

Thomas S. Moore, Chairman  
Administrative Judge  
Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, D.C. 20555

Charles N. Kelber  
Administrative Judge  
Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, D.C. 20555

Peter S. Lam  
Administrative Judge  
Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, D.C. 20555

In the Matter of  
DUKE COGEMA STONE & WEBSTER (DCS)  
(Mixed Oxide Fuel Fabrication Facility, Construction Authorization Request)  
Docket No. 70-3098-ML)

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Dear Administrative Judges:

Pursuant to Judge Moore's order dated November 15, 2001, and 10 C.F.R. § 2.1231, the NRC Staff is enclosing hereto an index describing and identifying by number the 75 items which make up the initial hearing file in this construction authorization request (CAR) proceeding. Each item contains one or more individual documents (*e.g.*, an item may consist of a cover letter, and one or more enclosures referenced in the cover letter). The items are listed in chronological order, based on the date the item was transmitted between NRC and DCS. Each set of the hearing file is contained in eight notebooks. The 75 items in each set of notebooks are arranged in the same order stated in the attached index. Sets of the notebooks are being mailed this date to counsel for DCS, to Donald Moniak and GANE, and sets are being distributed internally to the Board members. Each notebook contains a cover sheet identifying its contents. To conserve space, some of the larger documents are double-sided copies.

Note that copies of the enclosures referenced in items 60 and 61 are not included in the notebooks. In reviewing these enclosures recently, the Staff found them to be incomplete. As soon as complete copies are received from DCS, the Staff will supplement the hearing file. The initial hearing file also does not include electronic mail (e-mail) messages exchanged between

Administrative Judges

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T. Moore

C. Kelber

P. Lam

DCS and NRC. The Staff is in the process of collecting these e-mails, and will supplement the hearing file with paper copies of any e-mails relevant to review of the CAR and related DCS documents.

Please contact Amy Hoadley (301-415-8129) or the undersigned if any copying errors or similar document problems are found.

Sincerely,

**/RA/**

John T. Hull  
Counsel for NRC Staff

Enclosure: As stated

cc w/encl: Glenn Carroll, GANE  
Donald J. Moniak, BREDL  
Donald J. Silverman, Esq.

Office of the Secretary  
Office of Commission Appellate Adjudication

HEARING FILE INDEX FOR CONSTRUCTION AUTHORIZATION  
REQUEST (CAR) PROCEEDING (as of November 30, 2001)

MIXED OXIDE FUEL FABRICATION FACILITY  
DOCKET 70-3098

Document No.	Description
1.	Letter to DCS (P. Hastings) from NRC (R. Pierson) dated 10/26/99, discussing design bases applicable to proposed MOX Facility
2.	Letter to DCS (P. Hastings) from NRC (J. Turdici) dated 11/10/99, discussing pre-application fee-related activities
3.	Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 12/30/99, enclosing NRC's standard practice procedures plan for protecting classified information
4.	Internal NRC memorandum (cc to P. Hastings of DCS) dated 2/24/00, summarizing 2/3/00 NRC/DCS meeting on technical topics
5.	Letter to DCS (P. Hastings) from NRC (M. Leach) dated 2/29/00, discussing staff's plans to review portions of DOE's Surplus Plutonium Disposition Final Environmental Impact Statement
6.	Letter to DCS (P. Hastings) from NRC (M. Galloway) dated 5/3/00, enclosing comments on DOE's Surplus Plutonium Disposition Final Environmental Impact Statement
7.	Letter to NRC (M. Galloway) from DCS (R. Ihde) dated 6/15/00, enclosing DCS responses to staff comments on DOE's Surplus Plutonium Disposition Final Environmental Impact Statement
8.	Letter to NRC (W. Kane) from DCS (P. Hastings) dated 6/22/00, enclosing DCS Quality Assurance Plan
9.	Letter to NRC (L. Reyes) from DCS (P. Hastings) dated 6/22/00, regarding proposed MOX Facility
10.	Internal NRC memorandum (cc to P. Hastings of DCS) dated 8/1/00, summarizing 7/17/00 meeting regarding the control of unclassified information related to MOX project
11.	Letter to NRC (A. Persinko) from DCS (P. Hastings) dated 8/28/00, discussing potential office space for NRC inspectors
12.	Internal NRC memorandum (cc to P. Hastings of DCS) dated 9/6/00, summarizing in-office review of DCS quality assurance documents

13. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 10/6/00, enclosing request for additional information regarding DCS Quality Assurance Plan
14. Letter to Cogema (L. Gaiffe) from NRC (E. Leeds) (cc to P. Hastings of DCS) dated 10/17/00, regarding appreciation for hosting visit to Cogema facilities
15. Internal NRC memorandum (cc to P. Hastings of DCS) dated 10/19/00, summarizing 9/19-21/00 staff visit to MOX facilities in France
16. Letter to NRC (E. Leeds) from DCS (P. Hastings) dated 11/1/00, discussing format and content of the CAR, and safety assessment of design bases
17. Internal NRC memorandum (cc to P. Hastings of DCS) dated 11/3/00, summarizing in-office review of quality assurance documents at MOX facility in France
18. Letter to NRC (E. Leeds) from DCS (P. Hastings) dated 12/6/00, enclosing proposed licensing schedule
19. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 12/6/00, discussing potential office space for NRC inspectors
20. Letter to DCS (R. Ihde) from NRC (M. Galloway) dated 12/11/00, enclosing discussion of previous Staff comments on DOE's Surplus Plutonium Disposition Final Environmental Impact Statement
21. Letter to NRC (E. Leeds) from DCS (P. Hastings) dated 12/15/00, enclosing DCS report: "Choice of MFFF Process Glovebox Window Material"
22. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 12/15/00, discussing opportunities for hearings
23. Letter to NRC (W. Kane) from DCS (R. Ihde) dated 12/19/00, enclosing DCS Environmental Report
24. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 1/17/01, discussing format and content of the CAR; safety assessment of design bases; and proposed licensing schedule
25. Letter to NRC (E. Leeds) from DCS (P. Hastings) dated 1/29/01, regarding proposed wording of Federal Register notices
26. Letter to DCS (R. Ihde) from NRC (C. Abrams) dated 1/29/01, regarding the acceptance review of the DCS Environmental Report
27. Letter to NRC (W. Kane) from DCS (P. Hastings) dated 1/29/01, enclosing (1) response to request for additional information on Rev 1 of Mixed Oxide Project Quality Assurance Plan (MPQAP); and (2) Rev. 2 of MPQAP

28. Letter to NRC (W. Kane) from DCS (R. Ihde) dated 2/28/01, enclosing items pertaining to DCS proprietary financial information (hearing file copy includes non-proprietary enclosures 1 and 2, but not proprietary enclosure 3)
29. Letter to NRC (W. Kane) from DCS (R. Ihde) dated 2/28/01, enclosing Construction Authorization Request (CAR) (hearing file copy is the non-proprietary version)
30. Letter to DCS (R. Ihde) from NRC (A. Persinko) dated 3/28/01, discussing acceptance review of the CAR
31. Letter to NRC (E. Leeds) from DCS (P. Hastings) dated 4/24/01, supplementing CAR with Section 1.3 references
32. Letter to NRC (E. Leeds) from DCS (P. Hastings) dated 4/30/01, regarding request to perform early site work at site of proposed MOX facility
33. Letter to DCS (R. Ihde) from NRC (M. Weber) dated 5/4/01, discussing DCS request for withholding information from public disclosure
34. Letter to DCS (P. Hastings) from NRC (E. Leeds) dated 5/15/01, discussing DCS request to perform early site work
35. Letter to NRC (M. Lesar) from DCS (P. Hastings) dated 5/17/01, enclosing DCS comments on proposed scope of MOX EIS
36. Internal NRC memorandum (cc to P. Hastings of DCS) dated 6/5/01, enclosing summary of meeting with DCS on 5/29/01
37. Letter to DCS (R. Ihde) from NRC (T. Essig) dated 6/8/01, enclosing request for additional information regarding DCS Environmental Report
38. Internal NRC memorandum (cc to P. Hastings of DCS) dated 6/8/01, enclosing comments on DCS Environmental Report
39. Letter to DCS (P. Hastings) from NRC (T. Johnson) dated 6/19/01, enclosing request for additional information on DCS Mixed Oxide Project Quality Assurance Plan, Rev. 2
40. Letter to DCS (P. Hastings) from NRC (J. Giitter) dated 6/21/01, enclosing request for additional information on CAR
41. Letter to DCS (R. Ihde) from NRC (J. Funches) dated 6/25/01, discussing NRC's fee policies
42. Letter to NRC from DCS (P. Hastings) dated 6/25/01, enclosing Criticality Code Validation - Part I

43. Letter to NRC from DCS (P. Hastings) dated 6/29/01, regarding site exploration activities at site of proposed MOX facility
44. Letter to DOE (P. Rhodes) from NRC (E. Leeds) (cc to P. Hastings of DCS) dated 7/11/01, discussing NRC staff training at Los Alamos National Laboratory
45. Letter to NRC from DCS (P. Hastings) dated 7/12/01, enclosing responses to request for additional information on DCS Environmental Report
46. Letter to DCS (P. Hastings) from NRC (T. Johnson) dated 7/17/01, discussing site exploration activities at site of proposed MOX facility
47. Letter to NRC from DCS (P. Hastings) dated 7/18/01, enclosing responses to request for additional information on Rev. 2 of Mixed Oxide Quality Assurance Plan
48. Letter to NRC from DCS (P. Hastings) dated 7/24/01, regarding correction to DCS responses to request for additional information on DCS Environmental Report
49. NRC letter dated 8/9/01, enclosing Scoping Summary Report pertaining to the EIS for the proposed MOX facility
50. Letter to NRC from DCS (P. Hastings) dated 8/10/01, enclosing *MOX Fuel Fabrication Facility Site Geotechnical Report*
51. Internal NRC memorandum (cc to P. Hastings of DCS) dated 8/15/01, enclosing summary of meeting with DCS on 7/26/01 regarding request for additional information on CAR
52. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 8/17/01, enclosing Draft Safety Evaluation Report for Rev. 2 of DCS Mixed Oxide Project Quality Assurance Plan
53. Letter to NRC from DCS (P. Hastings) dated 8/31/01, enclosing items pertaining to DCS proprietary financial information (hearing file copy includes non-proprietary enclosures 1, 2, and 3, but not proprietary enclosures 4 and 5)
54. Letter to NRC from DCS (P. Hastings) dated 8/31/01, enclosing response to request for additional information on the CAR (hearing file copy includes non-proprietary enclosures 1 and 2, but not proprietary enclosure 3)
55. Letter to NRC from DCS (P. Hastings) dated 9/4/01, enclosing DCS response to Draft NRC Safety Evaluation Report for Rev. 2 of Mixed Oxide Project Quality Assurance Plan
56. Letter to NRC from DCS (P. Hastings) dated 9/13/01, regarding updated responses to staff's request for additional information on the DCS Environmental Report

57. Letter to DCS (R. Ihde) from NRC (C. Abrams) dated 9/24/01, enclosing request for clarification regarding DCS responses to staff's request for additional information on DCS Environmental Report
58. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 10/1/01, enclosing Safety Evaluation Report for Rev. 2 of DCS Mixed Oxide Project Quality Assurance Plan
59. Internal NRC memorandum (cc to P. Hastings of DCS) dated 10/19/01, enclosing summary of meeting with DCS on 9/19-20/01 regarding seismic issues
60. Letter to NRC from DCS (P. Hastings) dated 10/22/01, enclosing supplemental responses to request for additional information on DCS Environmental Report (paper copies of attachments which had been received in electronic form in DCS letter dated 7/12/01)
61. Letter to NRC from DCS (P. Hastings) dated 10/22/01, enclosing (a) list of reference documents used by DCS in preparing CAR, and (b) paper copies of these reference documents
62. Letter to NRC from DCS (P. Hastings) dated 10/26/01, enclosing response to 9/24/01 request for clarification (including attachments to response, and updates to text of DCS Environmental Report)
63. Letter to NRC from DCS (P. Hastings) dated 10/26/01, discussing staff's question 18 contained in 9/24/01 request for clarification (hearing file copy does not include proprietary map enclosure)
64. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 10/30/01, discussing status of CAR review
65. Letter to NRC from DCS (P. Hastings) dated 11/02/01, enclosing response (labeled "Enclosure A") to request for clarification regarding the ISA process described in CAR Figure 5.4-1
66. Internal NRC memorandum (cc to P. Hastings of DCS) dated 11/3/01, summarizing meeting with DCS on 10/11/01 regarding various technical issues
67. Internal NRC memorandum (cc to P. Hastings of DCS) dated 11/6/01, summarizing 10/16 - 10/18/01 in-office meetings with DCS regarding various technical issues
68. Letter to DCS (R. Ihde) from NRC (E. Leeds) dated 11/7/01, discussing staff's inadvertent release of proprietary information to hearing petitioners
69. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 11/8/01, discussing safeguards information (hearing file copy does not include safeguards enclosure -- advisory dated 10/6/01)

70. Letter to DCS (P. Hastings) from NRC (A. Persinko) dated 11/9/01, enclosing nuclear criticality calculations and nuclear criticality qualifications at 10 C.F.R. Part 70 and 76 facilities
71. Letter to NRC from DCS (P. Hastings) dated 11/12/01, enclosing responses to requests made on 9/19-20/01 regarding seismic issues
72. Letter to NRC from DCS (P. Hastings) dated 11/13/01, supplementing response to staff's question 21 contained in 9/24/01 request for clarification, and enclosing copy of DOE's updated corrective action plan
73. Letter to NRC from DCS (P. Hastings) dated 11/19/01, discussing how DCS will process safeguards information
74. Letter to DCS (R. Ihde) from NRC (M. Weber) dated 11/21/01, discussing staff's finding that certain information submitted by DCS on 8/31/01 is proprietary
75. Letter to DCS (R. Ihde) from NRC (M. Weber) dated 11/21/01, discussing staff's preliminary finding that certain information submitted by DCS on 8/31/01 is not proprietary, and enclosing the bases for this finding (hearing file copy does not include this enclosure)