

May 5, 2004

Mr. Ed. H. Trottier
8308-C Harris Pond Drive
Charlotte, NC 28269

Dear Mr. Trottier,

Thank you for your April 16, 2004, comments on NUREG-1718, "Standard Review Plan for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility." In your letter, you noted a potential conflict between the emergency plan requirements of 10 CFR 70.22(i) and the corresponding acceptance criteria in the Standard Review Plan (SRP).

Specifically, you recommend that: (1) SRP section 14.4.3.1 should be revised to delete the phrase "the requirements of" that appears in the first sentence; and (2) the staff acceptance criteria in SRP sections 14.4.3.1.1, 14.4.3.1.2, and 14.4.3.1.3 should be deleted.

With regard to your first concern, we agree that the sentence would be clearer if, for example, the section cited was paragraph "10 CFR Part 70.22(i)," rather than the subparagraph "10 CFR Part 70.22(i)(2)." Clearly, the emergency plan requirements are encompassed by paragraph 70.22(i), and not just subparagraph 70.22(i)(2). As noted in the introduction to the SRP, the SRP serves as guidance for NRC staff and applicants. Accordingly, as guidance, no section of the SRP should be interpreted as changing or superceding the requirements of applicable regulations. However, we will consider your comment as an improvement to the SRP, should NRC later decide to revise it.

With regard to your second concern, we disagree that SRP sections 14.4.3.1.1, 14.4.3.1.2, and 14.4.3.1.3 should be deleted. The intent of these criteria is to ensure staff have sufficient information to evaluate whether an applicant has adequately demonstrated that an NRC-approved, site-specific emergency plan is not required. For this reason, we will not delete these sections from future revisions to the SRP.

Thank you for your comments. Please contact David Brown of my staff at (301) 415-5257, if you have any questions.

Sincerely,

/RA/

Joseph G. Giitter, Chief
Special Projects Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket No.: 70-3098

cc: P. Hastings, DCS
L. Zeller, BREDL
G. Carroll, GANE
J. Johnson, DOE

J. Conway, DNFSB
D. Curran, GANE
D. Silverman, DCS
H. Porter, SCDHEC

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