

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

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Before Administrative Judges:

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Thomas D. Murphy
Alternate Board Member

SERVED OCT 13 1995

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

October 13, 1995

ORDER

(Extending Discovery Stay)

Upon consideration of (1) the October 6, 1995 General Atomics (GA) and NRC staff joint status report and motion for extension of the stay of discovery, (2) the October 11, 1995 opposition of intervenors Native Americans for a Clean Environment (NACE) and the Cherokee Nation to any extension of the stay of discovery, and (3) GA's October 12, 1995 motion for leave to file a reply and its accompanying reply to the intervenors' opposition to the joint motion for a discovery stay extension, it is

ORDERED, that GA's October 12, 1995 motion for leave to file a reply is granted; and it is

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FURTHER ORDERED, that the joint motion for extension of the Board's September 22, 1995 stay order is granted in that all discovery activities suspended in accordance with the Board's September 22, 1995 order are stayed through Monday, November 13, 1995; and it is

FURTHER ORDERED, that on or before Friday, November 3, 1995, GA and the staff shall file a status report regarding their settlement negotiations and, if they want an additional stay of discovery beyond November 13, 1995, a motion requesting a stay extension; and it is

FURTHER ORDERED, that Sequoyah Fuels Corporation and intervenors NACE and the Cherokee Nation shall have up to and including Wednesday, November 8, 1995, within which to provide the Office of the Secretary, the Board, and counsel for the other parties with copies of any response to a request for a stay extension; and it is

FURTHER ORDERED, that if either GA or the staff informs the Board that it does not wish to continue settlement negotiations, the stay entered by this order shall be terminated immediately; and it is

FURTHER ORDERED, that if the stay extended by this order is terminated for any reason, all discovery activities shall recommence within five days of the date of termination

under the same schedule that was in effect prior to entry of the Board's initial August 30, 1995 stay order;¹ and it is

FURTHER ORDERED, that if the stay extended by this order is terminated for any reason the discovery completion date for this phase of the proceeding will be the date that is sixteen days from the date of the termination of the stay; and it is

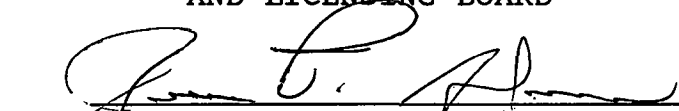
FURTHER ORDERED, that besides service by regular mail, copies of any GA/staff status report, stay extension motion, or stay termination declaration, or any response to a GA/staff stay extension motion shall be sent to the Office of the Secretary, the Board, and counsel for the other


¹ For example, if on the date of the Board's August 30, 1995 order a party had three days remaining within which to answer certain interrogatories, that party would have eight days after the stay is terminated to answer the interrogatories. Any activities that were due to be completed before the August 30, 1995 order was entered but were delayed because of the pendency of the initial stay request are due within five days of termination of the stay. The parties previously have recognized that depositions scheduled but delayed by the discovery stay will have to be rescheduled by the new discovery completion date established under this order.

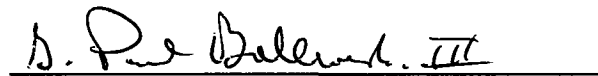
parties by facsimile transmission or other means that will ensure its receipt by 4:30 p.m. ET on the day of filing.

The parties are advised that, absent some showing by GA and the staff of (1) significant progress toward settlement by a date certain, and (2) substantial prejudice to the settlement process if the stay is not extended, the Board does not intend to grant any additional stay extension regarding discovery by or from intervenors NACE and the Cherokee Nation on the jurisdictional issue.

THE ATOMIC SAFETY
AND LICENSING BOARD²


James P. Gleason, Chairman
ADMINISTRATIVE JUDGE


Jerry R. Kline
ADMINISTRATIVE JUDGE


G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

Rockville, Maryland

October 13, 1995

² Copies of this order are being sent this date to counsel for GA, Sequoyah Fuels Corporation, NACE, and the Cherokee Nation by facsimile transmission and to staff counsel by E-mail transmission through the agency's wide area network system.

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NUCLEAR REGULATORY COMMISSION

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SEQUOYAH FUELS CORPORATION
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(Gore, Oklahoma, Site Decontamina-
tion and Decommissioning Funding)

Docket No.(s) 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (EXT'G DISCOVERY....) 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.

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Docket No.(s)40-8027-EA
LB ORDER (EXT'G DISCOVERY....)

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Dated at Rockville, Md. this
13 day of October 1995


Office of the Secretary of the Commission