

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

COMMISSIONERS:

'99 APR 26 P2:23

Shirley Ann Jackson, Chairman
Greta Joy Dicus
Nils J. Diaz
Edward McGaffigan, Jr.
Jeffrey S. Merrifield

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATION STAFF

In the Matter of)
)
INTERNATIONAL URANIUM (USA))
CORPORATION)
)
(Receipt of Material from)
Tonawanda, New York))
_____)

SERVED APR 26 1999

Docket No. 40-8681-MLA-4

CLI-99-13

ORDER

In this Subpart L proceeding, the State of Utah has petitioned the Commission for review of a decision by the presiding officer, LBP-99-5 (February 9, 1999), upholding a license amendment granted to the International Uranium (USA) Corporation. Utah maintains that the license amendment improperly permits IUSA to operate a waste disposal facility. The NRC staff opposes Commission review, but IUSA does not. IUSA states that Commission review would "eliminate uncertainty" and "end the waste of resources involved in repeated litigation." We agree. Thus, in accordance with the considerations set forth in 10 C.F.R. § 2.786(b)(4), the Commission has decided to grant the petition and will review LBP-99-5 in its entirety. See 10 C.F.R. § 2.1253.

The Commission sets the following briefing schedule:

- (1) The State of Utah shall file its brief within 21 days of the date of this order. The brief shall be no longer than 25 pages

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(2) The NRC staff and IUSA shall file their responsive briefs within 21 days after receipt of the State of Utah's brief. Their briefs shall be no longer than 25 pages.

(3) The State of Utah may file a reply brief within 14 days of receiving the briefs of the NRC staff and IUSA. The reply brief shall be no longer than 15 pages.

All briefs shall be filed and served in a manner that ensures their receipt on their due date. Electronic or facsimile submissions are acceptable, but shall be followed by hard copies within a reasonable time. Briefs in excess of 10 pages must contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited. Page limitations on briefs are exclusive of pages containing a table of contents, and of any addendum containing statutes, rules, regulations, etc.

IT IS SO ORDERED.



For the Commission


Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 26 day of April, 1999.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

INTERNATIONAL URANIUM (USA)
CORPORATION (IUSA)
(Receipt of Material from
Tonawanda, New York)

Docket No.(s) 40-8681-MLA-4

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMISSION ORDER (CLI-99-13) 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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Dated at Rockville, Md. this
26 day of April 1999

Adria T. Byrdson
Office of the Secretary of the Commission