

RAS 3197

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

01 JUL -5 P3:14

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

**Duke Cogema Stone & Webster's Answer in Opposition to
GANE'S Supplement to Request for
30-Day Extension for Filing Contentions on the CAR**

In a motion dated July 1, 2001,¹ Georgians Against Nuclear Energy ("GANE") supplemented its request for an additional 30 days to file proposed contentions and additional information supporting standing because "[i]nformation relevant to the request was inadvertently omitted from the filing." Supplement to Request at 1. As supplemental supporting information, GANE stated that "Glenn Carroll...accepted an invitation to attend the Institute for Energy and Environmental Research training workshop July 17 - 22, 2001...Ms. Carroll is engaged in traveling and attending the

¹ We are not certain of the actual service date. Electronic mail service is complete upon the day sent and the date is imprinted on the e-mail automatically. We noticed that the date on GANE's e-mail serving the Supplement to Request for 30-Day Extension is "08/28/56" or August 28, 1956. Since all parties must rely on the service date, GANE should correct any problems with its system so that the transmittal date is reliable. Moreover, although GANE attached a certificate of service, that certificate was not dated and did not indicate the method of service. Finally, none of GANE's documents could be electronically opened. DCS was only able to view them in a Lotus Notes viewer.

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IEER workshop July 13 through July 23, 2001.”² Supplement to Request at 1-2. GANE also provided that Ms. Bloomfield informed GANE on June 29, 2001 “that she will be traveling to visit her family and unavailable until July 17, 2001.” Supplement to Request at 2.

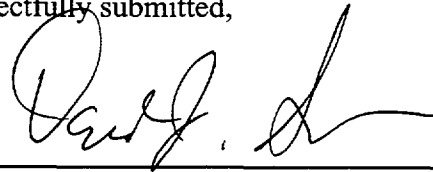
Ms. Carroll’s and Ms. Bloomfield’s alleged unavailability due to prior business and/or personal commitments does not rise to the level of “unavoidable and extreme circumstances” for the same reasons stated in Duke Cogema Stone & Webster’s (DCS) Answer in Opposition to GANE’s Request for 30-Day Extension for Filing Contentions on the CAR. *See Florida Power and Light Co. (Turkey Point, Units 3 and 4) 2000 NRC Lexis 149*, at 1.

The fact that Ms. Carroll’s and Ms. Bloomfield’s schedules do not allow them to meet face to face during July does not justify an extension nor does it hinder their ability to prepare their contentions. Available technology allows Ms. Carroll and Ms. Bloomfield to communicate and prepare from any location.

² Ms. Carroll has apparently built into her schedule five days for travel: four days prior to her workshop and one day after the workshop.

For the above-stated reasons, DCS respectfully requests that GANE's Request for Extension, as supplemented, be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Silverman", written over a horizontal line.

Donald J. Silverman
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Dated July 2, 2001

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

Before Administrative Judges:
Thomas S. Moore, Chairman
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CERTIFICATE OF SERVICE

I hereby certify that copies of Duke Cogema Stone & Webster's Answer in Opposition to GANE'S Supplement to Request for 30-Day Extension for Filing Contentions on the CAR were served this day upon the persons listed below, by both e-mail and United States Postal Service, first class mail, with the exception of Environmentalists, Inc, which was served by overnight mail.

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Dated July 2, 2001