

RAS 6668

DOCKETED
USNRC

July 31, 2003 (11:00AM)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:
Thomas S. Moore, Chairman
Charles N. Kelber
Peter S. Lam

In the Matter of)	July 22, 2003
)	
DUKE COGEMA STONE & WEBSTER)	Docket No. 070-03098-ML
)	
(Savannah River Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 01-790-01-ML
)	

**DUKE COGEMA STONE & WEBSTER'S
CORRECTIONS REGARDING
MOTION FOR SUMMARY DISPOSITION ON
CONSOLIDATED CONTENTION 11**

Applicant Duke Cogema Stone & Webster ("DCS") hereby provides the following corrections to its July 9, 2003 Motion for Summary Disposition on Consolidated Contention 11 ("Motion").

In various places in its Motion, DCS referenced Revision 3 of the Environmental Report ("ER"), which was issued on June 20, 2003.¹ In fact, all of the references to Revision 3 of the ER relied upon in DCS' Motion should have been to the second Revision to the ER dated July 11, 2002. However, the language from the revised ER upon which DCS relies in

¹ See pages 5, 7, 9, 10, and page 2 of the Statement of Material Facts on Which no Genuine Issue Exists.

its Motion is, with one exception noted below, identical between Revisions 2 and 3. DCS provides this correction, because at the time of the May 29, 2003 deposition of Ms. Glenn Carroll discussed in the Motion, Revision 3 of the ER had not yet been issued.

ER Revision 3 corrects an addition error in Table 3-3. Both Revision 2 and Revision 3 correctly state the volumes of the individual streams comprising the combined high alpha liquid waste stream. However, the Revision 2 version of Table 3-3 incorrectly indicated that the total annual volume of high alpha liquid waste to be generated by the MOX Facility from feed received from the PDCF is 14,301 gallons. This was an arithmetical error. (The value 1,321 gallons for excess acid was added instead of 2,378 gallons). Revision 3 corrects this error. The correct total annual volume is 15,358 gallons (obtained by adding 10,000 gallons of americium + 2,378 gallons of excess acid + 2,980 gallons of alkaline waste). In addition, Table 3-3 was revised to clarify which of the volume numbers for the waste streams assume that the feed material is only from the Pit Disassembly and Conversion Facility ("PDCF) and which assume that alternate feed stock ("AFS") is processed. This was done by adding the parentheticals "PDCF" and "AFS" where appropriate.

In addition, the Motion explains that the excess acid stream and the alkaline stream are not converted to curies in Table 3-3 because they account for only nominal quantities of radioactivity.² In support of this statement, DCS expert Mary Birch calculated the

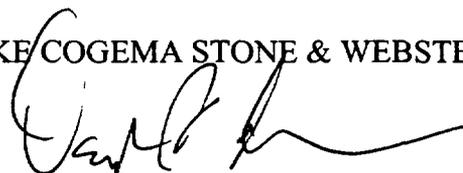
² Motion at 9.

approximate radioactivity of each stream as 430 and 18 curies, respectively.³ In fact, the excess acid stream contains only 0.04 curies.⁴

Dated: July 22, 2003

Respectfully submitted,

DUKE COGEMA STONE & WEBSTER



Donald J. Silverman
Alex S. Polonsky
Marjan Mashhadi
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 739-5502
Facsimile: (202) 739-3001

³ Affidavit of Mary Birch, at 3.

⁴ Ms. Birch is away from the office this week. DCS will provide a revised Affidavit with the corrected value promptly upon her return.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

**Before Administrative Judges:
Thomas S. Moore, Chairman
Charles N. Kelber
Peter S. Lam**

In the Matter of)	July 22, 2003
DUKE COGEMA STONE & WEBSTER)	Docket No. 070-03098-ML
(Savannah River Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 01-790-01-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of "Duke Cogema Stone & Webster's Corrections Regarding Motion for Summary Disposition on Consolidated Contention 11" were served this day upon the persons listed below, by electronic and first class mail.

Secretary of the Commission*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff
(E-mail: HEARINGDOCKET@nrc.gov)

Administrative Judge Peter S. Lam
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: psl@nrc.gov)

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: tsm2@nrc.gov)

Dennis C. Dambly, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: dcd@nrc.gov)

Administrative Judge Charles N. Kelber
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: cnk@nrc.gov)

John T. Hull, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: jth@nrc.gov)

Glenn Carroll
Georgians Against Nuclear Energy
P.O. Box 8574
Atlanta, Georgia 30306
(E-mail: atom.girl@mindspring.com)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hrb@nrc.gov)

Diane Curran, Esq.
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
(E-mail: dcurran@harmoncurran.com)

Cassie E. Bray, Esq.
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O 15 D21
Washington, D.C. 20555
(E-mail: ceb4@nrc.gov)

Donald J. Moniak
Blue Ridge Environmental Defense League
P.O. Box 3487
Aiken, S.C. 29802
(E-mail: donmoniak@earthlink.net)

Mitzi A. Young, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: may@nrc.gov)

Louis Zeller
Blue Ridge Environmental Defense League
PO Box 88
Glendale Springs, N.C. 28629
(E-mail: BREDL@skybest.com)

* Original and 2 copies



Marjan Mashhadi

7/22/03

Date