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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

October 7, 2003

DOCKETED
USNRC

OFFICE OF THE
SECRETARY

October 7, 2003 (10:47AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

MEMORANDUM TO: Board and Parties
DUKE COGEMA STONE & WEBSTER
(Savannah River Mixed Oxide Fuel
Fabrication Facility)
Docket No. 70-03098-ML

SERVED October 7, 2003

SUBJECT: RELEASE OF PAGES 8 AND 9 OF THE
TRANSCRIPT DATED AUGUST 5, 2003

In accordance with the determination made by the Atomic Safety and Licensing Board for this proceeding in its Order dated September 9, 2003, attached are redacted pages 8 and 9 of the Oral Argument closed session transcript dated August 5, 2003. The publically available sections of the transcript begin with line 4 on page 8 and end at line 6 on page 9 as specified in the Order.

Emile L. Julian
Assistant for Rulemakings
And Adjudications

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4 MR. HULL: For the record this is the
5 NRC's staff's response to the motion for summary
6 disposition submitted by Duke, Cogema, Stone & Webster
7 on GANE Contentions 1 and 2. The date of the staff
8 filing is June 5 of 2003.

9 And if I could direct the attention of the
10 Board and the parties to page 3 of that filing, and
11 the following statement here is at issue, and this
12 appears towards the bottom of page 3, but the DBT, the
13 design basis threat, to be issued by the physical
14 security and safeguards contingency plans ECS will be
15 required to submit is no longer the DBT set forth in
16 10 CFR 73.1, because as discussed above, that DBT was
17 superseded by the April 29, 2003 BWX Technologies and
18 Nuclear Fuel Services, Inc.

19 Now, with respect to BWX Technologies and
20 Nuclear Fuel Services, that statement is accurate, and
21 the design basis threat in 10 CFR 73.1 was superseded
22 by the revised design basis threat that was imposed on
23 those two licenses by order.

24 However with respect to applicant's for
25 category one fuel cycle facilities such as BCS, such

1 applications are still governed and are measured
2 against the regulations that are in force in 10 CFR
3 Part 70, 73 and 74.

4 And that would include the design basis
5 threat as set forth in 10 CFR 73.1 That's all I have.
6 Thank you.

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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 MEMORANDUM TO BOARD AND PARTIES RE RELEASE OF PAGES 8 AND 9 OF THE TRANSCRIPT DATED AUGUST 5, 2003 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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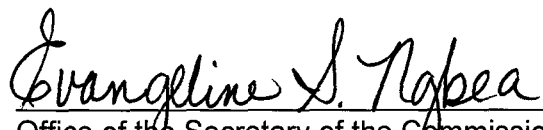
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Docket No. 70-3098-ML
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RELEASE OF PAGES 8 AND 9 OF THE TRANSCRIPT
DATED AUGUST 5, 2003

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 7th day of October 2003