

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 7265

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 01/27/04

SERVED 01/27/04

Before Administrative Judges:

Alan S. Rosenthal, Presiding Officer
Dr. Richard F. Cole, Special Assistant

In the Matter of

NUCLEAR FUEL SERVICES, INC.

(Erwin, Tennessee)

Docket No. 70-143-MLA-2

ASLBP No. 03-810-02-MLA

January 27, 2004

ORDER

In hand is the January 26, 2004 application of hearing requesters Sierra Club et al. for a stay of the decision of the NRC Staff to issue the second license amendment for the Nuclear Fuel Services' Blended Low-Enriched Uranium (BLEU) project. The application is coupled with a motion to accept it one business day beyond the deadline prescribed in the Rules of Practice.

The motion is granted and the application for a stay will be considered on its merits.¹ Although the NRC Staff previously indicated an intent not to participate in the proceeding, it is hereby directed to respond to the application.

It is so ORDERED.

BY THE PRESIDING OFFICER²

/RA/

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 27, 2004

¹ In that regard, Judge Cole and I are fully aware that the hearing requesters have not as yet achieved party status respecting the second license amendment because their hearing request pertaining to that amendment is still pending. Given that the reason is to be found in the Licensee's delay in submitting the third license amendment application for the BLEU project, any assertion that the hearing requesters therefore lack standing to seek a stay is not likely to succeed.

² Copies of this order were sent this date by e-mail transmission to the counsel or other representative of each of the participants in the proceeding.

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NUCLEAR FUEL SERVICES, INC.)	Docket No. 70-143-MLA-2
ERWIN, TENNESSEE)	
)	
(Material License Amendment-2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED JANUARY 27, 2004 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 70-143-MLA-2
LB ORDER DATED JANUARY 27, 2004

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 27th day of January 2004