

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 9959

DOCKETED 05/12/05

ATOMIC SAFETY AND LICENSING BOARD

SERVED 05/12/05

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

May 12, 2005

MEMORANDUM AND ORDER
(Concerning Responsibilities Under Protective Order)

The deadline for Georgians Against Nuclear Energy (GANE) and the Blue Ridge Environmental Defense League (BREDL) for submitting late-filed contentions addressing the NRC Staff's Final Safety Evaluation Report (FSER) has now passed. Neither Gane nor BREDL have proffered any late-filed contentions on the FSER and all other admitted contentions in the proceeding have been withdrawn or resolved on the merits. Before terminating the proceeding, however, we must ensure that the terms of our earlier June 29, 2001 protective order and affidavit of nondisclosure regarding the accounting and destruction of proprietary information have been followed by GANE with respect to the material it obtained pursuant to that protective order. Accordingly, by May 27, 2005, GANE shall fulfill all its obligations under the June 29, 2001 protective order and affidavit of nondisclosure and provide us an accounting of its actions or, by that same date, inform us why it cannot meet that deadline. Once GANE has met its

obligations under the protective order, we will entertain the motion of Duke Cogema Stone & Webster to terminate the proceeding.

IT IS SO ORDERED

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 12, 2005

¹ Copies 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 MEMORANDUM AND ORDER (CONCERNING RESPONSIBILITIES UNDER PROTECTIVE ORDER) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-3098-ML
LB MEMORANDUM AND ORDER (CONCERNING
RESPONSIBILITIES UNDER PROTECTIVE ORDER)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of May 2005