

October 30, 2001

Mr. Peter S. Hastings  
Licensing Manager  
Duke Cogema Stone & Webster  
P.O. Box 31847  
Charlotte, NC 28231

SUBJECT: STATUS OF U.S. NUCLEAR REGULATORY COMMISSION REVIEW OF  
CONSTRUCTION AUTHORIZATION REQUEST AND DUKE COGEMA STONE  
& WEBSTER RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION

Dear Mr. Hastings:

The purpose of this letter is to inform Duke Cogema Stone & Webster (DCS) that the U.S. Nuclear Regulatory Commission (NRC) staff is continuing to review both the mixed oxide fuel fabrication facility construction authorization request (CAR), dated February 28, 2001, and the DCS response, dated August 31, 2001, to NRC staff's request for additional information (RAI), dated June 21, 2001. The NRC staff, however, does not plan to issue a second RAI, as shown on the published schedule.

In most areas of the review, the NRC staff has no significant outstanding issues, however, in some areas, additional clarifications and information are still needed by the NRC staff to complete its review. Rather than issue a second RAI, the NRC staff believes that these clarifications and the additional information can be obtained more effectively and efficiently through public meetings, in-office reviews of supporting documents at DCS offices in Charlotte, or phone calls. Areas where additional clarifications or information is needed include:

1. Chemical safety;
2. Criticality safety, where the staff has requested information justifying the minimum subcritical margin (administrative margin) and the definition of double contingency;
3. High efficiency particulate air filter efficiency;
4. Safety analysis, including facility worker safety;
5. Fire protection;
6. Instrumentation and control (I&C), including the ability to qualify certain I&C systems to Institute of Electrical and Electronics Engineers standards.

Recently, the staff held technical discussions with DCS in a meeting, open to the public, on October 11, 2001, and also reviewed CAR-supporting information at DCS offices in Charlotte on October 16-18, 2001. Both the meeting and the in-office review proved to be an effective and efficient means to obtain information needed by the staff to complete its review; thus the staff plans to conduct additional technical meetings, open to the public, and in-office reviews of supporting information.

As a result of the October 11 meeting and the in-office review, DCS committed to providing additional information by letter that was requested by the NRC staff. The additional information requested by the NRC staff will be documented in a meeting summary and an in-office review summary. The NRC staff continues to be mindful of the need to ensure that the review process is transparent to the public and that the basis for our decisions is fully documented.

Sincerely,

**/RA/**

Andrew Persinko, Sr. Nuclear Engineer  
Enrichment Section  
Special Projects 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  
Don Moniak, BREDL  
Glenn Carroll, GANE  
Ruth Thomas, Environmentalists, Inc.

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<b>OFC</b>	SPB		SPB*		SPB			
<b>NAME</b>	DPersinko:ddw		DHoadley		JGitter			
<b>DATE</b>	10/30 /01		10/30 /01		10/30 /01			

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