

17062

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'95 AUG 30 P3:07

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

OFFICE OF SECRETARY
DOCKETING SERVICE
FRANCH

In the Matter of)

GEORGIA INSTITUTE)
OF TECHNOLOGY)

Atlanta, Georgia)

Georgia Tech Research)
Reactor)

Renewal of License No. R-97)

Docket No. 50-160-OM
ASLBP NO. 95-710-01-OM

GEORGIA INSTITUTE OF TECHNOLOGY'S RESPONSE
TO GANE'S AMENDED PETITION FOR LEAVE TO INTERVENE

Licensee Georgia Institute of Technology ("Georgia Tech") responds to the Amended Petition for Leave to Intervene in Consideration of Application for Facility License Conversion from High-Enriched Uranium to Low-Enriched Uranium Fuel, filed by Georgians Against Nuclear Energy ("GANE") on August 21, 1995 as follows:

In its Order dated July 31, 1995, the Board directed GANE, as intervenor, to, one, advise that Mr. Robert Johnson, the individual upon whose statement of interest GANE's claim to standing rests, "wishes GANE to represent his interest in this as well as the renewal proceeding;" and, two, to set forth the

contentions it wishes to assert in this proceeding, including the information set forth in 10 C.F.R. § 2.714 (b) and (d). In its Amended Petition, GANE fails to comply with either directive.

With respect to Mr. Johnson, GANE states that it "represents in this proceeding, Robert Johnson, . . . His standing has been established in the License Renewal proceeding on this docket which GANE has maintained since October 1994." GANE has not provided any indication from Mr. Johnson that he wishes GANE to represent him in this proceeding in addition to its representation of him in the renewal proceeding. It was this indication which the Board specifically directed GANE to supply. Its failure to follow this directive constitutes grounds upon which to base a denial of GANE's request for hearing.

With respect to the contentions it seeks to assert in this proceeding, GANE's Amended Petition is vague and difficult to interpret. GANE states that Georgia Tech "is risking the public health and safety in its conversion plan. . . GANE finds it unacceptable to operate a reactor in the middle of a large population center. . . At the minimum we call on Georgia Tech configure (sic) its reactor properly to receive and use the low-enriched uranium fuel." These statements fall far short of the information which is required by 10 C.F.R. §§ 2.714 (b) and (d). In particular, GANE has failed to provide a brief explanation of the contention, a concise statement of the

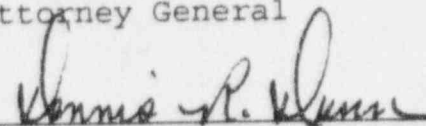
alleged facts or expert opinion supportive of such contention,
or sufficient information to show that a genuine dispute exists
on a material issue of law or fact. 10 C.F.R. § 2.714 (b) (i),
(ii and (iii).

For the above reasons and for those stated in the Staff's
Response to GANE's Request for Hearing, Georgia Tech
respectfully requests that GANE's Amended Petition be dismissed.

Respectfully submitted,

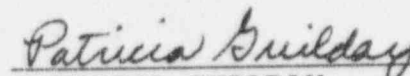
MICHAEL J. BOWERS
Attorney General

174567



DENNIS R. DUNN
Senior Assistant Attorney General

234098



PATRICIA GUILDAY
Assistant Attorney General

315113

PLEASE ADDRESS ALL
COMMUNICATIONS TO:

PATRICIA GUILDAY
Assistant Attorney General
Georgia Department of Law
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

DOCKETED
USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'95 AUG 30 P3:55

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCHCharles Rechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. LamIn the Matter of)
)
)GEORGIA INSTITUTE
OF TECHNOLOGY)
)Atlanta, Georgia)
)Georgia Tech Research)
Reactor)
)

Renewal of License No. R-97)

Docket No. 50-160-OM
ASLEP NO. 95-710-01-OMGEORGIA INSTITUTE OF TECHNOLOGY'S
CERTIFICATE OF SERVICE

I do hereby certify that copies of the foregoing Georgia Institute of Technology's Response to Gane's Amended Petition for Leave to Intervene have been served upon the following persons by U.S. Mail, except as otherwise noted and in accordance with the requirement of 10 C.F.R. Sec. 2.712:

Administrative Judge
Peter S. Lam
Atomic Safety And Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555Atomic Safety and Licensing
Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Administrative Judge
Charles Bechhoefer, Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

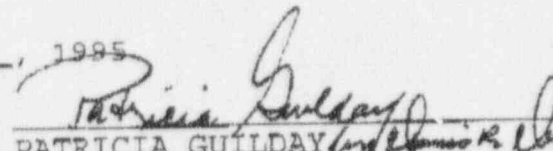
Sherwin E. Turk, Esq.
Susan S. Chidakel, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Randy A. Nordin, Esq.
E. Gail Gunnels, Esq.
Georgia Institute of
Technology
400 10th Street
Atlanta, Georgia 30332

Glenn Carroll
Georgians Against Nuclear
Energy
Post Office Box 8574
Atlanta Georgia 30306

Docketing and Service Branch
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

This 30th day of August, 1995


PATRICIA GUILDAY
Assistant Attorney General