

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

'97 JAN 22 P1:52

COMMISSIONERS:

Shirley Ann Jackson, Chairman
Kenneth C. Rogers
Greta J. Dicus
Nils J. Diaz
Edward McGaffigan, Jr.

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SERVED JAN 22 1997

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

Docket No. 40-8027-EA

CLI-97-01

MEMORANDUM AND ORDER

The State of Oklahoma, Native Americans for a Clean Environment and the Cherokee Nation have filed petitions for Commission review of the Atomic Safety and Licensing Board's Memorandum and Order, LBP-96-24 (Nov. 5, 1996), in which a majority of the Board approved a settlement agreement between the NRC staff and General Atomics (GA) in this proceeding. In a dissenting opinion, Judge Bollwerk raised questions which, in his view, merited further inquiry. The NRC staff and GA oppose Commission review. In accordance with the considerations set forth in 10 C.F.R. § 2.786(b)(4), the Commission has decided that review of LBP-96-24 is appropriate.

Pursuant to 10 C.F.R. § 2.786(d), the Commission sets the following briefing schedule:

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1. Intervenor and the State shall file their briefs within 21 calendar days after service of this order. Their briefs shall not exceed 30 pages each.
2. The staff and GA may file responsive briefs within 21 calendar days after service of the petitioners' brief. Their responses shall not exceed 30 pages each.
3. Within 10 calendar days after service of the responsive briefs, intervenors and the State may file reply briefs. Their replies shall not exceed 10 pages each.

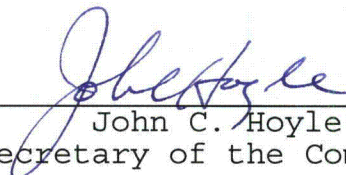
The parties' briefs should address (1) what the role of the Board should be in reviewing settlements; (2) what factors the Board should consider when applying the "public interest" standard governing review of settlements (see Sequoyah Fuels Corp and General Atomics, CLI-94-12, 40 NRC 64, 71 (1994)); (3) the arguments set forth in the petitions for review; and (4) the questions raised by Judge Bollwerk. Briefs exceeding 10 pages must contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited. Page limitations on briefs are

exclusive of pages containing a table of contents, table of cases, and of any addendum containing statutes, rules, regulations, etc.

IT IS SO ORDERED.



For the Commission¹


John C. Hoyle
Secretary of the Commission

Dated at Rockville, Maryland,
this 22nd day of January, 1997.

¹ Commissioner Diaz was not available for the affirmation of this Order. If he had been present, he would have approved the Order.

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NUCLEAR REGULATORY COMMISSION

In the Matter of

SEQUOYAH FUELS CORPORATION
GENERAL ATOMICS
(Gore, Oklahoma, Site Decontamina-
tion and Decommissioning Funding)

Docket No.(s) 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMM MEMO & ORDER (CLI-97-1) 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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Docket No.(s)40-8027-EA
COMM MEMO & ORDER (CLI-97-1)

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Dated at Rockville, Md. this
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