



An NRC quarterly newsletter providing licensing information on a Mixed Oxide Fuel Fabrication Facility

# Mixed Oxide Xchange

U. S. Nuclear Regulatory Commission

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## Staff Issues Draft Safety Evaluation Report

On April 30, 2002, the NRC issued the Draft Safety Evaluation Report (DSER) on the Construction Authorization Request for the proposed Mixed Oxide Fuel Fabrication Facility (MFFF). The 479 page report documents the staff's review and draft conclusions concerning the Duke Cogema Stone & Webster (DCS) Construction Authorization Request (CAR) and its supporting information. In the DSER, the NRC staff concluded that DCS has not completely met all of the applicable requirements pertaining to construction of the facility, which include the baseline design criteria.

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## Delay in Issuing Draft Environmental Impact Statement

As reported in the last issue, the Department of Energy (DOE) issued a press release on January 23, 2002, announcing their decision to dispose of 34 metric tons of surplus weapons grade plutonium by turning the material into mixed oxide (MOX) fuel. In so doing, the DOE decided not to pursue the hybrid approach, under which some of the plutonium would have been immobilized.

On April 24, 2002, the NRC published, in the *Federal Register*, a Notice of Delay in Issuance of the Draft and Final Environmental Impact Statements for the MOX Fuel Fabrication Facility. The delay in issuance will allow the staff to evaluate the environmental impacts of the proposed changes to the MOX Fuel Fabrication Facility (for example, the impacts of new and altered equipment plans, additional processing steps, and additional wastes volumes).

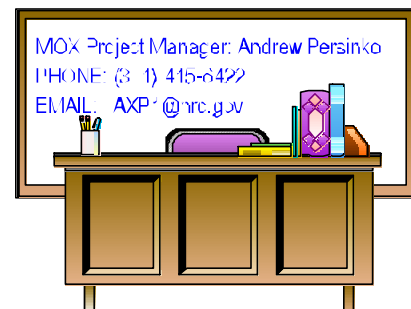
(Continued on page 4 - See DELAY)

### NRC's Mixed Oxide Fuel Infoweb



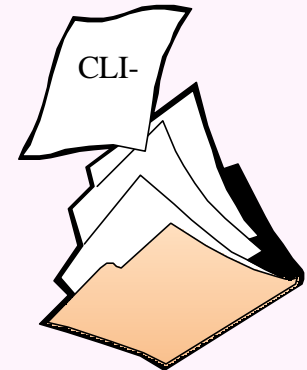
The NRC's Mixed Oxide Fuel website is back! It can be found at

<http://www.nrc.gov/materials/fuel-cycle-fac/mox/licensing.html>. The website provides licensing information, meeting summaries, updates related to MOX, frequently asked questions and you will also find past issues of the *Mixed Oxide Xchange*. The DSER was also recently added to the site.



## MOX Hearing Update

The Nuclear Regulatory Commission and Atomic Safety and Licensing Board have issued the following memoranda and orders over the past several months relating to the adjudicatory proceeding on the CAR submitted by DCS.



**February 6, 2002** The Commission Memorandum and Order CLI-02-04 requested briefs from the parties on whether an environmental contention based on the terrorist acts of September 11, 2001, was admissible. The Commission has not yet ruled on the merits of this issue.

**February 12, 2002** The Board set forth directives and schedule for the conduct of discovery in the CAR proceeding.

**March 7, 2002** The Board granted in part a February 22, 2002 motion submitted by Georgians Against Nuclear Energy (GANE) and the Blue Ridge Environmental Defense League (BREDL) to postpone discovery pending submission by DCS of revisions to its CAR and Environmental Report. The discovery schedule of February 12 was suspended.

**March 7, 2002** In CLI-02-07, the Commission rejected GANE's arguments that the NRC's two-step MOX proceeding—an initial hearing on the CAR and a later opportunity for hearing on whether DCS may operate the proposed MOX facility—is illegal. The Commission affirmed an earlier Board decision on this issue.

**April 3, 2002** In CLI-02-09, the Commission decided not to review the Board's admission of GANE contentions pertaining to material control and accounting, physical security, and the definition of "controlled area."

**April 30, 2002** The Board issued a new schedule for the conduct of discovery in CAR proceeding, replacing the Board's February 12 discovery schedule.

### ALPHABET SOUP

(commonly used acronyms in this newsletter)

ACRS	Advisory Committee on Reactor Safeguards	ER	Environmental Report
BREDL	Blue Ridge Environmental Defense League	GANE	Georgians Against Nuclear Energy
CAR	Construction Authorization Request	MFFF	Mixed Oxide Fuel Fabrication Facility
DCS	Duke Cogema Stone & Webster	MOX	Mixed Oxide Exchange
DOE	U.S. Department of Energy	NRC	U.S. Nuclear Regulatory Commission
DSER	Draft Safety Evaluation Report	PM	Project Manager
EIS	Environmental Impact Statement	SER	Safety Evaluation Report

## Meeting Summaries

Summaries of recent meetings with NRC staff regarding the MOX Fuel Fabrication Facility are listed below.

**March 27, 2002** - NRC and DCS met to discuss nuclear criticality safety and status of review items related to the MFFF.


**April 10, 2002** - The Advisory Committee on Reactor Safeguards (ACRS), Reactor Fuels Subcommittee, met with NRC and DCS to discuss the MFFF.

**April 18, 2002** - The Board held a telephone conference call with NRC and DCS to discuss a new discovery schedule.

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The DSER does not include the staff's evaluation of how recent program changes in the Department of Energy's Surplus Plutonium

Disposition Program affect the design of the proposed MFFF. NRC will issue a revised DSER after it has received and reviewed the supplemental CAR in which DCS will fully describe the MFFF design changes.

As stated in the DSER's Executive Summary, "The DSER is a snapshot of the NRC staff's present positions, based on information received to date. The staff's review will continue, and the staff expects to issue a revised draft and a final safety evaluation report on construction of the facility after evaluating further information to be submitted by DCS." 

## Tentative MOX Schedule



The schedule below provides dates for future major MOX milestones.

**July 15, 2002** - Projected date for DCS to submit supplement to its ER.

**October 30, 2002** - Projected date for DCS to submit a revised CAR.

**February 24, 2003** - Projected date for Staff Issuance of draft EIS.

**April 30, 2003** - Projected date for Staff Issuance of draft SER, Rev. 1.

**August 29, 2003** - Projected date for Staff Issuance of Final EIS.

**September 30, 2003** - Projected date for Staff Issuance of Final SER.

(DELAY - - Continued from page 1)

In its Federal Register Notice, the staff solicited public comments on the NRC plans to revise the Draft Environmental Impact Statement (DEIS). The staff requested input on:

1. How the immobilization of surplus plutonium as a No Action Alternative should be discussed in the DEIS, since DOE has cancelled 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 program changes.



NRC staff requests your comments on or before August 30, 2002. Written comments should be mailed to

Mike Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T-6D59, U. S. Nuclear Regulatory Commission, Washington, DC 20555. Interested parties may also e-mail



their comments to [teh@nrc.gov](mailto:teh@nrc.gov) or fax them to (301) 415-5398, Attention: Tim Harris. 



**U.S. Nuclear Regulatory Commission**

Office of Nuclear Material Safety and Safeguards  
Division of Fuel Cycle Safety and Safeguards  
Mail Stop T-8A33  
Washington, D.C. 20555-0001



Lead Editor: David D. Brown  
Editor: Sharon A. Steele  
Editor: Tamara Powell  
Design and Production: Danielle A. Hoadley

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