

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202.739.3000
Fax: 202.739.3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Alex S. Polonsky
202.739.5830
apolonsky@morganlewis.com

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USNRC

May 23, 2005 (1:35pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

MAY 16, 2005

Administrative Judge Thomas S. Moore
Chairman, Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Licensing Board Disposal of Proprietary Materials
Duke Cogema Stone and Webster (Savannah River Mixed Oxide Fuel
Fabrication Facility), Docket No. 70-3098- ML

Dear Judge Moore:

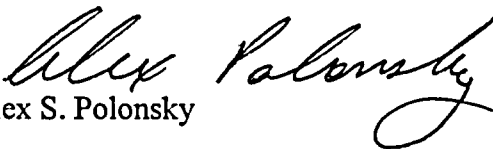
On May 12, 2005, the Licensing Board issued a "Memorandum and Order (Concerning Responsibilities Under Protective Order)" which directed GANE, by May 27, 2005 to "fulfill its obligations under the June 29, 2001 protective order and affidavit of non-disclosure and provide [the Board] an accounting of its actions or, by that same date, inform [the Board] why it cannot meet the deadline." As directed by the June 29, 2001 Protective Order, Ms. Diane Curran, Ms. Glenn Carroll, and Dr. Ed Lyman, are to return to the Board for disposal "all documents containing or revealing proprietary information in their possession or control." The Protective Order, however, does not provide the Board with a means to determine whether the set of documents submitted to it for disposal is complete. For example, DCS provided the Board with copies of the letters *transmitting* the proprietary attachments to GANE's representatives, but did not provide the proprietary attachments to the Board.

To remedy this situation, counsel for DCS offers to travel the short distance to Rockville, Maryland, to inspect and confirm that the set of documents returned by each GANE representative is complete. Alternatively, Ms. Curran could collect the proprietary materials from Ms. Carroll and Dr. Lyman at her office in Washington, D.C., and counsel for DCS could inspect the documents there. If the set of documents is complete, DCS could take possession of the documents from that point forward, and destroy them (thereby removing the Board from the

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inspection and disposal process), or forward them to the Board for destruction. Ms. Curran has no objection to either alternative. If the Board approves the second alternative, DCS would notify the Board in writing when it has confirmed that all paper copies of proprietary materials are destroyed. GANE would still be obligated to inform the Board when it had completed erasing the proprietary information in electronic form.

Respectfully submitted,


Alex S. Polonsky

cc: Service List

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

ASLBP No. 01-790-01-ML

John T. Hull, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: jth@nrc.gov)

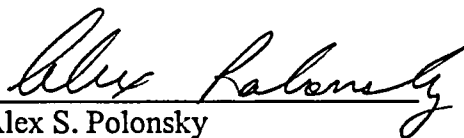
Glenn Carroll
Georgians Against Nuclear Energy
P.O. Box 8574
Atlanta, Georgia 30306
(E-mail: atom.girl@mindspring.com)

Louis Zeller
Blue Ridge Environmental Defense League
PO Box 88
Glendale Springs, N.C. 28629
(E-mail: BREDL@skybest.com)

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hrb@nrc.gov)

Diane Curran, Esq.
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
(E-mail: dcurran@harmoncurran.com)

* Original and 2 copies


Alex S. Polonsky

May 16, 2005
Date