

November 30, 2004

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P.O. Box 31847, M/S FC21A  
Charlotte, NC 28231-1847

SUBJECT: NOVEMBER 2004 MONTHLY OPEN ITEM STATUS REPORT

Dear Mr. Ashe:

The purpose of this letter is to update Duke Cogema Stone & Webster (DCS) on the status of the U.S. Nuclear Regulatory Commission's (NRC's) review of the Mixed Oxide Fuel Fabrication Facility (MFFF) Construction Authorization Request (CAR). The report covers the status through November 30, 2004.

The attached table provides the status of the staff's review of open items. The table contains the 19 open items identified in Appendix A, of the April 30, 2003, Draft Safety Evaluation Report (DSER). The figure showing the closure of open items since April 2002, has been retained and shows the disposition of the original 66 open items.

In November 2004, the NRC staff closed all six remaining chemical safety open items. Therefore, this is the last Monthly Open Item Status Report on the staff's evaluation of the CAR.

More information about some of the items in this report will be provided in the staff's Final Safety Evaluation Report.

Sincerely,

/RA/

David Brown, Sr. Project Manager  
Mixed Oxide Facility Licensing Section  
Special Projects Branch  
Division of Fuel Cycle Safety  
and Safeguards, NMSS

Docket: 70-3098

cc: J. Johnson, DOE  
H. Porter, SC Dept. of HEC  
J. Conway, DNFSB

G. Carroll, GANE  
D. Curran, Esq., GANE  
D. Silverman, Esq., DCS

L. Zeller, BREDL

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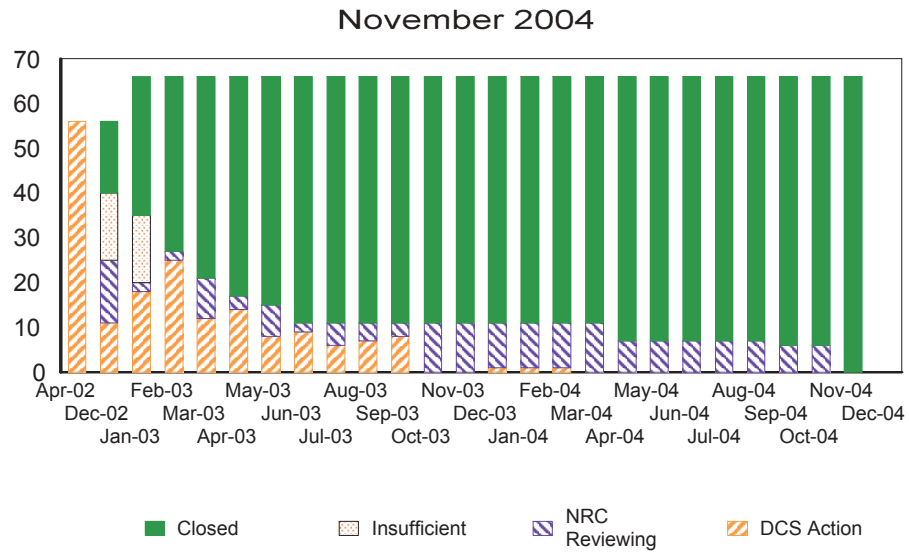
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| <b>DATE</b> | 11/30/04  |   | 11/30/04  |  | 11/30/04  |  |

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## NRC Monthly Open Item Status Report: Mixed Oxide Fuel Fabrication Facility Construction Authorization Request

Status of Open Items since the NRC's Draft Safety Evaluation Report was  
issued on April 30, 2002.



## NRC Monthly Open Item Status Report: MFFF Construction Authorization Request

Category 1) DCS action to address = OPEN

Category 2) DCS addressed, Staff reviewing = OPEN

Category 3) CLOSED - DCS addressed, Staff accepts

| Item No. | DSER Section | DSER Open Item Description  | DCS Response  | NRC Finding / Estimated Review Completion Date | Current Status |
|----------|--------------|---|---|--|----------------|
| FQ-1     | 2.0          | Provide information on project design costs. (Revised DSER Section 2.1.1)   | 2/18/03 letter  | Acceptable per SRP § 2.4.3                     | CLOSED         |
| FQ-2     | 2.0          | Update financial statements (Revised DSER Section 2.1.2)  | 2/18/03 letter  | Acceptable per SRP § 2.4.3                     | CLOSED         |
| NCS-4    | 6.0          | Determination of Design Basis USLs for each process type, and determination of normal condition subcritical margin. Clarification of DCS' commitment to the preferred use of dual parameter control. (DSER Section 6.1.3.4.2 and 6.1.3.5.1) | Revised CAR 6.0<br>01/16/03 meeting<br>03/20/03 meeting<br>06/13/03 letter<br>06/25/03 RAI<br>7/29/03 letter<br>8/1/03 letters<br>7/29-8/1/03 meeting<br>9/11/03 meeting<br>10/10/03 letter<br>11/7/03 phone call<br>11/13/03 meeting<br>12/17-19/03 in-office review<br>01/13/04 phone call<br>02/12/04 letter | Acceptable per SRP § 6.4.3                     | CLOSED         |
| FS-1     | 7.0          | The ability of the final C4 and C3 HEPA filters to perform their safety function when considering soot loading, has not been adequately demonstrated (DSER Section 7.1.5.5)   | 2/18/03 letter<br>4/10/03 letter  | Acceptable per SRP § 7.4.3                     | CLOSED         |

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|----------|--------------|--|---|--|----------------|
| FS-2     | 7.0          | The margin of safety of the fire barriers has not been adequately resolved. (DSER Section 7.1.5.6)   | CAR 7.4<br>2/6-7/03 meeting<br>2/18/03 letter<br>5/14/03 letter<br>8/1/03 meeting   | Acceptable per SRP<br>§ 7.4.3                  | CLOSED         |
| CS-1     | 8.0          | The staff concludes that the red oil phenomena analysis in Chapter 5.5 of the CAR is not complete and that PSSCs and their design bases for preventing red oil explosions are not adequate for all potentially affected components. At a minimum, this applies to the following areas: purification, solvent recovery, calciner, oxalic mother liquor, acid recovery, and offgas. (DSER Section 8.1.2.5.2.5) | CAR 5.5.2.4.6.7<br>CAR 8.5<br>2/7/03 Meeting<br>4/8/03 CAR page changes<br>6/2-4/03 meeting<br>7/29-8/1 meeting<br>10/6/03 letter | Acceptable per SRP<br>§ 8.4.3                  | CLOSED         |
| CS-2     | 8.0          | The staff concludes that the HAN/hydrazine analysis in Chapter 5.5 of the CAR is not complete and that PSSCs and their design bases for preventing HAN/hydrazine explosions are not adequate for all potentially affected units and components. At a minimum this applies to the following areas: purification event, recovery, offgas. (DSER Section 8.1.2.5.3.2)   | CAR 5.5.2.4.6.4<br>CAR 8.5.1.3<br>05/30/03 letter<br>06/2-4/03 meeting<br>7/28/03 letter<br>7/29-8/1/03 meeting<br>10/6/03 letter | Acceptable per SRP<br>§ 8.4.3                  | CLOSED         |
| CS-3     | 8.0          | The staff concludes that the HAN/hydrazine analysis in Chapter 5.5 of the CAR is not complete and that PSSCs and their design bases for preventing azide formation and potential explosions are not adequate for all potentially affected units and components. (DSER Section 8.1.2.5.3.3)   | CAR 5.5.2.4.6.10<br>CAR 5.5.2.4.6.11<br>CAR 8.5.1<br>05/23/03 letter  | Acceptable per SRP<br>§ 8.4.3                  | CLOSED         |

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|----------|--------------|--|--|--|----------------|
| CS-5b    | 8.0          | Rather than reference TEEL levels, numerical values for which are subject to frequent updates and changes, provide commitment to and justification for specific hazardous chemical concentrations (or other exposure values) to meet 70.61 performance requirements.   | 2/18/03 letter   | Acceptable per SRP § 8.4.3                     | CLOSED         |
|          |              | Additional information on indoor windspeed values needed.  | 02/18/03 letter<br>6/2-4/03 meeting  | Acceptable per SRP § 8.4.3                     | CLOSED         |
| CS-9     | 8.0          | The applicant has not provided a solvent temperature design basis with sufficient margin. (DSER Section 8.1.2.5.2.2)   | See AP-2   | Acceptable per SRP § 8.4.3                     | CLOSED         |
| CS-10    | 8.0          | A suitable design basis for habitability in the Emergency Control Room has not been identified. (DSER Section 8.1.2.6.1)   | CAR 11.4.11.1.16<br>2/18/03 letter<br>06/24/03 meeting<br>7/29-8/1 meeting<br>7/28/03 letter   | Acceptable per SRP § 8.4.3                     | CLOSED         |
| AP-2     | 11.2         | With respect to the electrolyzer, the applicant's hazard and accident analysis did not consider fires and/or explosions caused by ignition of flammable gases generated by chemical reactions and/or electrolysis, such as from an overvoltage condition. This applies to the dissolution and silver recovery units (DSER Sections 11.2.1.3.3) | CAR 5.5.2.4.6.13<br>1/15/03 meeting<br>2/18/03 letter<br>7/29-8/1/03 meeting<br>9/29/03 letter | Acceptable per SRP § 8.4.3                     | CLOSED         |

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|----------|--------------|--|--|--|----------------|
| AP-3     | 11.2         | The applicant's hazard and accident analysis did not include events involving titanium, such as titanium fires. Accident events should be evaluated and PSSCs identified as necessary. This applies to the dissolution and silver recovery units (DSER Sections 11.2.1.2 and 11.2.1.3.4) | CAR 7.2.2<br>2/6-7/03 meeting<br>5/23/03 letter<br>6/2-4/03 meeting<br>7/28/03 letter<br>7/29-8/1/03 meeting<br>10/10/03 letter<br>2/6/04 phone summary<br>3/12 letter | Acceptable per SRP § 8.4.3                     | CLOSED         |
| AP-7     | 11.2         | Parameters have not been identified for the plutonium feed to the facility. PSSCs and design bases should be identified for this feed material or a justification provided that it is not necessary (DSER Section 11.2.3.1)  | CAR 11.3.7   | Acceptable per SRP § 8.4.3                     | CLOSED         |
| AP-8     | 11.2         | A design basis and PSSCs are needed for flammable gases and vapors in the Offgas unit (DSER Section 11.2.1.3.10)   | See AP-2   | Acceptable per SRP § 8.4.3                     | CLOSED         |
| AP-9     | 11.2         | A design basis and PSSCs are needed for maintaining temperatures below the solvent flashpoint (DSER Section 11.2.1.3.10)   | See AP-2   | Acceptable per SRP § 8.4.3                     | CLOSED         |
| AP-10    | 11.2         | Provide a design basis and PSSCs for removal of potentially toxic or reactive gases in the Offgas unit (DSER Section 11.2.1.3.10)  | 5/30/03 letter   | Acceptable, per SRP §8.4.3                     | CLOSED         |
| MP-1     | 11.3         | PSSC and design basis information associated with the pyrophoric nature of some UO <sub>2</sub> powders (DSER Section 11.3.1.2.1)  | CAR 8.5.1.6<br>2/18/03 letter<br>7/29-8/1//03 meeting<br>10/10/03 letter   | Acceptable, per SRP §8.4.3                     | CLOSED         |

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|----------|--------------|---|-----------------|--|----------------|
| VS-1     | 11.4         | Justify the use of a leak path factor of 1E-4 for two banks of HEPA filters under accident conditions (DSER Section 11.4.1.3) | 02/18/03 letter | Acceptable, per SRP §11.4.5.2                  | CLOSED         |



## Narrative of Open Items, November 2004

CS-9, AP-2, AP-8, and AP-9. These open items are closed. By letter dated September 29, 2003, DCS submitted a description of the PSSCs and design bases for prevention of flammable gas explosions, including a description of the interlocks that it proposes to use to justify using 60% of the LFL per NFPA 69. The staff find acceptable the proposed design bases, as stated in the DCS letter dated September 29, 2003. The staff's evaluation of these items will be provided in the Final Safety Evaluation Report.

CS-10. This open item is closed. The staff has accepted the proposed design bases in the Construction Authorization Request with one permit condition. The proposed permit condition is a concentration limit of hazardous chemicals which must not be exceeded in the emergency control rooms. The staff's evaluation of this item will be provided in the Final Safety Evaluation Report.

AP-3. This open item is closed. By letter dated October 10, 2003, DCS submitted a revised safety strategy for the prevention of titanium fires in the electrolyzers. During a phone call February 4, 2004, DCS stated that it will revise the October 10, 2003, design basis description and submit it to NRC for review. By letter dated March 12, 2004, DCS submitted the revised design basis description. The staff find acceptable the proposed design bases, as stated in the DCS letter dated March 12, 2004, and the revised CAR. The staff's evaluation of this item will be provided in the Final Safety Evaluation Report.