

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

January 28, 2003

ORDER
(DISMISSING GANE CONTENTION 9)

Before us is the unopposed motion of Duke Cogema Stone & Webster (DCS) to dismiss Georgians Against Nuclear Energy's (GANE) Contention 9. That contention challenges the adequacy of the cost comparison in DCS's environmental report for the Applicant's proposed mixed oxide fuel fabrication facility. In its motion, DCS recites that, in response to an interrogatory, GANE indicated it had decided to drop Contention 9. Further, DCS indicates that neither GANE nor the NRC Staff opposes its dismissal motion. Finally, DCS states that all parties also agree that such dismissal would not prejudice GANE's right to file a future late-filed contention based upon new information in subsequent revisions to DCS's environmental report.

No party having opposed the motion, DCS's motion is hereby granted and GANE Contention 9 is dismissed with prejudice.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 28, 2003

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DUKE COGEMA STONE & WEBSTER) Docket No. 70-3098-ML
)
(Savannah River Mixed Oxide Fuel)
Fabrication Facility))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DISMISSING GANE CONTENTION 9) 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 (DISMISSING GANE CONTENTION 9)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 28th day of January 2003