

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

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of

DUKE COGEMA STONE & WEBSTER

(Savannah River Mixed Oxide Fuel
Fabrication Facility)

Docket No. 070-03098-ML

ASLBP No. 01-790-01-ML

July 2, 2003

ORDER

On July 23, 2003, at 10:00 a.m. in the Atomic Safety and Licensing Board Panel's hearing room, third floor, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, the Licensing Board will hear argument on Duke Cogema Stone & Webster's (DCS) motion for summary disposition of Georgians Against Nuclear Energy's (GANE) Contentions 1 and 2. Because the matters to be heard involve proprietary information, the argument will be closed to the public and only counsel for the parties and those permitted access to proprietary information in this proceeding will be allowed to attend. Each side shall have ten minutes for argument addressing GANE's Contention 1. DCS and the NRC Staff may divide their time as they see fit and may reserve up to three minutes for rebuttal. Each side shall have 20 minutes for argument addressing GANE's Contention 2. DCS and the Staff may divide their time as they

see fit and may reserve up to six minutes for rebuttal. All parties are free to use less than their allotted time.

With respect to GANE Contention 2, all parties shall address in their presentation the following question:

The definitions section of 10 C.F.R. § 50.2 states that *Design bases* means “that information which identifies specific functions to be performed by a structure, system, or component of a facility, and the specific values or ranges of values chosen for controlling parameters as reference bounds for design.” How may values or ranges of values for the parameters controlling the capability of coping with a design bases threat (DBT) be established unless such a DBT has been actually designated by the Commission for the proposed facility?

In its presentation, the Staff shall also address the following question:

On page 3 of its response to DCS’s summary disposition motion, the Staff states that “[t]he NRC Staff intends to seek the Commission’s approval to send the revised DBT to DCS for use by DCS in preparing its physical security and safeguards contingency plans that would be part of any future DCS application for a license to possess and use special nuclear material at the proposed MOX facility.” What is the Staff schedule for presenting this matter to the Commission and what is the Staff’s recommended schedule for Commission action on this matter?

In order to facilitate the orderly handling of NRC security procedures for the argument, all parties except the NRC Staff should email the Board Chairman (tsm2@nrc.gov), with a copy to Sharon Marks Perini (sam4@nrc.gov) and Patricia Harich (pah@nrc.gov) of the ASLBP staff, the name and organization of each person who will be attending the argument. This information shall be provided no later than 12:00 noon on Monday, July 21, 2003. Each person attending will be then preregistered in the NRC Visitor’s Log to expedite access into the building. In addition, all non-NRC persons must bring some form of government-issued

identification containing their picture and should arrive no later than 9:30 a.m. on Wednesday, July 23, 2003 so that the screening and escort procedures will not delay the argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 2, 2003

¹Copies of this Order were sent this date by Internet e-mail transmission to (1) GANE; (2) DCS; and (3) the NRC Staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
DUKE COGEMA STONE & WEBSTER)	Docket No. 70-3098-ML
)	
(Savannah River Mixed Oxide Fuel)	
Fabrication Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED JULY 2, 2003 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket No. 70-3098-ML
LB ORDER DATED JULY 2, 2003

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 2nd day of July 2003