

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

James P. Gleason, Chairman  
Dr. Jerry R. Kline  
G. Paul Bollwerk, III  
Thomas D. Murphy

DOCKETED  
USNRC

'94 APR 29 A11:15

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED APR 29 1994

In the Matter of

SEQUOYAH FUELS CORPORATION  
and GENERAL ATOMICS

(Gore, Oklahoma Site  
Decontamination and  
Decommissioning Funding)

Docket No. 40-8027-EA

Source Material License  
No. SUB-1010

ASLBP No. 94-684-01-EA

April 28, 1994

ORDER

(Denial of Motions for Summary Disposition, Order of  
Dismissal, Stay Discovery and Leave to File Reply)

The parties to this proceeding are herein notified that the Board denies General Atomics' motion for summary disposition or an order of dismissal, including its request for oral argument; its motion to stay discovery; and its motion for leave to reply to responses filed by the NRC Staff and Native Americans for a Clean Environment. The reasons supporting this decision will be detailed in a subsequent memorandum and order on the motion for summary disposition. The parties to the proceeding should commence discovery proceedings immediately.

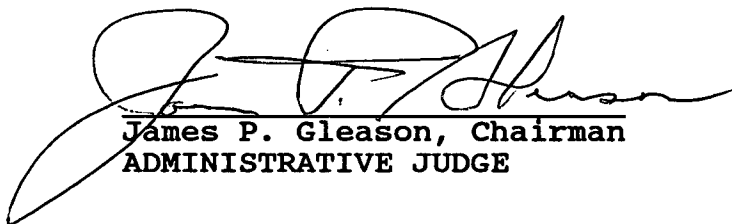
DS02

SECY-048

14976

Judge Bollwerk would have granted General Atomics' motion for leave to reply and does not join in the denial of its motion for summary disposition or an order of dismissal.

It is so ORDERED.



James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland

April 28, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of  
  
SEQUOYAH FUELS CORPORATION  
  
(Sequoyah Facility)

Docket No.(s) 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENIAL OF MOTIONS..) 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.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
James P. Gleason, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
G. Paul Bollwerk, III  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Thomas D. Murphy  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Richard G. Bachmann, Esq.  
Steven R. Hom, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Maurice Axelrad, Esq.  
John E. Matthews, Esq.  
Newman, Bouknight & Edgar, P.C.  
1615 L Street, N.W.  
Washington, DC 20036

Diane Curran, Esq.  
c/o IEER  
6935 Laurel Avenue, Suite 204  
Takoma Park, MD 20912

Docket No.(s)40-8027-EA  
LB ORDER (DENIAL OF MOTIONS..)

Stephen M. Duncan, Esq.  
Bradfute W. Davenport, Jr., Esq.  
Mays & Valentine  
110 South Union Street  
Alexandria, VA 22314

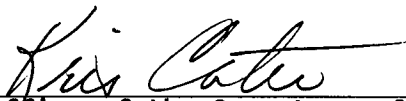
John R. Driscoll  
General Atomics Corporation  
3550 General Atomics Court  
San Diego, CA 92121

John H. Ellis, President  
Sequoyah Fuels Corporation  
P.O. Box 610  
Gore, OK 74435

Lance Hughes, Director  
Native Americans For A Clean  
Environment  
P.O. Box 1671  
Tahlequah, OK 74465

Betty Robertson  
HCR 68 Box 360  
Vian, OK 74962

Dated at Rockville, Md. this  
29 day of April 1994

  
Office of the Secretary of the Commission