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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  | ) |                         |
|   | ) |                         |
| DUKE COGEMA STONE & WEBSTER                               | ) | Docket No. 070-03098-ML |
|   | ) |                         |
| (Savannah River Mixed Oxide Fuel<br>Fabrication Facility) | ) | ASLBP No. 01-790-01-ML  |
|   | ) |                         |

**DUKE COGEMA STONE & WEBSTER'S  
RESPONSE TO GEORGIANS AGAINST NUCLEAR ENERGY'S  
REQUEST FOR STAY OF DISCOVERY PENDING RULING ON  
MOTION TO DISMISS OR HOLD IN ABEYANCE**

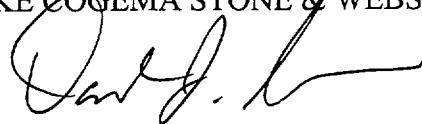
On August 13, 2001, Georgians Against Nuclear Energy ("GANE") filed a "Motion to Dismiss Licensing Proceeding or, in the Alternative, Hold it in Abeyance." ("Motion to Dismiss"). On December 19, 2001, GANE filed a request to stay discovery ("Stay Motion"), pending a ruling on it's Motion to Dismiss by either: (1) the Licensing Board; or (2) the Commission if the Licensing Board chose to certify the Motion to Dismiss to the Commission.

On December 20, 2001, the Licensing Board issued a Memorandum and Order denying GANE's Motion to Dismiss and refusing to certify that motion to the Commission. This Memorandum and Order did not specifically address the Stay Motion.

Since GANE asked for a stay pending resolution of the Motion to Dismiss, and the Board has denied the Motion to Dismiss, the Stay Motion is now moot and should also be denied.

Respectfully submitted,

DUKE COGEMA STONE & WEBSTER



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Dated: December 28, 2001

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NUCLEAR REGULATORY COMMISSION

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|   | ) |                         |

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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 Request for Stay of Discovery Pending Ruling on Motion to Dismiss or Hold in Abeyance" were served this day upon the persons listed below, by both e-mail and United States Postal Service, first class mail.

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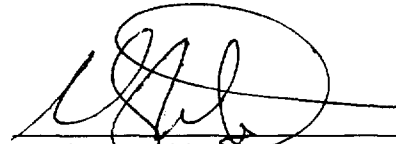
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\* Original and 2 copies



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12/20/07  
Date