

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 9439

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 03/03/05

SERVED 03/03/05

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

March 3, 2005

ORDER

(Holding in Abeyance NRC Staff Motion for Protective Order)

On February 18, 2005, the NRC Staff filed a motion for a protective order covering access to, and disclosure of, certain purportedly sensitive unclassified information deleted from the publicly available version of its Final Environmental Impact Statement for the Mixed Oxide Fabrication Facility at the Savannah River Site. In responses filed February 28, 2005, both the Applicant, Duke Cogema Stone & Webster (DCS) and the Intervenor, Georgians Against Nuclear Energy (GANE), in effect, oppose the Staff motion.

As DCS and GANE indicate, there is no current need for a protective order because, at this time, neither of them seeks access to the supposedly sensitive information that the Staff seeks to protect. This being so, the Staff motion is premature and the motion will be held in

abeyance until such time as a party to the proceeding seeks access to the information involved.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 3, 2005

¹ Copies of this Order were sent this date by Internet e-mail transmission to (1) GANE; (2) DCS; and (3) 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 (HOLDING IN ABEYANCE NRC STAFF MOTION FOR PROTECTIVE ORDER) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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LB ORDER (HOLDING IN ABEYANCE NRC STAFF
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 3rd day of March 2005