

**RAS 6794**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 09/09/03**

**SERVED 09/10/03**

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

September 9, 2003

ORDER

(Granting GANE's Request for Release of Information)

On September 8, 2003, counsel for Georgians Against Nuclear Energy (GANE) submitted a letter addressed to the Chairman of the Licensing Board in this proceeding requesting a determination on whether counsel's paraphrase of certain information from a closed hearing on August 5, 2003 regarding the Mixed Oxide Fuel Fabrication Facility Construction Authorization Request may be publicly released. By an order issued that same day, the Licensing Board indicated it would treat the letter request as a motion and directed the NRC Staff and Duke Cogema Stone & Webster (DCS) to respond immediately stating their position on whether the material at issue could be publicly released. Specifically, the information concerns a statement made by counsel for the NRC Staff at the August 5 hearing correcting a statement made by the NRC Staff in a non-proprietary summary disposition response brief filed June 5, 2003.

Although the Board will not rule on GANE counsel's request with respect to her paraphrase of the information at issue, the information contained on page 8, line 4 through page 9, line 6 of the transcript of the August 5, 2003 oral argument is not proprietary information.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

*/RA/*

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Thomas S. Moore  
ADMINISTRATIVE JUDGE

Rockville, Maryland

September 9, 2003

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<sup>1</sup>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 (GRANTING GANE'S REQUEST FOR RELEASE OF INFORMATION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket No. 70-3098-ML  
LB ORDER (GRANTING GANE'S REQUEST FOR  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 10<sup>th</sup> day of September 2003