

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

James P. Gleason, Chairman  
Dr. Jerry R. Kline  
G. Paul Bollwerk, III

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Thomas D. Murphy  
Alternate Board Member

SERVED DEC 27 1994

In the Matter of

SEQUOYAH FUELS CORPORATION  
and GENERAL ATOMICS

(Gore, Oklahoma Site  
Decontamination and  
Decommissioning Funding)

Docket No. 40-8027-EA

Source Material License  
No. SUB-1010

ASLBP No. 94-684-01-EA

December 27, 1994

MEMORANDUM

(Requesting Party Comments)

On page five of its December 23, 1994 response to Sequoyah Fuels Corporation's (SFC) pending motion for a protective order, the NRC staff asserts that "the [Executive Director for Operations] and [the Office of Investigations], and their staffs are subject to the non-disclosure regulations of 10 C.F.R. § 2.790 and/or 10 C.F.R. §§ 9.17 and 9.25, and could be subject to penalties for the unauthorized disclosure of protected material. See, e.g., 18 U.S.C. § 1905." If we decide that the staff's position on proposed paragraph seven is correct, with these apparent statutory and regulatory constraints on the staff's disclosure of protected information, the question arises

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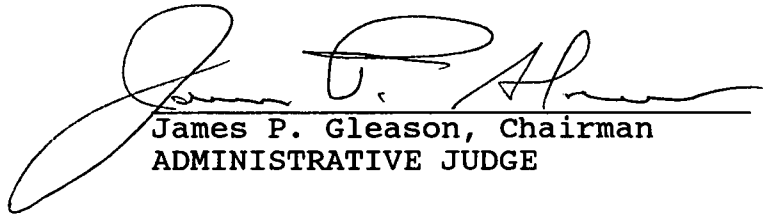
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whether the staff (as opposed to petitioners SFC and General Atomics (GA) or intervenors Native Americans for a Clean Environment (NACE) and the Cherokee Nation) need be the subject of any protective order we might enter relating to the disclosure of protected discovery materials.

The Board invites the parties to address this matter as part of their responsive filings due Friday, January 6, 1995.<sup>1</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
December 27, 1994

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<sup>1</sup> Copies of this order are being sent this date to counsel for SFC, GA, NACE, and the Cherokee Nation by facsimile transmission and to NRC staff counsel by E-Mail transmission through the agency's wide area network system.

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Docket No.(s) 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M & O REQUESTING COMMENTS have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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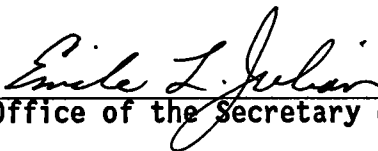
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Dated at Rockville, Md. this  
27 day of December 1994

  
Office of the Secretary of the Commission