

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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