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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATIONS STAFF

In the Matter of  
DUKE COGEMA STONE & WEBSTER  
(Savannah River Mixed Oxide Fuel  
Fabrication Facility)

Docket No. 0-70-03098-ML

ASLBP No. 01-790-01-ML

COMMENTS OF GEORGIANS AGAINST NUCLEAR ENERGY  
ON DCS PROPOSED PROTECTIVE ORDER  
AND AFFIDAVIT OF NON-DISCLOSURE

Georgians Against Nuclear Energy respectfully responds to DCS' proposed protective order and affidavit of non-disclosure. We appreciate the comments of the Board and the NRC Staff acknowledging the burden placed upon the petitioners by some of the conditions proposed by DCS.

GANE asserts that, as all-volunteer environmentalists who are opposed to plutonium fuel manufacture in the first place, that DCS' trade secrets are safe with us. We do not want to see COGEMA, BNFL, or any other entity on this planet manufacture MOX fuel either from weapons-grade plutonium, or commercial-grade plutonium and as such would be loathe to facilitate such activity in any way.

GANE observes that the only competitor to COGEMA in this realm, which by its own claim, controls 95% of the global market in MOX anyway, is BNFL, primary contractor at Savannah River Site. COGEMA's vulnerability, if there is any, to having its trade secrets stolen, lies in the construction and operation of a MOX facility in such

proximity to BNFL, that hundreds of construction and plutonium factory workers would have exposure to the design of COGEMA's plant first-hand. Additionally, given the sensitive nature of plutonium, no entity may aspire to engage in plutonium fuel manufacture without significant backing of one of the few countries on Earth which possess plutonium and that no competitor to COGEMA is likely to emerge. Further, we observe that COGEMA's interest in manufacturing plutonium fuel in the United States may be directly related to a waning market in all countries that have prior experience with MOX fuel and that this fact is well known to other players in the nuclear industry who, having no investment in MOX to protect, are wise enough to steer clear of investing where there is apparently little market interest. GANE appeals to COGEMA to engage its talent and experience with plutonium in an immobilization effort rather than dangerous MOX manufacture and use which disposes of astonishingly little plutonium.

DCS has not defined either the qualifications necessary for any signer of a non-disclosure affidavit to receive access to the proprietary version of the C.A.R. nor the specific liability for any breach of the protective order. Given the vulnerability of DCS to the enormous workforce involved in such a venture as building, regulating, reviewing, and operating a plutonium fuel factory, what protection is offered to the handful of environmentalists who may see the C.A.R.? How can we be sure we will not be falsely blamed for leaking what may be a well known secret anyway?

GANE is an all-volunteer group with zero assets. It is our view that any individual, such as myself, which may sign an affidavit of non-disclosure may not be a liability to other uninvolved members of GANE. We do not have an office -- I work out of my home, so no other GANE member would have even accidental access to a proprietary version of the C.A.R. To be clear, it is GANE's view that GANE, not having permanent staff nor permanent office nor assets, may not be held liable, and any liability

taken will be personal on the part of the volunteer GANE member or supporter which signs any such affidavit.

Although the language used by DCS may very well be "boiler plate" as to, for example: two envelopes, locks and keys, and use of software to wipe a hard drive -- it seems excessive and time-consuming to adhere to such symbolic safeguards. We observe that, after investing in a lock box for such documents and floppy disks as pertain to the proprietary information, isn't the lock box vulnerable to theft? How strong does the lock-box have to be to satisfy an entity which proposes to use flammable material to build gloveboxes which are supposed to protect workers and the environment from contamination by ultrahazardous plutonium? Who does DCS think is nosing around us trying to get the information? And is the information in question eligible for a patent? If not, why not?

In any event, GANE allows that discretion is appropriately asked for and should be given to DCS to ensure it some level of comfort in sharing information that is precious to it but reminds that DCS intends to engage, for profit, in a venture that is funded by public money in our home and environment placing our workforce and natural resources at risk. In truth, uneasiness and discomfort surround the very recent emplacement of plutonium in Nature. Proprietary secrets held at the expense of the public, literally, because we are footing the bill for this excessive venture, is inappropriate.

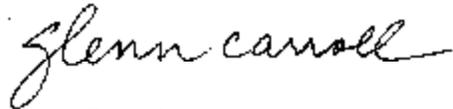
To sum, although GANE expects that some level of agreement will likely be imposed on any party that wishes to read the proprietary version of the C.A.R., it is our view that it is inappropriate to pander to DCS' sense of trade secrets in a publicly funded venture. We are not concerning ourselves with safeguards information here, merely "trade secrets" of what is essentially a monopoly industry funded by public monies.

We request that a copy of the proprietary version of the C.A.R. be placed in the possession of GANE's representative upon meeting the requirements to be established,

and subsequently, with any other GANE experts who agree to the terms, to be furnished either by DCS or by photocopying GANE's copy.

GANE hopes and believes that the Board will guide the development of a reasonable protective order and affidavit of non-disclosure that affords adequate protection to both DCS' trade secrets and does not place an excessive burden on the parties.

Respectfully submitted,

A handwritten signature in cursive script that reads "Glenn Carroll".

Glenn Carroll  
for Georgians Against Nuclear Energy

Dated June 27, 2001  
in Decatur, Georgia

**CERTIFICATE OF SERVICE**  
by Georgians Against Nuclear Energy  
(Docket # 70-3098)

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