

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'94 MAR -3 P3:10

In the Matter of)
)
SEQUOYAH FUELS CORPORATION)
and GENERAL ATOMICS)
)
(Gore, Oklahoma Site))

Docket No. 40-8027-EA
(Decontamination and
Decommissioning Funding)

SERVED MAR - 3 1994

ORDER

The Atomic Safety and Licensing Board has referred to the Commission its ruling in section II.A. of LBP-94-5 that, in a proceeding on a staff enforcement order issued under 10 C.F.R. § 2.202, there is no prohibition against an otherwise qualified petitioner intervening as of right in support of the order. Slip op. at 38-39 (Feb. 24, 1994). This ruling provides the basis, in part, for the Licensing Board's finding that the petitioners, Native Americans for a Clean Environment (NACE), have established standing to intervene in this enforcement proceeding.

The questions before the Commission at this time are whether review of the referred ruling is appropriate in accordance with 10 C.F.R. § 2.786(g) and, assuming that review is appropriate, whether the Licensing Board's ruling in section II.A. of its order should be sustained. The parties may file initial briefs addressing both of these questions no later than March 11, 1994, in a manner to ensure completion of service on the Commission and other parties by close of business (4:15 p.m. Eastern Time) that

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same day. A reply brief may be filed no later than March 17, 1994.

It is so ORDERED.



For the Commission

A handwritten signature in cursive script, appearing to read "John C. Woyle".

John C. Woyle
Assistant Secretary
of the Commission

Dated at Rockville, Maryland,
this 3rd day of March 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 COMM ORDER RE LBP-94-5 DTD 3/3 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
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James P. Gleason, Chairman
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Administrative Judge
G. Paul Bollwerk, III
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Docket No.(s)40-8027-EA
COMM. ORDER RE LBP-94-5 DTD 3/3

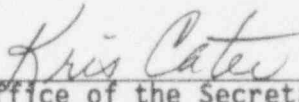
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Dated at Rockville, Md. this
3 day of March 1994


Office of the Secretary of the Commission

* FAXED