

December 11, 2000

Mr. Robert H. Ihde
Duke COGEMA Stone & Webster
P.O. Box 31847
Charlotte, NC 28231-1847

SUBJECT: RESPONSE TO DUKE COGEMA STONE & WEBSTER COMMENTS ON THE
U.S. NUCLEAR REGULATORY COMMISSION STAFF REVIEW OF THE U.S.
DEPARTMENT OF ENERGY SURPLUS PLUTONIUM DISPOSITION FINAL
ENVIRONMENTAL IMPACT STATEMENT

Dear Mr. Ihde:

The U.S. Nuclear Regulatory Commission (NRC) staff received your response (letter from R.H. Ihde/DCS to M. Galloway/NRC, dated June 15, 2000) to our comments on the applicability of the U.S. Department of Energy Surplus Plutonium Disposition Final Environmental Impact Statement (letter from M.A. Galloway/NRC to P. Hastings/DCS, dated May 3, 2000). We understand that you would like additional clarification on some of our comments. Our responses are enclosed. In addition, we understand that you would like clarification on whether you should follow the environmental justice document we included with our comments, ("Environmental Justice in NEPA Documents," NMSS Policy and Procedures Letter 1-50, Rev. 2, September 1999) or the environmental justice guidance provided in NUREG-1718 ("Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility," August 2000). We have addressed this question in the enclosure as well.

If you have any questions, please contact Mr. Andrew Persinko on (301) 415-6522.

Sincerely,

/RA/

Melanie A. Galloway, Chief
Enrichment Section
Special Projects Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

Enclosure: Clarification of Selected NRC Staff Comments

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CLARIFICATION OF SELECTED NRC STAFF COMMENTS ON
U.S. DEPARTMENT OF ENERGY SURPLUS PLUTONIUM DISPOSITION FINAL
ENVIRONMENTAL IMPACT STATEMENT AND
DUKE COGEMA STONE&WEBSTER'S PLANNED ENVIRONMENTAL REPORT

The following clarifications are provided to NRC comments A1, A6, A7b, D3, E3 and environmental justice guidance contained in NRC letter to Duke Cogema Stone&Webster dated May 3, 2000:

Comment A1: The U.S. Nuclear Regulatory Commission (NRC) agrees that Duke Cogema Stone and Webster (DCS) should "provide a brief discussion of these alternatives and reiterate the decisions and explanations presented in the DOE Record of Decision (ROD)," and that "it is [not] appropriate to reexamine these alternatives in any significant detail in the ER." NRC also agrees that it is appropriate to "briefly discuss the need for the [mixed oxide fuel fabrication facility]" and that "it is inappropriate to provide elaborate evaluations of the need in the ER."

Comment A6: A general discussion of reactor-use impacts, as part of the indirect effects analysis, is recommended, but not required. The fabrication facility would not be under consideration if there were no market for its product.

The discussion does not need to be greatly detailed, particularly if the impacts are determined to be similar to those associated with the use of standard fuel in reactors.

Comment A7b: In the May 5, 2000, letter to DCS, NRC staff made some specific comments regarding cumulative impacts and indirect effects (comments A.7.a and b). If these specific comments are addressed, staff considers that that will provide an "enhanced" cumulative impacts analysis, and following the details provided in the U.S. Environmental Protection Agency comment is not vital.

Comment D3: 10 CFR Part 70 does not require quantitative, probabilistic analyses to be performed (although 10 CFR Part 70 does permit such analyses to be performed, and NRC has said that such analyses may be useful in some circumstances), but it does require that the terms "unlikely," "highly unlikely," and "credible," be defined in the licensee/applicant's integrated safety analysis summary.

Comment E3: The environmental monitoring program should be discussed in the Environmental Report to the extent that it is known. Plans for inclusion in the Construction Authorization request and license application can be referenced. Although NUREG-1718 does not address environmental monitoring, Council on Environmental Quality guidance (Frequently Asked Questions #34c) says, "the reasonable alternative mitigation measures and monitoring programs should... [be] addressed in the draft and final EIS."

Environmental DCS has also requested guidance on whether to follow the Environmental

Enclosure

**Justice
Guidance:**

Justice guidance in NUREG-1718 (Standard Review Plan [SRP] for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility [MOX SRP]), or the guidance provided as an attachment to the NRC letter dated 5/3/00. The SRP states that the Description of the Affected Environment should include “[s]ocioeconomic information, including that for low-income and minority populations within a 50-mile radius [emphasis added].” This dimension is incorrect. DCS should follow the Nuclear Material Safety and Safeguards Policy and Procedures letter 1-50, Rev. 2, which states that “if the facility is located outside the city limits or in a rural area, a 4 mile radius (50 square miles) should be used [emphasis added].”