

January 10, 2003

Mr. Peter Hastings, Licensing Manager
Duke Cogema Stone & Webster
P.O. Box 31847
Mail Code FC12A
Charlotte, NC 28231-1847

SUBJECT: DUKE COGEMA STONE & WEBSTER QUALITY ASSURANCE
PROGRAM FOR CONSTRUCTION OF THE MOX FUEL FABRICATION
FACILITY

REFERENCE: Safety Evaluation Report: Quality Assurance Program for Construction of
the MOX Fuel Fabrication Facility, Enclosure to Letter, Persinko/NRC to
Hastings/DCS, October 1, 2001, Same Subject

Dear Mr. Hastings:

We have completed the technical review of the Duke Cogema Stone & Webster (DCS) Mixed Oxide (MOX) Project Quality Assurance Plan (MPQAP), Revision 3, submitted by letter dated March 26, 2002. The staff has verified that the MPQAP, Revision 3, adequately incorporates all of the DCS commitments noted in the referenced October 1, 2001, Safety Evaluation Report (SER), and is approved for construction activities, including design, procurement and fabrication, for the proposed MOX Fuel Fabrication Facility (MFFF). Subsequent revision(s) of the MPQAP, to be submitted in support of the application for a 10 CFR Part 70 license for the MFFF, will address startup testing and operation.

Our technical review was based on NUREG-1718, "Standard Review Plan (SRP) for the Review of an Application for a Mixed Oxide (MOX) Fuel Fabrication Facility," dated August 2000. The staff review included the methods, process and criteria for implementing graded quality assurance (QA) controls and defining Quality Levels for structures, systems, and components (SSCs). By approving Revision 3 of the MPQAP, the staff is not making any conclusion as to Quality Level categorization or the applicability of graded QA controls for any specific SSC mentioned or referenced in the MPQAP.

The referenced SER noted that the MPQAP, Revision 2, was acceptable for construction-related activities with the exception of two issues, related to the applicability of the QA program to all SSCs and to the grading of QA controls. The SER also noted that DCS provided clarification and commitments regarding these two issues by letter dated September 4, 2001, as summarized below. The staff has determined that the MPQAP, Revision 3, adequately addresses and incorporates all of the DCS clarifications and commitments in response to Nuclear Regulatory Commission (NRC) Requests for Additional Information (RAIs) and the SER, and is acceptable for application to the construction of the MFFF, including design,

procurement, and fabrication of the SSCs for the MFFF. For the reasons discussed in the referenced SER, the NRC staff concludes that DCS has adequately described its QA program, and that this program meets the requirements of 10 CFR Part 50, Appendix B. As stated in the reference SER, the staff therefore finds, pursuant to 10 CFR 70.23(b), that the DCS QA program, as applied to the SSCs of the MFFF, will provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents. The scope of this finding pertains to the construction of the MFFF's SSCs, and includes all related design, procurement, and fabrication activities, but does not include any start-up testing or operation of the MFFF. In this regard, it should be noted that MPQAP Section 12, "Test Control," is acceptable for construction activities, but has not been reviewed for acceptability for start-up testing.

If you have any questions regarding this letter, please contact me at (301) 415-6522, or Wilkins Smith at (301) 415-5788.

Sincerely,

/RA/

Andrew Persinko, Project Manager
Special Projects Section
Special Projects and Inspection Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

Docket: 70-3098

cc: J. Johnson, DOE
H. Porter, SCDHEC
J. Conway, DNFSB
Glenn Carroll, GANE
Lou Zeller, BREDL

procurement, and fabrication of the SSCs for the MFFF. For the reasons discussed in the referenced SER, the NRC staff concludes that DCS has adequately described its QA program, and that this program meets the requirements of 10 CFR Part 50, Appendix B. As stated in the reference SER, the staff therefore finds, pursuant to 10 CFR 70.23(b), that the DCS QA program, as applied to the SSCs of the MFFF, will provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents. The scope of this finding pertains to the construction of the MFFF's SSCs, and includes all related design, procurement, and fabrication activities, but does not include any start-up testing or operation of the MFFF. In this regard, it should be noted that MPQAP Section 12, "Test Control," is acceptable for construction activities, but has not been reviewed for acceptability for start-up testing.

If you have any questions regarding this letter, please contact me at (301) 415-6522, or Wilkins Smith at (301) 415-5788.

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