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Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
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In the Matter of
DUKE COGEMA STONE & WEBSTER (DCS)
(Mixed Oxide Fuel Fabrication Facility, Construction Authorization Request)
Docket No. 70-3098-ML)

Dear Administrative Judges:

In response to the recent Department of Energy (DOE) decision to change its hybrid approach for disposing of surplus weapons-grade plutonium (as described in the letter from DCS counsel to the Board dated January 24, 2002), the Staff held a public meeting with DCS on February 13, 2002, to discuss any impacts the DOE decision would have on review schedules pertaining to the proposed mixed oxide fuel fabrication facility (MOX Facility). The DOE decision requires that the proposed MOX Facility process more highly-contaminated alternate feedstock material, which will increase by an estimated 10 % the volume of the liquid high-alpha waste stream. At the meeting, DCS stated that as a result of this change, it will need to submit a supplemental environmental report (ER), and that it plans to do so either in August or October 2002. DCS also stated that a new DOE facility will be built at the Savannah River Site to process and solidify the high-alpha waste stream, replacing the plan to treat such waste at DOE's F-Area tank farms. DOE is now designing the new facility, but has no date yet for completing the design. The date by which DCS can submit its supplemental ER depends in part on receiving timely input from DOE. Additionally, DCS stated it plans to submit a supplemental construction authorization request (CAR) in October 2002, to reflect additional chemical processing equipment and other changes needed to handle the more highly-contaminated alternate feedstock material at the proposed MOX Facility.

Pursuant to ¶ 9 of the Board's order dated February 12, 2002 (establishing a discovery schedule), the NRC Staff is informing the Board that as a consequence of the above-described developments, a delay in the issuance of its draft environmental impact statement (DEIS) for the proposed MOX Facility will result. The Staff had expected to issue the DEIS by February 28, 2002. A new date for issuing the DEIS has not yet been determined. The Staff told DCS at

the meeting that issuance of the DEIS would be delayed until after the supplemental ER is received and reviewed. The Staff stated that within 30 days, it would provide DCS by letter tentative dates for issuing the DEIS and the final EIS for the proposed MOX Facility. The Staff still plans to issue its draft Safety Evaluation Report on the CAR by April 30, 2002.

The Staff will timely inform the Board about future scheduling developments as they occur.

Sincerely,

/RA/

John T. Hull
Counsel for NRC Staff

cc: Glenn Carroll, GANE
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Donald J. Silverman, Esq.

Office of the Secretary
Office of Commission Appellate Adjudication