

RAS 3889

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202.739.3000
Fax: 202.739.3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

DOCKETED
USNRC

February 11, 2002 (2:51PM)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Steven P. Frantz
(202) 739-5460
sfrantz@morganlewis.com

January 24, 2002

The Honorable Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: MOX Fuel Fabrication Facility ("MOX Facility") Construction Authorization Request
Proceeding, Docket No. 70-3098-ML

Dear Judge Moore:

Duke Cogema Stone & Webster ("DCS") has new information related to the MOX Facility Construction Authorization Request ("CAR") proceeding. As you are aware, the Department of Energy ("DOE") initially selected a hybrid approach for disposition of surplus plutonium involving construction of both an immobilization facility and a MOX Facility. DCS now understands that, as a result of the Administration-directed overall review of the plutonium disposition program, the DOE has determined that some of the material previously intended for immobilization will instead be processed by the MOX Facility and fabricated into MOX fuel. It is anticipated that DOE will direct DCS to alter the MOX Facility design to accommodate this material. Some revisions to the CAR and Environmental Report ("ER") ultimately will be required to reflect the receipt and processing of these additional feed materials.

DCS is currently reviewing the implications of the proposed changes. However, it does not believe that they should have any impact on the schedule for discovery on the existing, admitted contentions. Most of those contentions are independent of, and will not be affected by, the anticipated MOX Facility design changes. Therefore, DCS believes that the hearing on those contentions can and should proceed in accordance with the current schedule. Depending on the extent of the changes, some modification in the overall hearing schedule on the remaining contentions that are related to the anticipated MOX Facility design changes may be warranted. If the Board desires, we would be pleased to discuss these developments further in a teleconference with the Board and the parties.

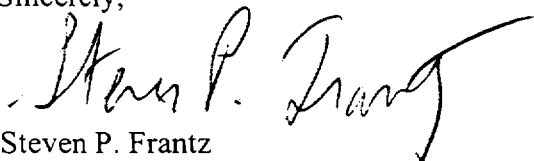
Template = SECY-043

The Honorable Thomas S. Moore, Chairman
January 24, 2002
Page 2

Morgan Lewis
C O U N S E L O R S A T L A W

As a separate matter, DOE is also evaluating possible alternatives for processing the MOX Facility's high-alpha liquid waste stream by the Savannah River Site ("SRS"). These alternatives could affect the current baseline assumptions regarding how liquid waste is processed by SRS, and may include solidification of that waste. DCS will also promptly notify the Board and the parties if these changes are directed by DOE.

Sincerely,



Steven P. Frantz

cc: Office of Commission Appellate Adjudication
 Secretary of the Commission
 Judge Kelber, ASLB
 Judge Lam, ASLB
 J. Hull, NRC, OGC
 M. Young, NRC, OGC
 D. Dambly, NRC, OGC
 G. Carroll, GANE
 D. Moniak, BREDL

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

In the Matter of)	
)	
DUKE COGEMA STONE & WEBSTER)	Docket No. 070-03098-ML
)	
(Savannah River Mixed Oxide Fuel)	ASLBP No. 01-790-01-ML
Fabrication Facility))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the attached letter from Duke Cogema Stone & Webster's Counsel, Steven P. Frantz, to ASLB Judge Thomas Moore, dated January 24, 2002, were served this day upon the persons listed below, by both e-mail and United States Postal Service, first class mail.

Secretary of the Commission*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff
(E-mail: HEARINGDOCKET@nrc.gov)

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: tsm2@nrc.gov)

Administrative Judge Charles N. Kelber
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: cnk@nrc.gov)

Administrative Judge Peter S. Lam
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: psl@nrc.gov)

John T. Hull, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: jth@nrc.gov)

Dennis C. Dambly, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: dcd@nrc.gov)

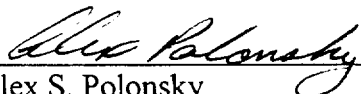
Glenn Carroll
Georgians Against Nuclear Energy
P.O. Box 8574
Atlanta, Georgia 30306
(E-mail: atom.girl@mindspring.com)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hrb@nrc.gov)

Donald J. Moniak
Blue Ridge Environmental Defense League
P.O. Box 3487
Aiken, S.C. 29802
(E-mail: donmoniak@earthlink.net)

Mitzi A. Young, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: may@nrc.gov)

* Original and 2 copies


Alex S. Polonsky

1/24/02
Date