

**RAS 9613**

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

**DOCKETED 03/24/05**

**SERVED 03/24/05**

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

March 24, 2005

ORDER

(Denying Admission of Late-Filed Contentions)

In response to the NRC Staff's issuance of the Final Environmental Impact Statement on the Construction and Operation of a Proposed Mixed Oxide Fuel Fabrication Facility, Georgians Against Nuclear Energy (GANE) has filed two late-filed contentions, GANE contentions 21 and 22. The applicant, Duke Cogema Stone & Webster (DCS), and the NRC Staff both oppose the admission of GANE's contentions.

Although this proceeding is governed by the old 10 C.F.R. Part 2, Subpart L regulations, the Commission directed, inter alia, that the parties must file contentions meeting the requirements of 10 C.F.R. § 2.714(b)(2). Applying this standard, we find that GANE contentions 21 and 22 both fail to raise a material issue of law or fact showing that a genuine

dispute exists and hence are inadmissible. In due course, we will issue a memorandum more fully explaining the reasons for finding the contentions inadmissible.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

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Thomas S. Moore, Chairman  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Charles N. Kelber  
ADMINISTRATIVE JUDGE

*/RA/*

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Dr. Peter S. Lam  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 24, 2005

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<sup>1</sup> Copies of this Order were sent this date by Internet e-mail transmission to (1) GANE; (2) DCS; and (3) 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 (DENYING ADMISSION OF LATE-FILED CONTENTIONS) 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 (DENYING ADMISSION OF LATE-FILED  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 24<sup>th</sup> day of March 2005