

August 22, 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: SCHEDULE FOR ISSUING THE FINAL ENVIRONMENTAL IMPACT
STATEMENT AND THE FINAL SAFETY EVALUATION REPORT FOR THE
MIXED OXIDE FUEL FABRICATION FACILITY

Dear Mr. Hastings:

The purpose of this letter is to inform you of a change in the U.S. Nuclear Regulatory Commission (NRC) schedule for issuing the Final Environmental Impact Statement (FEIS) and the Final Safety Evaluation Report (FSER) for the Mixed Oxide Fuel Fabrication Facility (MFFF). NRC had previously announced a September 2003 date for issuing the FEIS and FSER.

We received your letter, dated August 13, 2003, transmitting Revision 4 of the Environmental Report, that reflected design improvements to the Waste Solidification Building (WSB). The WSB would be a U.S. Department of Energy (DOE) facility not regulated by NRC. As a part of NRC's National Environmental Policy Act (NEPA) responsibilities, however, the NRC staff is evaluating the environmental impacts of the WSB, as it is a connected action to the proposed MFFF.

In order to consider this new information, there will be a 60-day delay in the issuance of the FEIS from September 30, 2003, to November 28, 2003. This delay will allow NRC staff to review the new information provided by Duke Cogema Stone and Webster (DCS), and make corresponding changes in the FEIS.

The staff is also reviewing information submitted by DCS, in response to several technical issues described in the April 30, 2003, draft SER. Staff expects DCS to submit additional information in the near future. In order to have this information included in the NRC's evaluation, a similar delay in the issuance of the FSER from September 30, 2003, to December 5, 2003, is necessary. If you have any questions or concerns, please contact me.

Since a decision on whether to approve the construction authorization request requires a Record of Decision (ROD) pursuant to 10 CFR 51.102, the delay in issuing the FEIS will also delay issuance of the ROD. Pursuant to 10 CFR 51.100(a)(ii), the ROD will be issued no sooner than

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30 days after the Environmental Protection Agency (EPA) publishes a notice that the FEIS has been filed with the EPA.

If you have any questions, please contact me at (301) 415-6522.

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

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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