

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'94 MAR -3 P3:10

In the Matter of
SEQUOYAH FUELS CORPORATION
and GENERAL ATOMICS
(Gore, Oklahoma Site)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Docket No. 40-8027-EA
(Decontamination and
Decommissioning Funding)

SERVED MAR - 3 1994

ORDER

The Atomic Safety and Licensing Board has referred to the Commission its ruling in section II.A. of LBP-94-5 that, in a proceeding on a staff enforcement order issued under 10 C.F.R. § 2.202, there is no prohibition against an otherwise qualified petitioner intervening as of right in support of the order. Slip op. at 38-39 (Feb. 24, 1994). This ruling provides the basis, in part, for the Licensing Board's finding that the petitioners, Native Americans for a Clean Environment (NACE), have established standing to intervene in this enforcement proceeding.

The questions before the Commission at this time are whether review of the referred ruling is appropriate in accordance with 10 C.F.R. § 2.786(g) and, assuming that review is appropriate, whether the Licensing Board's ruling in section II.A. of its order should be sustained. The parties may file initial briefs addressing both of these questions no later than March 11, 1994, in a manner to ensure completion of service on the Commission and other parties by close of business (4:15 p.m. Eastern Time) that

SECY-048

DS02

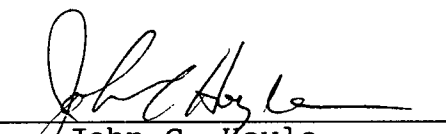
14733

same day. A reply brief may be filed no later than March 17, 1994.

It is so ORDERED.



For the Commission


John C. Moyle
Assistant Secretary
of the Commission

Dated at Rockville, Maryland,
this 3rd day of March 1994.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

SEQUOYAH FUELS CORPORATION

(Sequoyah Facility)

Docket No.(s) 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMM ORDER RE LBP-94-5 DTD 3/3 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.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James P. Gleason, Chairman
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
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Richard G. Bachmann, Esq.
Steven R. Hom, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

* Maurice Axelrad, Esq.
John E. Matthews, Esq.
Newman & Holtzinger, P.C.
1615 L Street, N.W., Suite 1000
Washington, DC 20036

* Diane Curran, Esq.
c/o IEER
6935 Laurel Avenue, Suite 204
Takoma Park, MD 20912

*FAXED

Docket No.(s)40-8027-EA
COMM ORDER RE LBP-94-5 DTD 3/3

*Stephen M. Duncan, Esq.
Bradfute W. Davenport, Jr., Esq.
Mays & Valentine
110 South Union Street
Alexandria, VA 22314

John R. Driscoll
General Atomics Corporation
3550 General Atomics Court
San Diego, CA 92121

John H. Ellis, President
Sequoyah Fuels Corporation
P.O. Box 610
Gore, OK 74435

Lance Hughes, Director
Native Americans For A Clean
Environment
P.O. Box 1671
Tahlequah, OK 74465

Dated at Rockville, Md. this
3 day of March 1994



Office of the Secretary of the Commission

* FAXED