

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

RAS 7585

Before Administrative Judges:

DOCKETED 04/09/04

SERVED 04/09/04

Alan S. Rosenthal, Presiding Officer
Dr. Richard F. Cole, Special Assistant

In the Matter of

NUCLEAR FUEL SERVICES, INC.

(Erwin, Tennessee)

Docket Nos. 70-143-MLA, 70-143-MLA-2,
70-143-MLA-3

ASLBP Nos. 02-803-04-MLA, 03-810-02-MLA,
04-820-05-MLA

April 9, 2004

MEMORANDUM AND ORDER

Judge Cole and this presiding officer will hold a telephone conference with counsel for the parties to this materials license amendment proceeding at 9:00 a.m. (EDT) on Wednesday, April 28, 2004. Because the principal purpose of the conference will be to establish a schedule for the filing of the written presentations, it is not currently planned to have it stenographically recorded. Should, however, a party intend to raise at the conference an additional matter of a possibly controversial nature, counsel should provide notice to that effect no later than noon on Monday, April 26.

In advance of the conference, counsel might wish to confer among themselves in an endeavor to reach agreement on a schedule. In that connection, it is our contemplation that the Petitioners (State of Franklin Group of the Sierra Club et al.) will file and serve their opening written presentation; the Licensee and the NRC Staff will then contemporaneously file and serve their responsive written presentations; following which, if so inclined, the Petitioners may

file and serve a rebuttal written presentation. It is further contemplated that all written presentations will be on file no later than August 31, 2004.¹

Counsel and Ms. Helms-Hughes may access the conference by calling 301-231-5539 (or 1-800-638-8081) and entering passcode 6970#.

It is so ORDERED.

BY THE PRESIDING OFFICER²

/RA/

Alan S. Rosenthal
ADMINISTRATIVE JUDGE

Rockville, Maryland

April 9, 2004

¹In LBP-04-05, 59 NRC__ (March 17, 2004), the hearing requests of Kathy Helms-Hughes (among others) were denied for lack of the requisite standing. On April 7, in LBP-04-06, 59 NRC __, a document Ms. Helms-Hughes had filed with the presiding officer on April 1 was referred by him to the Commission for its possible consideration as an appeal from the denial of her hearing requests. In the event that, prior to April 28, the Commission shall have taken favorable action on the appeal, Ms. Helms-Hughes will be expected to participate in the conference as a full party. Should, instead, the matter be still pending before the Commission on that date, Ms. Helms-Hughes may audit the conference but is under no obligation to do so. Obviously, any schedule established at the conference will be subject to adjustment should, as the result of her appeal, Ms. Helms-Hughes be admitted at a later date to the proceeding as a party.

² Copies of this memorandum and order were sent this date by e-mail transmission to the counsel or other representative of each of the participants in the proceeding.

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NUCLEAR REGULATORY COMMISSION

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NUCLEAR FUEL SERVICES, INC.) Docket Nos. 70-143-MLA
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER DATED 04/09/04 have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 70-143-MLA
70-143-MLA-2
70-143-MLA-3
LB MEMORANDUM AND ORDER DATED
04/09/04

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 9th day of April 2004