



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 5, 2003

OFFICE OF THE
GENERAL COUNSEL

Administrative Judge
Alan S. Rosenthal, Presiding Officer
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

Administrative Judge
Richard F. Cole, Special Assistant
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, D.C. 20555

In the Matter of
NUCLEAR FUEL SERVICES, INC.
(Material License Amendment)
Docket No. 70-143-MLA

Dear Administrative Judges:

The Staff hereby responds to your request delivered via electronic mail dated March 4, 2003, that the Staff address questions raised in Kathy Helms-Hughes' "Request For Clarification By Kathy-Helms Hughes," filed before the Presiding Officer on March 4, 2003. As of the date of this filing, the Staff has not approved the amendment to operate the Uranyl Nitrate Building (UNB), or in anyway authorized operation prior to approval of the amendment request. The document cited by Petitioner (ML030570556) does contain the statement that "NFS is *hoping* to start operations at the Uranyl Nitrate Building by April 15, 2003." (emphasis added). The date, April 15, 2003, reflects the Licensee's 'hope' that the amendment may be approved by that date, but does not reflect any Staff position or intention to approve the amendment by April 15, 2003. The Staff has not determined *if or when* the amendment will be approved, and therefore has in no way authorized operation of the UNB. The final concern raised in the Petitioner's filing concerns her being granted access to the Licensee's financial assurance information which is characterized as proprietary information. The Staff has no position on this request.

Sincerely,

A handwritten signature in black ink, appearing to read "David Cummings", with a long horizontal flourish extending to the right.

David Cummings
Counsel for NRC Staff

cc: Office of the Secretary
K. Helms-Hughes
C. T. Chapman
D. Shapiro

Office of the Commission Appellate Adjudications
L. Zeller
N. Newman
D. Curran