

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

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of

DUKE COGEMA STONE & WEBSTER
(Savannah River Mixed Oxide Fuel
Fabrication Facility)

Docket No. 070-03098-ML

ASLBP No. 01-790-01-ML

April 11, 2002

ORDER

On March 7, 2002, the Licensing Board granted, in part, the joint motion of Intervenors Georgians Against Nuclear Energy (GANE) and the Blue Ridge Environmental Defense League (BREDL) to postpone discovery. In its order, the Board canceled the discovery schedule contained in paragraph 10 of its February 12, 2002, Memorandum and Order. The Board also indicated that it would revisit the scheduling issue in 30 days once several interlocutory review petitions pending before the Commission were resolved and the NRC Staff had issued a new projected schedule for its review of the Duke Cogema Stone & Webster (DCS) application necessitated by the recently announced changes to the proposed Savannah River Mixed Oxide Fuel Fabrication Facility. Those events having occurred, the Board will hold a telephone conference with the parties at 1:00 p.m., Thursday, April 18, 2002, to discuss a new discovery schedule. The parties should confer and seek to reach agreement on a new proposed discovery schedule, using as a guide the Board's previously announced and subsequently

canceled schedule. In the event the parties fail to agree upon a proposed schedule, each party shall prepare a proposed schedule.

At least one counsel or lead representative for each party shall participate. The participating counsel or representative for each party shall notify the Presiding Officer by e-mail no later than 12:00 noon on Wednesday, April 17, 2002, the name of each person who will be participating. At the same time, each party shall transmit to the Presiding Officer by e-mail its proposed discovery schedule or, in the event all parties agree upon a proposed schedule, the Applicant shall transmit the proposed schedule.

Additionally, in light of the Commission's denial of the remainder of DCS's petition for interlocutory review in CLI-02-09, all parties should be prepared to discuss how they intend to proceed with respect to GANE contentions 1 and 2 and consolidated GANE contentions 5 and 8/BREDL contention 9A.

To participate in the telephone conference, the counsel or representative of each party shall call 1-800-638-8081 (301-231-5539 for local callers) and enter passcode 1798# at a few minutes before 1:00 p.m. on Thursday, April 18, 2002. In the event any party's counsel or representative cannot participate, that counsel or representative shall e-mail the Presiding Officer by 12:00 noon on Tuesday, April 16, 2002, of that fact and provide the Presiding Officer

an alternative date and/or time on April 18 (other than 10:00 a.m. - 12:00 noon) or April 19, 2002, acceptable to all other counsel or representatives for holding the conference.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 11, 2002

¹Copies of this Memorandum and Order were sent this date by Internet e-mail transmission to (1) DCS; (2) the NRC Staff; (3) GANE; and (4) BREDL.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
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DUKE COGEMA STONE & WEBSTER)	Docket No. 70-3098-ML
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED APRIL 11, 2002 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-3098-ML
LB ORDER DATED APRIL 11, 2002

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of April 2002