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May 20, 2005

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DOCKETED
USNRC

May 24, 2005 (3:38pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

John Hull, Esq.
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

SUBJECT: *MOX CAR Proceeding, Docket No. 70-3098*

Dear Alex, Don, and John,


I am writing to ask for your confirmation that two documents generated by Dr. Edwin S. Lyman in this proceeding, which I marked as ""proprietary," do not actually contain proprietary information. They are the Declaration of Edwin S. Lyman Regarding GANE Contention 1 (Material Control and Accounting) and the Declaration of Edwin S. Lyman Regarding GANE Contention 2 (Physical Security). The declarations were submitted as exhibits to GANE's June 5, 2003, opposition to DCS' motion for summary disposition of Contentions 1 and 2.

At the time I filed the declarations, I marked both as proprietary documents because they refer to statements made by DCS witnesses in declarations that are marked proprietary. However, on reviewing the substance of Dr. Lyman's declarations, he and I have both concluded that they do not, in fact, contain proprietary information. Because the declarations contain information that is of general interest to the public, we would like to keep them and use them.

As you know, I need to return all proprietary documents to the Atomic Safety and Licensing Board by next Friday, May 27. Therefore, I would appreciate it if you would let me know by close of business next Wednesday (May 25) whether you agree with me that Dr. Lyman's declarations need not be treated as proprietary information.

Thank you very much.

Sincerely,


Diane Curran

Cc: Service list