

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

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

DOCKETED
USNRC

August 31, 2001 (4:05PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

August 29, 2001

**Duke Cogema Stone & Webster's Response to
Georgians Against Nuclear Energy's
Motion for Leave to Reply
to DCS and NRC Staff Responses to Motion to Dismiss**

Duke Cogema Stone & Webster ("DCS") opposes Georgians Against Nuclear Energy's ("GANE") "Motion for Leave to Reply to DCS and NRC Staff Responses to Motion to Dismiss" ("Motion for Leave to Reply"). NRC regulations "do not provide for any right of reply to a responsive pleading."¹ In order to obtain leave to reply, a party must "demonstrate good cause for permitting the reply to be filed."²

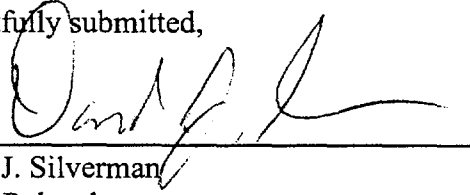
GANE has failed to demonstrate the requisite good cause. As explained in DCS' Answer to "GANE's Motion to Dismiss Licensing Proceeding or, in the Alternative,

¹ Atomic Safety and Licensing Board Memorandum and Order, July 17, 2001, slip op. at 6.

² *Id.*

Hold it in Abeyance," the statutory and regulatory requirements at issue are clear. No "novel" or "complicated" questions have been presented. Consequently, GANE's Motion for Leave to Reply should be denied.³

Respectfully submitted,



Donald J. Silverman
Alex S. Polonsky
Marjan Mashhadi
Morgan, Lewis & Bockius, LLP
1800 M Street, NW
Washington, D.C. 20036
202-467-7502

Attorneys for Duke Cogema Stone & Webster

Dated August 29, 2001

³ Should the Board decide to grant the Motion for Leave to Reply, DCS respectfully requests an opportunity to respond to GANE's reply.

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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 for Leave to Reply to DCS and NRC Staff Responses to Motion to Dismiss" were served this day upon the persons listed below, by both e-mail and United States Postal Service, first class mail, with the exception of Environmentalists, Inc, which was served by 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)

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

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)

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)

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

Edna Foster
120 Balsam Lane
Highlands, N.C. 28741
(E-mail: emfoster@gte.net)

Ruth Thomas, President
Environmentalists, Inc.
1339 Sinkler Road
Columbia, SC 29206

* Original and 2 copies


Marjan Mashhadi

8/29/01
Date