National Nuclear Security Administration

Department of Energy
National Nuclear Security Administration
Washington, DC 20585

October 21, 2005

Dr. William Travers, Administrator
U.S. Nuclear Regulatory Commission, Region 2
61 Forsyth Street, Suite 23T85
Atlanta, Georgia 30303-8931

Jack Strosnider, Director
Office of Nuclear Materials Safety and Safeguards
Two White Flint North
MS 8-A23
Washington, D.C. 20555

Subject: U.S. Nuclear Regulatory Commission (NRC) fiscal year 2006 Resource Planning Information

Dear Dr. Travers and Mr. Strosnider:

On October 14, 2005, the National Nuclear Security Administration (NNSA) held a "ground breaking" ceremony at the U.S. Department of Energy Savannah River Site (SRS) near Aiken, South Carolina, to commemorate the beginning of site preparation activities for the Mixed Oxide Fuel Fabrication Facility (MFFF). Completing these activities is expected to be followed by construction of the MFFF, beginning with placement of engineered backfill for the MFFF foundation, in the latter part of fiscal year 2006. Construction of the MFFF is a crucial milestone for the MFFF project, which serves a critical part of a major nuclear non-proliferation initiative to dispose of 34 metric tons of surplus weapons-grade plutonium in parallel with Russia.

Prior to placement of the engineered backfill for the MFFF foundation at SRS, DOE will undertake certain activities as part of preparing and maintaining the site, such as non-nuclear site land use and general maintenance preparations, timber harvesting, and F-Area storm water drainage activities near and/or on the MFFF property. These activities are scheduled to begin in November 2005 and are expected to take approximately 10 months to complete. They also will occur prior to and do not include placement of the engineered back-fill for the MFFF foundation. That is, these activities will occur prior to and will not be part of actual construction of the MFFF. As described in the enclosure, the Westinghouse Savannah River Company, which is a DOE-SR management and operating contractor, the U.S. Forest Service, and the South Carolina Electric and Gas Company will perform the site preparation activities. Several of these activities will also support facilities that are not subject to NRC licensing, such as the Pit Disassembly and Conversion Facility and the Waste Facility. I want to emphasize that none of these activities will affect or alter the safety or design basis of the MFFF principle structures, systems, or components or in any way affect quality assurance. These pre-construction site preparation

activities will be undertaken pursuant to DOE's authority under the Atomic Energy Act of 1954, as amended, and will be subject to DOE oversight, regulations and orders. These activities will be coordinated with the ensuing MFFF construction activities, so as to facilitate transition to NRC and OSHA regulation, commencing with placement of engineered back-fill for the MFFF foundation.[1]

DOE will continue to keep NRC informed during the site preparation activities and will notify NRC well in advance of the anticipated placement of the engineered fill to assist in a smooth and coordinated transition. If you or any member of your staff have any questions, please feel free to call me at (202) 586-6232, or Garrett Smith, of my staff, at (202) 586-3322.

Sincerely,

Kenneth M. Bromberg
Acting Assistant Deputy Administrator
for Fissile Materials Disposition

Enclosure:
NNSA Pre-construction Site Preparation Activities

[1]As explained above, construction under the Construction Authorization begins with placement of the engineered backfill for the MFFF. Because the activities described above are not part of construction of the MFFF under the Construction Authorization, these activities are outside of NRC's licensing jurisdiction for the MOX facility under section 202 of the Energy Reorganization Act of 1974, as amended by section 3134(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. We note that a number of these activities were previously identified for the purposes of the National Environmental Policy Act of 1969 (NEPA) in our letter dated February 27, 2001 from J. David Nulton to Eric J. Leeds, with which the NRC concurred by letter dated February 27, 2001 from Mr. Leeds to Mr. Nulton. This approach recognizes that NRC's scope of review under NEPA may be, in some cases, broader than NRC's licensing jurisdiction, as is evident in NRC's regulations at 10 CFR Part 70. This approach also recognizes that the Strom Thurmond National Defense Authorization Act mandates OSHA regulation of activities under an NRC license for the MOX facility.

cc w/encl:
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Enclosure

DOE Pre-construction Site Preparation Activities

1. Develop working area on Pit Disassembly and Conversion Facility (PDCF) site, to allow temporary placement of excess earth from the Mixed Oxide Fuel Fabrication Facility (MFFF) site.
2. Relocate portions of the Actinide Packaging Storage Facility (APSF) spoil pile, and fill the APSF excavation.
3. Relocate the 115kV power line and construct new electrical substation, to support the PDCF, the Waste Facility (WF) and the MFFF.
4. Harvest marketable timber at the PDCF site, the WF site, the MFFF site, and the right of way for the relocated 115kV power line and electrical substation.
5. Clear, grub and install temporary erosion control at the PDCF and MFFF sites.
6. Install permanent storm water management system, including channels, ditches, storm water retention ponds, and storm sewer piping at the PDCF and MFFF sites to control runoff from the F-Area outfalls, the PDCF site, and the MFFF site.
7. Relocate environmental monitoring wells and abandon existing wells at the PDCF, WF, and MFFF sites.
8. Relocate storm water outfalls and sampling stations to avoid interface with PDCF and MFFF site preparation.
9. Relocate office trailers from the MFFF and PDCF sites.
10. Excavate, backfill and grade the MFFF site to rough tabletop elevation.
11. Excavate portions of the MFFF site from rough tabletop elevation to subgrade elevation for the MOX Fuel Processing Building, and the Shipping and Receiving Building.
12. Extend firewater, potable water, sanitary wastewater, service water, temporary electrical systems, and telecommunications systems to the MFFF site, PDCF site, WF site, and concrete batch plant, and provide utility tie-in locations for the PDCF and WF.
13. Place gravel for roads, parking areas, and construction lay-down areas at the MFFF site.

These activities will be undertaken by Westinghouse Savannah River Company, which is a DOE SR management and operating contractor, the U.S. Forest Service, and the South Carolina Electric and Gas Company. These activities will not be undertaken by, or overseen by, Duke Cogema Stone and Webster (DCS), DOE's contractor for future construction management services and operation of the MFFF, and the applicant for the Construction Authorization.