



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 17, 2003

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

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

Peter S. Lam
Administrative Judge
U. S. 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 (MOX) Fuel Fabrication Facility,
Construction Authorization Request)
Docket No. 70-3098-ML

Dear Administrative Judges:

For the reasons discussed in the attached letter to DCS dated November 17, 2003, the Staff has determined that there will be additional delays in issuing the final environmental impact statement, and the final safety evaluation report pertaining to construction of the proposed MOX facility. These delays are related to changes requested by the Department of Energy in its technical direction letter dated November 3, 2003, copies of which were recently distributed to the Board and parties by DCS counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Hull", written over a horizontal line.

John T. Hull
Counsel for NRC Staff

Attachment: As stated

cc: Donald J. Silverman, Esq.
Glenn Carroll, GANE
Louis A. Zeller, BREDL

Diane Curran, Esq.
Office of the Secretary
Office of Commission Appellate Adjudication

November 17, 2003

Mr. Peter S. Hastings
Manager, Licensing and Safety Analysis
Duke Cogema Stone & Webster
P.O. Box 31847
Mail Code FC12A
Charlotte, NC 28231-1847

**SUBJECT: DELAY IN ISSUING THE FINAL SAFETY EVALUATION REPORT AND THE
FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE MIXED OXIDE (MOX)
FUEL FABRICATION FACILITY**

Dear Mr. Hastings:

The purpose of this letter is inform Duke Cogema Stone & Webster (DCS) that the U.S. Nuclear Regulatory Commission (NRC) staff has determined that there will be delays in issuing the final environmental impact statement (FEIS) and the final safety evaluation report (FSER) pertaining to construction of the proposed MOX facility. These delays are related to changes directed by the Department of Energy (DOE) in its technical direction letter to DCS dated November 3, 2003, and conveyed to NRC by you verbally on November 5, 2003. These changes consist of, among other things, relocating the controlled area boundary to be coincident with the MOX facility's restricted area boundary, revising the construction authorization request (CAR) accordingly, and, to the extent necessary, revising the environmental report. The FEIS and the FSER were scheduled to be issued on November 28, 2003, and December 5, 2003, respectively. Until the extent of the changes to the CAR and the environmental report are known, the staff will be unable to project the length of the delays in issuing these documents.

Sincerely,

/RA/

Andrew Persinko, Sr. Nuclear Engineer
Special Projects and Inspection Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

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

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

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

D. Silverman, Esq. DCS

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