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DOCKETED
USNRC

August 5, 2003 (1:37PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

July 29, 2003

Administrative Judge Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Re: Supplemental Affidavit of Mary Birch

Dear Judge Moore:

Attached in accordance with DCS' July 22 "Corrections Regarding Motion for Summary Disposition on Consolidated Contention 11" (Corrections) is a supplemental affidavit of Ms. Mary Birch correcting a mathematical error regarding the radioactivity of the excess acid waste stream. This information was provided in DCS' July 22 Corrections, but not in affidavit form. DCS committed to provide this information in a supplemental affidavit.

Respectfully submitted,



Donald J. Silverman

cc: Service List

**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 28, 2003
DUKE COGEMA STONE & WEBSTER)	Docket No. 070-03098-ML
(Savannah River Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 01-790-01-ML

SUPPLEMENTAL AFFIDAVIT OF MARY BIRCH

City of Charlotte)
)
State of North Carolina)

Mary Birch, being duly sworn, states as follows:

1. I am the Manager of Environmental Safety and Health at Duke, Cogema, Stone & Webster ("DCS").

2. The purpose of this Affidavit is to correct a mathematical error regarding the radioactivity of the excess acid waste stream for the MOX Facility that was contained in my June 7, 2003 Affidavit in Support of DCS' Motion for Summary Disposition on Consolidated Contention 11.

3. The excess acid waste stream is expected to contain approximately 0.04 curies annually, which is approximately 0.00005% of the radioactivity in the high alpha waste stream – not 430 curies, as originally stated.¹ All other aspects of my June 7 Affidavit remain true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing affidavit and the matters stated therein are true and correct to the best of my knowledge, information, and belief.


Mary Birch, CHP, PE
Duke, Cogema, Stone & Webster
128 South Tryon Street
Charlotte, NC 28202

Subscribed and sworn before me this 28th day of July, 2003.


Notary Public

My Commission Expires: 12/02/04

¹ See Birch Affidavit at 2 (June 7, 2003).

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Supplemental Affidavit of Mary Birch" dated July 28, 2003, was served this day upon the persons listed below, by e-mail and first class mail.

Secretary of the Commission*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff
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U.S. Nuclear Regulatory Commission
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Administrative Judge
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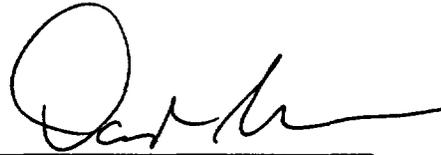
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7/29/03

Date