

RAS 6794

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

DOCKETED 09/09/03

SERVED 09/10/03

Before Administrative Judges:

Thomas S. Moore, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of

DUKE COGEMA STONE & WEBSTER
(Savannah River Mixed Oxide Fuel
Fabrication Facility)

Docket No. 070-03098-ML

ASLBP No. 01-790-01-ML

September 9, 2003

ORDER

(Granting GANE's Request for Release of Information)

On September 8, 2003, counsel for Georgians Against Nuclear Energy (GANE) submitted a letter addressed to the Chairman of the Licensing Board in this proceeding requesting a determination on whether counsel's paraphrase of certain information from a closed hearing on August 5, 2003 regarding the Mixed Oxide Fuel Fabrication Facility Construction Authorization Request may be publicly released. By an order issued that same day, the Licensing Board indicated it would treat the letter request as a motion and directed the NRC Staff and Duke Cogema Stone & Webster (DCS) to respond immediately stating their position on whether the material at issue could be publicly released. Specifically, the information concerns a statement made by counsel for the NRC Staff at the August 5 hearing correcting a statement made by the NRC Staff in a non-proprietary summary disposition response brief filed June 5, 2003.

Although the Board will not rule on GANE counsel's request with respect to her paraphrase of the information at issue, the information contained on page 8, line 4 through page 9, line 6 of the transcript of the August 5, 2003 oral argument is not proprietary information.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 9, 2003

¹Copies of this Order were sent this date by Internet e-mail transmission to (1) GANE; (2) BREDL; (3) DCS; and (4) the NRC Staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
DUKE COGEMA STONE & WEBSTER)	Docket No. 70-3098-ML
)	
(Savannah River Mixed Oxide Fuel)	
Fabrication Facility))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING GANE'S REQUEST FOR RELEASE OF INFORMATION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

John T. Hull, Esq.
Mitzi A. Young, Esq.
Shelly D. Cole, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Donald J. Silverman, Esq.
Steven P. Frantz, Esq.
Marjan Mashhadi, Esq.
Alex S. Polonsky, Esq.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Docket No. 70-3098-ML
LB ORDER (GRANTING GANE'S REQUEST FOR
RELEASE OF INFORMATION)

Glenn Carroll
Georgians Against Nuclear Energy
P.O. Box 8574
Atlanta, GA 30306

Donald J. Moniak
Blue Ridge Environmental Defense League
P.O. Box 3487
Aiken, SC 29802

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 10th day of September 2003