

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 11:15

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SEIVED 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.

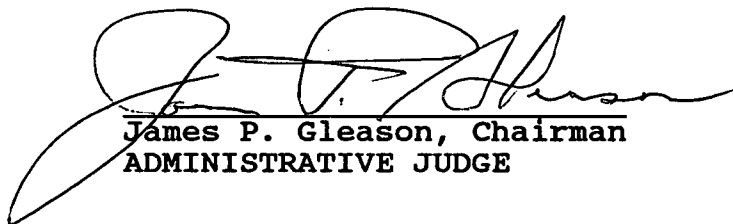
DS02

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

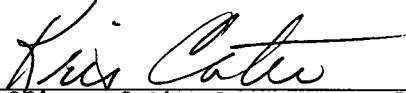
John R. Driscoll
General Atomics Corporation
3550 General Atomics Court
San Diego, CA 92121

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