

RAS 6856

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

**DOCKETED
USNRC**

September 29, 2003 (1:13PM)

**OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF**

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

In the Matter of)	September 18, 2003
)	
DUKE COGEMA STONE & WEBSTER)	Docket No. 070-03098-ML
)	
(Savannah River Mixed Oxide Fuel)	ASLBP No. 01-790-01-ML
Fabrication Facility))	

**DCS REQUEST TO FILE REPLY TO
GANE'S OPPOSITION TO DCS'S MOTION FOR
SUMMARY DISPOSITION ON CONTENTION 3**

Duke Cogema Stone & Webster ("DCS") respectfully requests that the Board exercise its discretion to provide DCS with an opportunity to reply to Georgians Against Nuclear Energy's ("GANE") September 16, 2003 filing which opposed DCS's summary disposition motion on Contention 3 (Seismic). Technical statements in GANE's filing mischaracterize the MOX Facility's seismic design and the work conducted to reach that design. Clarifying these issues will assist the Board in considering DCS's Motion.

GANE's filing also cites documents and opinions which were not previously identified either in GANE's discovery responses or by Dr. Long during his deposition. DCS requests an opportunity to respond to this new information.


Finally, DCS asks that it be given until Wednesday, October 8, 2003 to file its reply. This additional time is needed due to the closure of offices in response to

Hurricane Isabel, the preparation for and deposition of Dr. Carl Stepp—DCS's seismic expert—next week, and the Jewish Holidays of Rosh Hashana and Yom Kippur.

Due to the hurricane, neither the NRC Staff nor GANE's counsel were available to consult as to their opinions regarding this Motion.

Dated: September 18, 2003

Respectfully submitted,


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CERTIFICATE OF SERVICE

I hereby certify that copies of "DCS Request to File Reply to GANE's Opposition to DCS's Motion For Summary Disposition on Contention 3" dated September 18, 2003 were served this day upon the persons listed below, by e-mail and first class mail.

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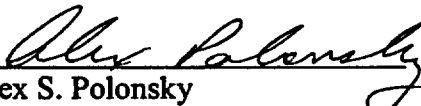
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9/18/03
Date