

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 10083

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 06/15/05

SERVED 06/15/05

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

June 15, 2005

ORDER

In its response to the motion of Duke Cogema Stone & Webster to terminate the proceeding, the NRC Staff indicated that, unless otherwise ordered by the Board, it would initiate actions to cancel the NRC security clearances issued to GANE's counsel and expert upon termination of the proceeding. Thereafter the Board received a letter from GANE's counsel, copied to the service list in the proceeding, stating that GANE intends to participate in the upcoming operating license proceeding in which GANE may raise security issues requiring access to classified information. Further, counsel indicates that GANE would like to avoid the expense of re-applying for security clearances and any potential delay in the operating license proceeding by maintaining the security clearances until it can be determined whether the clearances are needed for the operating license proceeding.

GANE's suggestion regarding its security clearances strikes the Board as sensible. Therefore, the Board wishes to obtain the Staff's views on whether the security clearances granted to GANE's counsel and expert may be maintained by the NRC until it can be determined whether the clearances will be needed for the operating license proceeding. If it wishes, DCS also may address this matter. Further, the Staff should provide the Board the

date GANE applied for the security clearances, the date the clearances were granted, the applicants' fee for each clearance application, and an estimate of the agency's cost to process and investigate each application.

The Staff and any DCS filing should be filed by July 1, 2005.

IT IS SO ORDERED

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Thomas S. Moore
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 15, 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 ORDER RE SECURITY CLEARANCES 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 RE SECURITY CLEARANCES

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 15th day of June 2005