

RAS 6856

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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September 29, 2003 (1:13PM)

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

In the Matter of)	September 18, 2003
DUKE COGEMA STONE & WEBSTER)	Docket No. 070-03098-ML
(Savannah River Mixed Oxide Fuel Fabrication Facility))	ASLBP No. 01-790-01-ML

**DCS REQUEST TO FILE REPLY TO
GANE'S OPPOSITION TO DCS'S MOTION FOR
SUMMARY DISPOSITION ON CONTENTION 3**

Duke Cogema Stone & Webster ("DCS") respectfully requests that the Board exercise its discretion to provide DCS with an opportunity to reply to Georgians Against Nuclear Energy's ("GANE") September 16, 2003 filing which opposed DCS's summary disposition motion on Contention 3 (Seismic). Technical statements in GANE's filing mischaracterize the MOX Facility's seismic design and the work conducted to reach that design. Clarifying these issues will assist the Board in considering DCS's Motion.

GANE's filing also cites documents and opinions which were not previously identified either in GANE's discovery responses or by Dr. Long during his deposition. DCS requests an opportunity to respond to this new information.

Finally, DCS asks that it be given until Wednesday, October 8, 2003 to file its reply. This additional time is needed due to the closure of offices in response to

Hurricane Isabel, the preparation for and deposition of Dr. Carl Stepp—DCS's seismic expert—next week, and the Jewish Holidays of Rosh Hashana and Yom Kippur.

Due to the hurricane, neither the NRC Staff nor GANE's counsel were available to consult as to their opinions regarding this Motion.

Dated: September 18, 2003

Respectfully submitted,


Donald J. Silverman
Alex S. Polonsky
Marjan Mashhadi
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Telephone: (202) 739-5502
Facsimile: (202) 739-3001

Counsel for DCS

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CERTIFICATE OF SERVICE

I hereby certify that copies of "DCS Request to File Reply to GANE's Opposition to DCS's Motion For Summary Disposition on Contention 3" dated September 18, 2003 were served this day upon the persons listed below, by e-mail and first class mail.

Secretary of the Commission*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemakings and Adjudications Staff
(E-mail: HEARINGDOCKET@nrc.gov)

Administrative Judge Peter S. Lam
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: psl@nrc.gov)

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: tsm2@nrc.gov)

Dennis C. Dambly, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: dcd@nrc.gov)

Administrative Judge Charles N. Kelber
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: cnk@nrc.gov)

John T. Hull, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: jth@nrc.gov)

Glenn Carroll
Georgians Against Nuclear Energy
P.O. Box 8574
Atlanta, Georgia 30306
(E-mail: atom.girl@mindspring.com)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hrb@nrc.gov)

Diane Curran, Esq.
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
(E-mail: dcurran@harmoncurran.com)

Shelly D. Cole, Esq.
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O-15D21
Washington, D.C. 20555
(E-mail: sdcl@nrc.gov)

Donald J. Moniak
Blue Ridge Environmental Defense League
P.O. Box 3487
Aiken, S.C. 29802
(E-mail: donmoniak@earthlink.net)

Mitzi A. Young, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: may@nrc.gov)

Louis Zeller
Blue Ridge Environmental Defense League
PO Box 88
Glendale Springs, N.C. 28629
(E-mail: BREDL@skybest.com)

* Original and 2 copies


Alex S. Polonsky

9/18/03
Date