

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'01 JUN -7 P3:11

Before the Presiding Officer

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of DUKE COGEMA)
 STONE & WEBSTER)
)
 Mixed Oxide Fuel Fabrication Facility)
 (Construction Authorization Request))

Docket No. 070-03098

**Duke Cogema Stone & Webster's Answer
to Edna Foster's
Request for Hearing Regarding the
Mixed Oxide Fuel Fabrication Facility Construction Authorization Request**

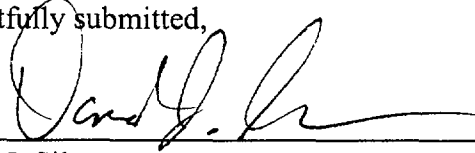
Duke Cogema Stone & Webster ("DCS") hereby submits its Answer to Edna Foster's Request for Hearing regarding the Mixed Oxide Fuel Fabrication Facility ("MOX Facility") Construction Authorization Request ("CAR").

Ms. Foster's Request for Hearing is a handwritten, two-sentence letter stating only that she requests a hearing "on the mixed oxide fuel facility and the future use of MOX at Oconee, S.C. which is quite near us."¹ The Request is, on its face, insufficient to satisfy the essential, minimum requirements for legal standing to obtain a hearing regarding the MOX Facility CAR. Indeed, it appears that Ms. Foster resides in

¹ Letter, Edna Foster to U.S. Nuclear Regulatory Commission docketed May 18, 2001.

Highlands, N.C. over 130 miles from the MOX Facility.² Accordingly, this Request for Hearing should be summarily denied.³

Respectfully submitted,



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Dated June 5, 2001

² Distance from Highlands, North Carolina to Aiken, South Carolina (133 miles) determined using Landview, a mapping program developed by the U.S. Bureau of the Census. *See* www.census.gov/geo/www/tiger/landview.html.

³ DCS was never properly served with this Request, in violation of the requirements set forth in the NRC's published "Notice of Acceptance for Docketing of the Application, and Notice of Opportunity for a Hearing, on an Application for Authority to Construct a Mixed Oxide Fuel Fabrication Facility." DCS obtained a copy of the Request from the NRC's MOX website.

CERTIFICATE OF SERVICE

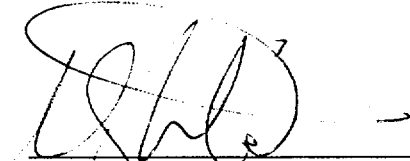
I hereby certify that copies of "Duke Cogema Stone & Webster's Answer to Edna Foster's Request for Hearing Regarding the Mixed Oxide Fuel Fabrication Facility Construction Authorization Request" were served upon the persons listed below by U.S. mail, first class, postage prepaid, this 5th day of June, 2001.

Secretary of the Commission*
Attn: Rulemakings and
Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

John T. Hull, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

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* Original and 2 copies



Marjan Mashhadi