

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

February 15, 2005 (3:25pm)

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	)	February 7, 2005
DUKE COGEMA STONE & WEBSTER	)	Docket No. 070-03098-ML
(Savannah River Mixed Oxide Fuel Fabrication Facility)	)	ASLBP No. 01-790-01-ML

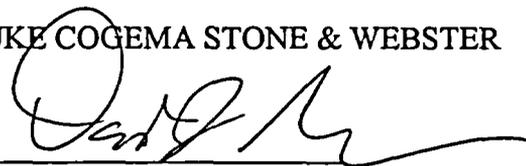
**JOINT MOTION TO ESTABLISH HEARING SCHEDULE**

The applicant, Duke Cogema Stone & Webster LLC, the Nuclear Regulatory Commission Staff, Georgians Against Nuclear Energy, and Blue Ridge Environmental Defense League hereby jointly move the Atomic Safety and Licensing Board to adopt the attached schedule for the remainder of the above captioned proceeding.

Dated: February 7, 2005

Respectfully submitted,

DUKE COGEMA STONE & WEBSTER



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## SCHEDULE FOR ASLBP NO. 01-790-01-ML

### Late-Filed Contentions Based on the Final Environmental Impact Statement (FEIS)

February 28	Deadline for intervenors to submit late-filed contentions based on the FEIS in accordance with 10 C.F.R. §2.714(b)(2)(iii).
10 days after filing of late-filed contentions	Responses to late-filed contentions based on FEIS by applicant and the Staff.

### Late-Filed Contentions Based on the Final Safety Evaluation Report (FSER)

30 days after issuance of the FSER <sup>1</sup>	Deadline for intervenors to submit late-filed contentions based on the FSER in accordance with 10 C.F.R. §2.714(b)(2)(iii).
10 days after filing of late-filed contentions	Responses to late-filed contentions based on FSER by applicant and the Staff.

### Remaining Consolidated Milestones<sup>2</sup>

50 days after issuance of the FSER	Decision on admissibility of all late-filed contentions by the Presiding Officer. If any late-filed contentions are admitted, start discovery period against all parties on admitted contentions.
65 days after issuance of the FSER	Simultaneous identification of experts.
80 days after issuance of the FSER	Simultaneous service of interrogatories on all parties and filing of Notices of Deposition.
95 days after issuance of the FSER	Simultaneous answers to interrogatories and service of documents relied upon.

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<sup>1</sup> Hard copies of the FSER will be mailed to GANE's counsel and representative and distributed to the service list on the same date that the FSER becomes available on ADAMS. The parties and Board will be notified of the availability of the FSER on that date as well. The FSER issuance date shall be the date that hard copies of the document are so mailed and distributed.

<sup>2</sup> Contention 9 was dismissed in the ASLB's Order dated Jan. 28, 2003. No contentions remain from Phase I. Accordingly, the milestone for completing discovery against the NRC Staff on the admitted contentions from Phase 1 is no longer applicable.

### **Remaining Consolidated Milestones (Continued)**

110 days after issuance of the FSER	Completion of depositions and discovery.
120 days after issuance of the FSER	Simultaneous written presentations regarding any admitted contentions.
135 days after issuance of the FSER	Simultaneous responses to written presentations.
150 days after issuance of the FSER	Submission of proposed questions for Presiding Officer's potential use under 10 C.F.R. §2.1235.
155 days after issuance of the FSER	Decision on whether to hold oral presentations under 10 C.F.R. §2.1235.
165 days after issuance of the FSER	Start of oral presentation session (if ordered).
20 days after conclusion of oral presentation	Simultaneous filing of proposed findings of fact and conclusions of law by all parties.
80 days after conclusion of oral presentation	Presiding Officer to render initial decision on late filed, but admitted contentions.

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the "Joint Motion to Establish Hearing Schedule" was served this day upon the persons listed below by electronic and First Class Mail.

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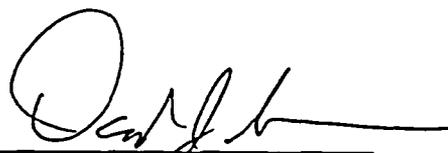
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\* Original and 2 copies



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February 7, 2005