

RAS 10045

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May 27, 2005

Thomas S. Moore, Chairman
Charles N. Kelber, Administrative Judge
Dr. Peter S. Lam, Administrative Judge
Atomic Safety and Licensing Board
11545 Rockville Pike
Rockville, MD 20852

DOCKETED
USNRC

June 1, 2005 (11:07am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Subject: DCS Motion to Terminate MOX CAR Proceeding

Dear Administrative Judges,

This is to let you know that although Georgians Against Nuclear Energy ("GANE") believes it is premature to terminate the MOX Construction Authorization proceeding before DCS has resolved the problem of how to dispose of the radioactive waste that will be generated by the plant, GANE does not plan to file an opposition to Duke Cogema Stone & Webster's ("DCS") motion to terminate the proceeding.

GANE also wishes to respond to the NRC Staff's statement in response to DCS' motion that, unless ordered otherwise by the Atomic Safety and Licensing Board, it intends to take steps to revoke the security clearances granted to me and Dr. Edwin S. Lyman for purposes of participating in this proceeding. While the MOX CAR proceeding itself may have ended, it clearly is part of a larger proceeding in which DCS must also obtain an operating license in order to use the facility. Throughout this proceeding, DCS has maintained its intent to apply for an operating license at about the time the construction authorization issues are resolved. In fact, under a recent schedule for the MOX Facility, the operating license application was to have been filed early this spring.

GANE intends to participate in the operating license proceeding, and it is possible that GANE will raise security issues whose litigation would require Dr. Lyman and me to have access to classified information. To avoid undue expense to GANE and potential delay in the operating license proceeding that would be incurred if Dr. Lyman and I were required to re-apply for security clearances, GANE believes it is reasonable for the NRC to maintain our security clearances until it can be determined whether security clearances are needed for the operating license case. Of course by themselves, the security clearances would not give us access to any classified information, because access also requires a need-to-know determination.

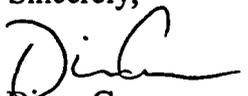
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SECY-02

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Thank you for your consideration.

Sincerely,



Diane Curran
Cc: Service list