

RAS 4025

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 03/07/02

SERVED 03/07/02

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of

DUKE COGEMA STONE & WEBSTER
(Savannah River Mixed Oxide Fuel
Fabrication Facility)

Docket No. 070-03098-ML

ASLBP No. 01-790-01-ML

March 7, 2002

MEMORANDUM AND ORDER

On February 22, 2002, Intervenor Georgians Against Nuclear Energy (GANE) and the Blue Ridge Environmental Defense League filed a joint motion to postpone discovery pending submission by Duke Cogema Stone & Webster (DCS) of revisions to its Construction Authorization Request (CAR) and Environmental Report. The Intervenor's motion is based upon information revealed by DCS on February 13, 2002 at a public meeting with the NRC Staff. By letter dated February 14, 2002, the NRC Staff informed the Board of a number of matters from that meeting. Specifically, the Staff indicated that changes in the plans of DOE and DCS will necessitate the filing of a supplement to DCS's environmental report and a supplemental CAR. The Staff letter indicates that it anticipates providing within 30 days a new schedule for issuing the draft and final EIS. Finally, the Intervenor's motion, referencing DCS's viewgraphs from the meeting, states that DCS anticipates that the schedule for the issuance of the final EIS and final SER will slip by 11 months. Both DCS and the Staff oppose the Intervenor's motion.

The Intervenor's motion is granted in part. The discovery schedule contained in paragraph 10 of the Licensing Board's February 12, 2002 Memorandum and Order is hereby canceled and the Board will issue a revised discovery schedule upon reviewing the Staff's new schedule containing the Staff's latest review estimates. Further, both DCS and GANE have interlocutory review petitions pending before the Commission that may significantly alter the scope of the current proceeding and impact the amount of discovery conducted in the proceeding. Therefore, the Board will revisit the scheduling issue in 30 days by which time the Staff will have had time to adjust and publish its new projected schedule and the matters pending before the Commission may have been resolved.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 7, 2002

¹Copies of this Memorandum and Order were sent this date by Internet e-mail transmission to (1) DCS; (2) the NRC Staff; (3) GANE; and (4) BREDL.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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| DUKE COGEMA STONE & WEBSTER |) | Docket No. 70-3098-ML |
| |) | |
| (Savannah River Mixed Oxide Fuel |) | |
| Fabrication Facility) |) | |

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER DATED MARCH 7, 2002 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-3098-ML
LB MEMORANDUM AND ORDER DATED
MARCH 7, 2002

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of March 2002