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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD '95 FEB 21 10:59

In the Matter of)

SEQUOYAH FUELS CORPORATION)
GENERAL ATOMICS)

(Gore, Oklahoma Site)
Decontamination and)
Decommissioning Funding))

Docket No. 40-8027-EA

Source Material License
No. SUB-1010

OFFICE OF SECRETARY
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NRC STAFF'S MOTION TO DEFER DECISION ON GENERAL ATOMICS'
STIPULATED SUPPLEMENTAL MOTION FOR PROTECTIVE ORDER

On February 3, 1995, General Atomics (GA) filed a Stipulated Supplemental Motion for Protective Order, requesting that a paragraph concerning the treatment of Freedom of Information Act (FOIA) requests for protected discovery materials be inserted to the proposed protective order currently under consideration by the Licensing Board. The motion proposed specific language for the paragraph. On February 8, 1995, counsel for the NRC staff (Staff) wrote to the Licensing Board advising that the Staff did not have sufficient time to review the language proposed by GA, that it planned to propose certain changes to the language submitted, and that counsel had contacted counsel for GA in an effort to resolve any differences regarding the language of the proposed paragraph, so as to obviate the need for any unnecessary Board action. The Staff requested that the Board defer any action regarding the proposed paragraph until the

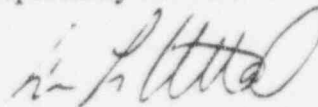
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parties have had an opportunity to resolve any differences. On the same date, Staff counsel forwarded, by facsimile transmission, its proposed language for the FOIA paragraph to all counsel. (A copy of the Staff's proposed paragraph is appended hereto for the Board's information.) Subsequently, Staff counsel had a brief discussion with counsel for Sequoyah Fuels Corporation regarding the Staff's proposed paragraph, but has not been able to confer with Mr. Duncan, counsel for GA, who is out of the country and is expected to return to his office on Tuesday, February 21, 1995.

The Staff would therefore request that the Board continue to defer action regarding the proposed paragraph at least until February 24, 1995, which should afford the parties an opportunity to confer and attempt to resolve their differences. If the differences cannot be resolved, the Staff requests that it be permitted to file a formal response to GA's motion by February 24, 1995.

I have conferred with Diane Curran, counsel for NACE, Bradfute W. Davenport, Jr. of the firm of Mays & Valentine, counsel for GA, and John Matthews and Maurice Axelrad, counsel for Sequoyah Fuels Corporation, and they have no objection to this request.

Respectfully submitted.



Susan L. Uttal
Counsel for NRC Staff

Dated at Rockville, Maryland
this 17th day of February 1995

Proposed Language:

6. Protected Discovery Material may be disclosed to employees of the Commission's Assistant General Counsel for Administration; the Office of Nuclear Material Safety & Safeguards, Program Management, Policy Development & Analysis Staff; and the Office of Administration, Division of Freedom of Information and Publications Services, but solely for purposes of review and appeal pursuant to any requests filed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Such employees shall thoroughly review all Protected Discovery Material covered by requests filed under the FOIA and determine whether any exemptions in 5 U.S.C. § 552(b) apply. In doing so, the FOIA office may require the submitting party to submit written justification in support of any claim for exemption from disclosure. Documents, or portions thereof, determined to fall within an exemption shall not be released. In addition, in the event that it is determined that no exemption applies to the Protected Discovery Material, such employees shall not authorize the release of Protected Discovery Material to any other person without first providing the submitting party notice in writing of the intention to release Protected Discovery Material at least 15 working days prior to such release. The submitting party shall have the right to apply to the Commission for a determination that the Protected Discovery Material comes within an exemption listed in 5 U.S.C. § 552(b) and should not be released or to take such other action as it deems appropriate. If the submitting party takes the position that Protected Discovery Material or any other documents produced in discovery contain material exempt under the Freedom of Information

Act, that party will follow the FOIA appeal process set out in the
FOIA statute, 5 U.S.C. § 552.

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SEQUOYAH FUELS CORPORATION)	Docket No. 40-08027-EA
GENERAL ATOMICS)	
)	Source Material License
(Gore, Oklahoma Site Decontamination)	No. SUB-1010
and Decommissioning Funding))	

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION TO DEFER DECISION ON GENERAL ATOMICS' STIPULATED SUPPLEMENTAL MOTION FOR PROTECTIVE ORDER" in the above-captioned matter have been served on the following by deposit in the United States mail, first class, or as indicated by asterisk through deposit in the Nuclear Regulatory Commission's internal mail system or as indicated by a double asterisk by facsimile or as indicated by a triple asterisk by electronic mail this 17th day of February 1995.

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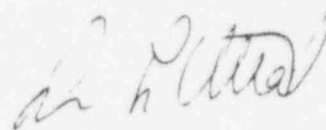
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