



DUKE COGEMA
STONE & WEBSTER

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555

27 September 2006
DCS-NRC-000194

Subject: Docket Number 070-03098
Duke Cogema Stone & Webster
Mixed Oxide Fuel Fabrication Facility
Request for Exemption From Radiation Labeling Requirements

Pursuant to 10 CFR § 20.2301, Duke Cogema Stone & Webster (DCS) hereby requests an exemption from the labeling requirements of 10 CFR § 20.1904(a). As discussed below, the requested exemption is authorized by law, and will not result in undue hazard to life or property.

10 CFR § 20.1904(a) requires that each individual container of licensed material bear a label indicating that it contains radioactive material and identifying certain specific information about the contents to enable individuals handling or using the containers, or working in their vicinity, to take precautions to avoid or minimize exposures. In lieu of labeling each container, DCS will post those Restricted Areas that house or store radioactive material with signs incorporating the radiation symbol and with the warning:

“Caution Radioactive Material: Any Container In
This Area May Contain Radioactive Material”.

I. The Requested Exemption is Authorized by Law.

10 CFR § 20.2301 authorizes the NRC to grant exemptions from the requirements of 10 CFR Part 20. Furthermore, there is no provision in the Atomic Energy Act or in any other applicable statute that requires labeling of individual radioactive material containers. Thus, there is no statutory prohibition on granting the exemption and the exemption is therefore authorized by law.

II. The Requested Exemption Will Not Result in Undue Hazard to Life or Property.

The posting of areas with containers of radioactive material, coupled with plant personnel appropriately trained on radiation protection requirements should provide ample protection to personnel working at the MFFF and should result in no undue hazard to life or property. Similar exemptions have been granted by the NRC at other fuel cycle facilities. Furthermore, it would

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be impractical to meet the labeling requirements in certain circumstances (e.g., pellet boats in the sintering furnace). Postings will be placed at each entrance to a Restricted Area in which radioactive materials are used or stored.

Therefore, DCS requests that NRC grant the requested exemption from the labeling requirements of 10 CFR § 20.1904(a). Upon NRC approval, DCS will include the exemption in the license application.

If you have any questions, please feel free to contact me or Dirk Leach, Vice President and Deputy Project Manager at (803) 502-1895.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Stinson', with a stylized flourish at the end.

David Stinson, President and COO

KDS/MAM

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