

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 JAN 25 1995

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

January 25, 1995

MEMORANDUM

(Notice Regarding Authorities)

With respect to the hearing on the December 2, 1994 motion for protective order filed by Sequoyah Fuels Corporation (SFC) scheduled for Friday, January 27, 1995, the Board requests that the parties be prepared to address the applicability, if any, of the following authorities:

1. FTC v. Atlantic Richfield Co., 567 F.2d 96 (D.C. Cir. 1977).
2. FTC v. Anderson, 631 F.2d 741, 746-48 (D.C. Cir. 1979).
3. SEC v. Dresser Industries, Inc., 628 F.2d 1368, 1384-87 (D.C. Cir.) (en banc), cert. denied, 449 U.S. 993 (1980).
4. Harris v. Amoco Production Co., 768 F.2d 669 (5th Cir. 1985), cert. denied, 475 U.S. 1011 (1986).

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5. New York v. United States Metal Refining Co., 771 F.2d 696 (3d Cir. 1985).
6. Anderson v. Cryovac, Inc., 805 F.2d 1 (1st Cir. 1986).
7. RTC v. KPMG Peat Marwick, 779 F. Supp. 2 (D.D.C. 1991).
8. RTC v. Thornton, 798 F. Supp. 1 (D.D.C. 1992).

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD\*



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

January 25, 1995

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\* Copies of this memorandum are being sent this date to counsel for SFC, General Atomics, Native Americans for a Clean Environment, 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 MEMORANDUM (RE AUTHORITIES) 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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Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
G. Paul Bollwerk, III  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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Administrative Judge  
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Atomic Safety and Licensing Board  
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Docket No.(s)40-8027-EA  
LB MEMORANDUM (RE AUTHORITIES)

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Dated at Rockville, Md. this  
25 day of January 1995

  
Office of the Secretary of the Commission