

RAS 3430

DOCKETED 09/27/01
SERVED 09/27/01

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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

September 27, 2001

MEMORANDUM

On September 27, 2001, the Licensing Board received the attached e-mail message from Petitioners Donald Moniak requesting the Board to advise him how he should deal with a document relating to the mixed oxide fuel fabrication facility that he recently received "from the Savannah River Site." Mr. Moniak is appearing in this proceeding pro se and even though the proceeding is a Commission modified 10 C.F.R. Part 2, Subpart L "informal" one, the Board cannot properly advise the Petitioner on how he should conduct his case or how he should proceed under the Commission's Rules of Practice. As indicated at the close of the September 21, 2001, prehearing conference, the Board will hold a telephone conference after issuing its ruling on the standing of the various Petitioners to intervene and the admissibility of the proffered contentions if any Petitioners are admitted as parties to the proceeding. At that telephone conference, the Board will address the subject, inter alia, of late-filed contentions. Finally, the board reminds all participants that, absent a true emergency, the appropriate

manner of placing any matter before the Board is by a motion served on all other participants.

FOR THE ATOMIC SAFETY AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 27, 2001

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

Attachment:

Date: Wed, 26 Sep 2001 19:14:15 -0400

Subject: Please Advise

9/26/01

Dear Judge Moore

Could you please advise on the issue of findings made after 9/21/01?

1. On Saturday September 22, 2001 I received the following document in the mail from the Savannah River Site:

"Disposition of MFFF Liquid Streams Alternative Study"-ADS-F-00003 Revision 0

The signature dates range from 7/31 to 8/10, 2000.

a. This document was requested from SRS after being identified in DCS-WSRC Work Task Agreement (WTA) #9 (revision 0 is dated 2/16/00). This WTA required Westinghouse Savannah River Company, in support of the DCS MFFF Effort at SRS, to assess issues such as "the acceptability of liquid TRU waste at the WSRC High Level Waste Facility."

The WTA was part of a package obtained by BREDL after the August 13, 2001 contention deadline through a FOIA request to DOE--which has only provided a very partial response to date.

b. The waste WTA also shows that WSRC was responsible for providing a "preconceptual design for tie-in" by 9/30/00, while DCS was responsible for providing waste stream information.

At this time the only responsive document provided to me by SRS outside of FOIA is the Alternative Study. The Alternative Study would have been submitted as additional evidence on 9/21/01 if it had been made available by 9/20/01. The document is pertinent to Contention Group 1 submitted by BREDL/Don Moniak.

Thank you,
Don Moniak

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
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 DATED 09/27/2001 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

John T. Hull, Esq.
Antonio Fernández, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Donald J. Silverman, Esq.
Marjan Mashhadi, Esq.
Alex S. Polonsky, Esq.
Morgan, Lewis & Bockius LLP
1800 M Street, NW
Washington, DC 20036-5869

Docket No. 70-3098-ML
LB MEMORANDUM DATED 09/27/2001

Ruth Thomas, President
Environmentalists, Inc.
1339 Sinkler Road
Columbia, SC 29206

Glenn Carroll
Georgians Against Nuclear Energy
P.O. Box 8574
Atlanta, GA 30306

Donald J. Moniak
Blue Ridge Environmental Defense League
P.O. Box 3487
Aiken, SC 29802

Edna Foster
120 Balsam Lane
Highlands, NC 28741

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 27th day of September 2001