

July 17, 2001

Mr. Peter Hastings, Licensing Manager
Duke Cogema Stone & Webster
P.O. Box 31847
Charlotte, NC 28231-1847

SUBJECT: MIXED OXIDE FUEL FABRICATION FACILITY ADDITIONAL
SITE EXPLORATION

Dear Mr. Hastings:

We reviewed your letter of June 29, 2001, in which you on behalf of Duke Cogema Stone & Webster (DCS), identified additional site exploration activities needed to further characterize soil properties in the area of the proposed mixed oxide fuel fabrication facility (MOX Facility). As you know, on February 28, 2001, DCS submitted a construction authorization request (CAR) to the U.S. Nuclear Regulatory Commission (NRC) regarding the proposed MOX Facility. In your letter of June 29, 2001, you state that "geotechnical explorations" (*i.e.*, boreholes) are needed to complete the final foundation design to be submitted in June 2002, as part of the DCS request for authority to operate the proposed MOX Facility. You further state that to provide equipment access to the study areas, roads into the proposed MOX Facility site will need to be built.

We agree that pursuant to 10 CFR 70.23(a)(7), the above-described activities do not constitute a prohibited "commencement of construction," and may thus be undertaken prior to the NRC's decision on whether to approve the pending CAR. As indicated in our letter dated May 15, 2001 (addressing a DCS request dated April 30, 2001, pertaining to other proposed construction activities at the MOX Facility site), site exploration activities such as the construction of roads necessary for site exploration, and borings to determine foundation conditions, are specified as being outside the defined meaning of "commencement of construction" as that term is used in 10 CFR Part 70. See 10 CFR 70.23(a)(7).

Accordingly, DCS may proceed with the site exploration activities described in your letter dated June 29, 2001. If you have any questions, please contact me at (301) 415-7299.

Sincerely,

Timothy C. Johnson
Senior Mechanical Systems Engineer
Enrichment Section
Special Projects Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

cc: See Attached List

List of cc:'s for Letter to P. Hastings from T.C. Johnson dated: July 17, 2001.

cc: R. Ihde, DCS
J. Johnson, DOE
H. Potter, SC Dept. of HEC
J. Conway, DNFSB
D. Moniak, BREDL
E. Foster
R. Thomas, Environmentalists, Inc.
G. Carroll, GANE

Mr. Peter Hastings, Licensing Manager
Duke Cogema Stone & Webster
P.O. Box 31847
Charlotte, NC 28231-1847

July 17, 2001

**SUBJECT: MIXED OXIDE FUEL FABRICATION FACILITY ADDITIONAL
SITE EXPLORATION**

Dear Mr. Hastings:

We reviewed your letter of June 29, 2001, in which you on behalf of Duke Cogema Stone & Webster (DCS), identified additional site exploration activities needed to further characterize soil properties in the area of the proposed mixed oxide fuel fabrication facility (MOX Facility). As you know, on February 28, 2001, DCS submitted a construction authorization request (CAR) to the U.S. Nuclear Regulatory Commission (NRC) regarding the proposed MOX Facility. In your letter of June 29, 2001, you state that "geotechnical explorations" (*i.e.*, boreholes) are needed to complete the final foundation design to be submitted in June 2002, as part of the DCS request for authority to operate the proposed MOX Facility. You further state that to provide equipment access to the study areas, roads into the proposed MOX Facility site will need to be built.

We agree that pursuant to 10 CFR 70.23(a)(7), the above-described activities do not constitute a prohibited "commencement of construction", and may thus be undertaken prior to the NRC's decision on whether to approve the pending CAR. As indicated in our letter dated May 15, 2001 (addressing a DCS request dated April 30, 2001, pertaining to other proposed construction activities at the MOX Facility site), site exploration activities such as the construction of roads necessary for site exploration, and borings to determine foundation conditions, are specified as being outside the defined meaning of "commencement of construction" as that term is used in 10 CFR Part 70. See 10 CFR 70.23(a)(7).

Accordingly, DCS may proceed with the site exploration activities described in your letter dated June 29, 2001. If you have any questions, please contact me at (301) 415-7299.

Sincerely,

/RA/

Timothy C. Johnson
Senior Mechanical Systems Engineer
Enrichment Section
Special Projects Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

cc: See Attached List

DISTRIBUTION:

Docket 70-3098	ADAMS	PUBLIC	FCSS r/f	SPB r/f
EMcAlpine, RII	DAyres, RII	CAbrams,DWM	BJDavis, DWM	THarris,DWM
RMartin, NRR	ELeeds	APersinko	WSmith	AFernandez, OGC

ADAMS Accession Number: ML012490025

DOCUMENT NAME: G:\SPB\TCJ\moxsiteexplor.wpd *Please see previous concurrence

OFC	SPB		SPB		SPB		OGC	
NAME	TJohnson:cc*		DAHoadley*		JGiitter*		JHull*	
DATE	7/9/01		7/9/01		7/10/01		7/17/01	

C-COVER

**E-COVER & ENCLOSURE
OFFICIAL RECORD COPY**

N-NO COPY