction activities in the ER will result in additional requests for information which could impact the review schedule for the environmental review.

Discussions with Sandia:

NSIR has provided me a contact name and number for the Sandia project manager for the chemical security study. My management would like me to participate in the discussions with Sandia regarding the security plan. Would you be willing to let me act as a liaison to set up a face to face meeting or teleconference with Sandia? Once I get a hold of the Sandia contact, I will give you a call.

Feel free to give me a call to discuss any of these items.

Sincerely,

Matt Bartlett
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NMSS/FCSS/AFCB
(301)-492-3119

From: John J. Miller [mailto:jjmiller@intisoid.com]
Sent: Wednesday, September 02, 2009 6:21 AM
To: Bartlett, Matthew
Cc: Steve Laflin ; Jim Thomas
Subject: Phase 1 and Phase 2 descriptions in the ER

Matt,

When you and Tom were out in Idaho Falls for the AREVA public meeting we had discussed the idea of including both Phase 1 (DUF6 to DUF4 deconversion and subsequent fluorine extraction) and Phase 2 (DUF6 to DU oxide deconversion)in the license application, specifically in the environmental report, so that the NRC would be able to conduct an EA on both phases. The idea being that when the need for

increased deconversion capacity arises we would be able to submit an application to amend the license without amending the ER, which we believe would reduce the cost and time associated with obtaining approval to proceed to Phase 2. Now as we are beginning to consolidate the various portions of the license application we want to be sure that there is no confusion if detailed descriptions of the Phase 2 operations are included in the ER but are merely summarized in the remaining portions of the license application. Could you discuss this with the ER folks and get back to me, maybe we can arrange a conference call to include our licensing team, yourself and the team lead for the ER reviewers.

On a second note, I spoke with Marshall Kohen about a month ago to check up on the DHS/NRC MOU regarding chemical security. Do you know the status of the MOU? We really need to get a handle on what will be required. Not only is this crucial for our security plan but it factors into our hazard analysis. If for example firearms are required we would address the use and control of firearms in the hazard analysis. The Fuel Operations Committee may be meeting in DC at the end of September, if there has been some development in the chemical security requirements it may be worth meeting with the physical security folks.

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