

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

DOCKETED  
USNRC

August 31, 2001 (4:05PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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

_____ )	
In the Matter of )	
DUKE COGEMA STONE & WEBSTER )	Docket No. 070-03098-ML
(Savannah River Mixed Oxide Fuel )	
Fabrication Facility) )	ASLBP No. 01-790-01-ML
_____ )	August 29, 2001

**Duke Cogema Stone & Webster's Response to  
Georgians Against Nuclear Energy's  
Motion for Leave to Reply  
to DCS and NRC Staff Responses to Motion to Dismiss**

Duke Cogema Stone & Webster ("DCS") opposes Georgians Against Nuclear Energy's ("GANE") "Motion for Leave to Reply to DCS and NRC Staff Responses to Motion to Dismiss" ("Motion for Leave to Reply"). NRC regulations "do not provide for any right of reply to a responsive pleading."<sup>1</sup> In order to obtain leave to reply, a party must "demonstrate good cause for permitting the reply to be filed."<sup>2</sup>

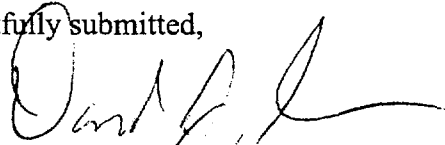
GANE has failed to demonstrate the requisite good cause. As explained in DCS' Answer to "GANE's Motion to Dismiss Licensing Proceeding or, in the Alternative,

<sup>1</sup> Atomic Safety and Licensing Board Memorandum and Order, July 17, 2001, slip op. at 6.

<sup>2</sup> *Id.*

Hold it in Abeyance,” the statutory and regulatory requirements at issue are clear. No “novel” or “complicated” questions have been presented. Consequently, GANE’s Motion for Leave to Reply should be denied.<sup>3</sup>

Respectfully submitted,



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Dated August 29, 2001

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<sup>3</sup> Should the Board decide to grant the Motion for Leave to Reply, DCS respectfully requests an opportunity to respond to GANE’s reply.

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of "Duke Cogema Stone & Webster's Response to Georgians Against Nuclear Energy's Motion for Leave to Reply to DCS and NRC Staff Responses to Motion to Dismiss" 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 first class mail.

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8/29/01  
Date