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**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**

In the Matter of

DUKE COGEMA STONE & WEBSTER

(Savannah River Mixed Oxide Fuel
Fabrication Facility)

August 1, 2003

Docket No. 070-03098-ML

ASLBP No. 01-790-01-ML

**DCS'S REQUEST FOR LEAVE TO FILE REPLY TO
GANE'S OPPOSITION TO DCS'S MOTION FOR
SUMMARY DISPOSITION OF CONSOLIDATED
CONTENTION 11**

On July 29, 2003, Georgians Against Nuclear Energy (GANE) filed its "Opposition to Duke Cogema Stone & Webster's Motion for Summary Disposition of Consolidated Contention 11" (GANE Opposition). In GANE's Opposition, it raised for the first time a new argument that the procedural rules governing this proceeding do not permit the filing of motions for summary disposition. Duke Cogema Stone & Webster (DCS) requests leave to file a reply to

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GANE's Opposition, to address this issue and to demonstrate that motions for summary disposition are authorized in this proceeding.

In addition, GANE makes a number of assertions regarding the adequacy, clarity and consistency of the NRC Staff's draft Environmental Impact Statement (EIS) (as opposed to DCS' Environmental Report (ER) which is the subject of the Contention). Because DCS believes that these assertions are outside the scope of the Contention and untimely, DCS requests leave to reply to GANE's Opposition in order to address this issue as well.

Finally, DCS requests the opportunity to briefly respond to GANE's statements regarding the relevance of its confusion over the statements and data in the ER to its Contention as admitted by the Board.

Pursuant to the Board's July 17, 2001 Memorandum and Order¹: (1) DCS has conferred with the parties and neither the NRC Staff nor GANE opposes this request; and (2) DCS believes that there is a good cause for the Board to grant leave to reply for the reasons discussed above.² DCS notes that, in connection with its previously filed motion for summary disposition on GANE Contentions 1 and 2, the Board, on its own initiative, authorized DCS to reply to GANE's response.³ A similar opportunity in this instance should help the Board to reach a fully-informed decision on the Motion for Summary Disposition of Consolidated Contention 11.

¹ See Order, July 17, 2001, at Section I.D.2.

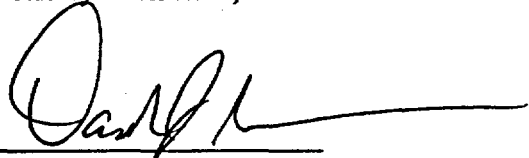
² GANE has referenced a "compelling circumstances" standard for granting leave to file a reply in its own Motion for Leave to Reply dated July 31, 2003, citing Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-87-26, 26 NRC 201, 204 (1987). However, the Board's July 17, 2001 Order in this proceeding makes clear that a "good cause" test applies.

³ See Order, May 22, 2003.

Accordingly, DCS respectfully requests an opportunity to file a reply to GANE's
Opposition.

Dated: August 1, 2003

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Donald J. Silverman', with a long horizontal line extending to the right.

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "DCS's Request for Leave to File Reply to GANE's Opposition to DCS's Motion for Summary Disposition of Consolidated Contention 11" dated August 1, 2003, was 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
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: tsm2@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)

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: hrrb@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)

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)

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

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

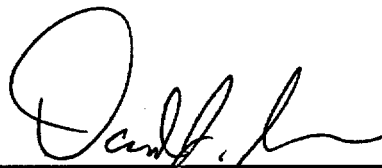
Mitzi A. Young, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: may@nrc.gov)

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)

Cassie E. Bray, Esq.
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O 15 D21
Washington, D.C. 20555
(E-mail: ceb4@nrc.gov)

* Original and 2 copies

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



Donald J. Silverman

8/1/03

Date