

RAS 5080

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

DOCKETED 12/17/02

SERVED 12/17/02

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

ASLBP No. 02-803-04-MLA

December 17, 2002

ORDER

On December 13, 2002, Licensee Nuclear Fuel Services, Inc. filed oppositions to the several hearing requests that were submitted in response to the revised notice of opportunity for hearing that was published in the Federal Register on October 30, 2002. Simultaneously, the Licensee filed an opposition to the pending motion of Friends of the Nolichucky River Valley, et. al., asking that the proceeding be held in abeyance.

If so inclined, those hearing requestors responding to the October 30 notice may reply to the Licensee's filings. (All of those hearing requestors may address the Licensee's opposition to holding the proceeding in abeyance as well as the opposition to the hearing request.) Because of the approaching holiday season, the deadline for the filing and service of any such replies by both electronic and U.S. mail will be Monday, January 6, 2003.

In addition, although in its December 6, 2002 letter it indicated a continuing intent not to participate in this proceeding, the NRC Staff is nonetheless hereby asked to file a memorandum by the same deadline addressed to the pending motion that the proceeding be held in abeyance. Without elaboration, Staff counsel stated in that letter that the Staff agreed with the movants that "it would be more expeditious to postpone this proceeding until all three

related license amendment applications have been received and noticed." Judge Cole and I are interested in determining whether the Staff remains of that view notwithstanding the Licensee's strong opposition to such a postponement and, if so, what might be the Staff's response to the assertions contained in that opposition.

It is so ORDERED.

BY THE PRESIDING OFFICER¹

/RA/

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland

December 17, 2002

¹Copies 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, as well as to counsel for the NRC staff.

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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER DATED DECEMBER 17, 2002 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
LB ORDER DATED DECEMBER 17, 2002

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 17th day of December 2002