

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

DOCKETED  
USNRC

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

July 15, 2003 (3:07PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of	)	July 8, 2003
DUKE COGEMA STONE & WEBSTER	)	Docket No. 070-03098-ML
(Savannah River Mixed Oxide Fuel Fabrication Facility)	)	ASLBP No. 01-790-01-ML

**DUKE COGEMA STONE & WEBSTER'S RESPONSE TO  
GEORGIANS AGAINST NUCLEAR ENERGY'S  
MOTION TO RESCHEDULE ORAL ARGUMENT**

In a Motion dated July 7, 2003, Georgians Against Nuclear Energy (GANE) has requested that the oral argument now scheduled for July 23, 2003 be rescheduled for "sometime in September of 2003" or in the alternative for July 25.<sup>1</sup> As GANE has stated, Duke Cogema Stone & Webster (DCS) does not oppose rescheduling the oral argument on its summary disposition motion to July 25, but does object to a postponement until September.

DCS submitted its summary disposition motion in order to avoid the expenditure of resources on the preparation of affirmative presentations and pre-filed testimony on Contentions 1 and 2 – which it believes are readily amenable to summary disposition procedures. The final NRC Staff Safety Evaluation Report is scheduled for release on September 30, and the parties'

<sup>1</sup> Georgians Against Nuclear Energy's Motion to Reschedule Oral Argument on Duke Cogema Stone & Webster's Motion for Summary Disposition of GANE Contention 1 and 2 (July 7, 2003) at 1, 2.

presentations and testimony are due 90 days later, pursuant to the Commission's June 14, 2001 Referral Order.

If the oral argument is not held until September, and allowing for a reasonable time for the Board to rule on DCS' summary disposition motion, substantial effort will need to be expended in preparing DCS' affirmative case on these contentions. This will obviate one of the principal benefits of the motion should it be granted. Even if the Board denies DCS' motion in whole or in part, DCS will not have the benefit of the Board's written decision and reasoning until well into the time period available for preparing its affirmative case. That decision and reasoning could play a major role in defining the scope and content of DCS' presentation and testimony.

Accordingly, in order to ensure that the proceeding continues to adhere to the schedule milestones set by the Commission, DCS opposes the scheduling of the oral argument until September and requests that the Board retain the currently scheduled date of July 23 or, if necessary, reschedule the argument for July 25.

Dated: July 8, 2003

Respectfully submitted,

DUKE COGEMA STONE & WEBSTER



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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 to Reschedule Oral Argument" dated July 8, 2003, was served this day upon the persons listed below, by e-mail and first class mail.

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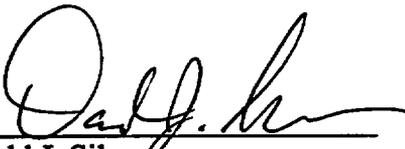
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7/8/03  
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