

otherwise have” to the magazine providing the tapes or notes to the NRC in response to an NRC subpoena. Chun Declaration at ¶13. We find Mr. Chun’s waiver sufficient to meet our goal of assuring NRC’s access to the materials, should the magazine ever locate them. Given Mr. Chun’s explanation of the circumstances, we also accept the unsigned contract as fulfillment of the second requirement. Therefore, we find Mr. Chun’s Declaration meets the requirements of CLI-04-34.

In sum, we accept Mr. Chun’s Declaration, dated December 21, 2004, as fulfillment of the conditions established in CLI-04-34. We note that Mr. Chun also agrees to the interview pursuant to the subpoena, but that his attorney has a conflict with the date. The Office of Investigations is authorized to reach agreement with Mr. Chun’s counsel on a mutually acceptable date, time, and place for the interview of Mr. Chun.

To the extent the Motion seeks any further clarifications, modifications, or amendments to CLI-04-34, it is denied.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook,
Secretary of the Commission

Dated at Rockville, Maryland
this 5th day of January, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

RENE CHUN

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Investigation 1-2003-037

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER (CLI-05-03) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution with copies by electronic mail as indicated.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 5th day of January 2005