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DOCKETED 02/10/03

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	Docket No. 70-143
NUCLEAR FUEL SERVICES, INC.)	SNM License 124
)	
Blended Low Enriched Uranium Project)	

NRC STAFF'S AMICUS CLARIFICATION OF RECORD

David Cummings
Counsel for NRC Staff

February 10, 2003

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The Staff hereby files its amicus clarification of record in response to the Petitioner's Emergency Request To Enjoin Construction By NFS of BLEU Project Facilities, dated January 21, 2003 (Petitioner's Motion), and Applicant's Opposition To Petitioner's Emergency Request To Enjoin Construction By NFS of BLEU Project Facilities, dated February 5, 2003 (Applicant's Opposition). The Staff does not intend to take a position in this matter, as we are not a party in the underlying matter currently before a Presiding Officer.¹ The Staff, however, does believe it is necessary to correct an error contained in the Applicant's Opposition, in which it states that the Staff does not intend to submit additional Environmental Assessments (EA), absent new information, in connection to the second amendment noticed on January 7, 2003, and the third amendment which the Applicant proposes to submit in May or June of 2003. See Applicant's Opposition at 6. This statement is in error, as the Staff has repeatedly made clear to the Applicant. The Staff has always intended to prepare a separate EA and Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS), if such review is deemed to be necessary, for

¹ There is a pending proceeding before a Presiding Officer of the Atomic Safety and Licensing Board regarding the first license amendment application related to the proposed BLEU Project, the subject of Petitioner's motion to enjoin construction. The Applicant has stated that the BLEU Project will be comprised of three license amendments, two of which have been submitted to the agency, and the third is scheduled to be submitted in May or June of 2003. The Presiding Officer has held the proceeding in abeyance pending the submission of the final license amendment. See Order Directing the Holding of the Proceeding in Abeyance, dated January 21, 2003.

the second amendment noticed on January 7, 2003, and the proposed third amendment. The Staff believed it important to address this mischaracterization concerning the review the Staff intends to undertake in connection with the amendment applications submitted for the BLEU Project in order to assist the Commission in ruling on the Petitioner's Motion.

Sincerely,

/RA/

David Cummings
Counsel for NRC Staff

Dated at Rockville, Maryland
this 10th day of February, 2003

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S AMICUS CLARIFICATION OF RECORD" has been served on the following by deposit in the United States mail; through deposit in the Nuclear Regulatory Commission's internal system as indicated by an asterisk (*), or by electronic mail as indicated by a double asterisk (**) on this 10th day of February, 2003.

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