

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONBEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 070-03098
DUKE COGEMA STONE & WEBSTER)	
)	
Mixed Oxide (MOX) Fuel Fabrication Facility)	
(Construction Authorization Request))	

NRC STAFF'S RESPONSE TO MOTION TO STRIKE
SUBMITTED BY DUKE COGEMA STONE & WEBSTER

The NRC Staff supports the Motion to Strike filed by Duke Cogema Stone & Webster (DCS) on August 11, 2003, based on the grounds that the supplemental documents provide irrelevant information to Contention 1.¹ See DCS Motion to Strike and Response to Motion for Leave to Supplement Its Opposition to DCS'S Motion for Summary Disposition of Contention 1, at 1-2.

If the Board grants GANE's August 6, 2003, Motion to Supplement, the NRC Staff would like the opportunity to respond to the substantive matters in the attachments to the Motion to Supplement.²

Respectfully submitted,

/RA/

Cassie E. Bray
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th of August, 2003.

¹ Georgians Against Nuclear Energy filed a Motion for Leave to Supplement Its Opposition to DCS's Motion for Summary Disposition of Contention 1 on August 6, 2003. The August 11, 2003, filing submitted by DCS consisted, in its entirety, of a Motion to Strike and a Response to GANE's Motion for Leave to Supplement its Opposition to DCS's Motion for Summary Disposition of Contention 1.

² It has recently come to the Staff Counsel's attention that the Staff has designated the Institute of Nuclear Materials Management Paper (INMM paper), submitted as an attachment to the Motion to Supplement, as Official Use Only. Therefore, distribution of the INMM paper should be limited accordingly.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO MOTION TO STRIKE SUBMITTED BY DUKE COGEMA STONE & WEBSTER" in the above captioned proceeding have been served upon the following persons, by electronic mail, and by U.S. mail, first class, or as indicated by an asterisk (*) through the Nuclear Regulatory Commission's internal distribution, this 20th day of August, 2003.

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