



DUKE COGEMA
STONE & WEBSTER

Proprietary

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U.S. Nuclear Regulatory Commission
Washington, DC 20555

11 February 2002
DCS-NRC-000082

Subject: Docket Number 070-03098
Duke Cogema Stone & Webster
Mixed Oxide Fuel Fabrication Facility
Construction Authorization Request
Clarification of Responses to NRC Request for Additional Information

As part of the review of Duke Cogema Stone & Webster's (DCS') Mixed Oxide Fuel Fabrication Facility (MFFF) Construction Authorization Request (CAR), NRC Staff requested clarifications of DCS' responses to NRC's Request for Additional Information (RAI). These clarifications were discussed during a series of teleconferences and on-site reviews between NRC Staff and DCS. The clarifications addressed by this letter are noted in the NRC on-site review summaries from A. Persinko to E. Leeds dated 03 November 2001 and 18 December 2001.

Enclosure A to this letter, which contains proprietary information, provides responses to NRC clarification requests. The responses address clarifications regarding confinement/ventilation and safety analysis/chemical safety. A non-proprietary response is being provided by separate letter which addresses the responses in this letter as well as a number of other clarification requests. DCS requests that Enclosure A be withheld from public disclosure. Enclosure B provides the affidavit which attests to the proprietary nature of Enclosure A. If you have any questions, please contact me at (704) 373-7820.

Sincerely,

Peter S. Hastings, P.E.
Licensing Manager

Enclosures: A. Responses to NRC Clarification Requests
B. Affidavit Pursuant to 10 CFR 2.790(b)(1)

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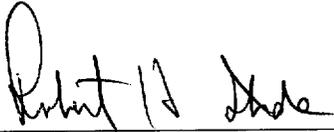
AFFIDAVIT

1. I am President and Chief Executive Officer of Duke Cogema Stone and Webster, LLC; (“DCS”) and as such have the responsibility for reviewing information sought to be withheld from public disclosure in connection with design and licensing of the Mixed Oxide Fuel Fabrication Facility (the “MFFF”); and am authorized on the part of DCS to apply for this withholding.
2. I am making this affidavit in conformance with the provisions of 10CFR 2.790 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with DCS’s application for withholding, which accompanies this affidavit.
3. I have knowledge of the criteria used by DCS in designating information as proprietary or confidential.
4. Pursuant to the provisions of paragraph (b)(4) of 10CFR 2.790, the following is furnished for consideration by the NRC in determining whether the information sought to be withheld from public disclosure should be withheld.
 - (i) The information sought to be withheld from public disclosure is owned by DCS, its partners, and/or affiliates, and has been held in confidence by the same.
 - (ii) The information is of a type that would customarily be held in confidence by DCS, its partners, and/or affiliates. The information consists of design details and processing methods and mechanisms relative to a method of processing that provides a competitive advantage to DCS, its partners, and/or affiliates.
 - (iii) The information was transmitted to the NRC in confidence and under the provisions of 10CFR 2.790, it is to be received in confidence by the NRC.
 - (iv) The information sought to be protected is not available in public to the best of our knowledge and belief.
 - (v) The proprietary information sought to be withheld in this submittal is that which is marked in the proprietary version of the accompanying enclosure, and omitted from the non-proprietary version. This information describes DCS’ design for the MFFF. This information enables DCS, its partners, and/or affiliates to support license amendment applications for the MFFF.
 - (vi) The proprietary information sought to be withheld from public disclosure has substantial commercial value to DCS, its partners, and/or affiliates.
 - (a) It allows DCS to reduce vendor and consultant expenses associated with supporting the licensing of fuel fabrication plants.

- (b) DCS intends to sell the information to nuclear utilities, vendors, and consultants for the purpose of supporting the licensing of fuel fabrication plants.
- (c) The subject information could only be duplicated by competitors at similar expense to that incurred by DCS, its partners, and/or affiliates.

5. Public disclosure of this information is likely to cause harm to DCS, its partners, and/or affiliates because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring commensurate expense or allowing DCS, its partners, and/or affiliates to recoup a portion of its expenditures or benefit from the sale of the information.

R. H. Ihde, being duly sworn, states that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth within are true and correct to the best of his knowledge.



R. H. Ihde, President and CEO

Subscribed and sworn to on this 11 day of February, 2002



Notary Public

My Commission Expires:

My Commission Expires June 05, 2005

