

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 070-03098-ML
DUKE COGEMA STONE & WEBSTER)	
)	
Mixed Oxide Fuel Fabrication Facility)	
(Construction Authorization Request))	

NRC STAFF'S RESPONSE TO MOTION TO POSTPONE DISCOVERY

The Staff opposes the February 22, 2002 motion to postpone discovery submitted by intervenors Georgians Against Nuclear Energy and Blue Ridge Environmental Defense League. The Commission established a schedule in this proceeding whereby discovery -- other than against the Staff -- was to start in conjunction with the Board's decision on standing and the admissibility of contentions. See CLI-01-13, 53 NRC 478, 485 (2001). Additional discovery against Duke Cogema Stone & Webster (DCS) may be permitted later, if shown to be necessary due to any supplements DCS submits pertaining to its environmental report or construction authorization request. The Staff agrees with the arguments made by DCS in its February 26, 2002 answer opposing the motion to postpone discovery, particularly the point that most of the admitted contentions have no connection to the issues raised by the Department of Energy's recent change in its hybrid approach to the disposition of surplus weapons-grade plutonium (as more fully discussed in the letter of DCS' counsel to the Board dated January 24, 2002, and the letter of Staff's counsel to the Board dated February 14, 2002). The Staff therefore concludes that the

February 22 motion is simply a request to delay for the sake of delay. Accordingly, the Staff requests the Board to deny the intervenors' motion to postpone discovery.

Respectfully submitted,

/RA/

John T. Hull
Counsel for NRC Staff

Dated at Rockville, Maryland
this 6th day of March, 2002

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S RESPONSE TO MOTION TO POSTPONE DISCOVERY" have been served upon the following persons this 6th day of March, 2002, by electronic mail, and by U.S. mail, first class (or as indicated by an asterisk (*) through the Nuclear Regulatory Commission's internal distribution).

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