

14849

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'94 MAR 30 09:48

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 MAR 30 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

ASLBF No. 94-684-01-EA

March 29, 1994

NOTICE OF HEARING
(Staff Order Regarding
Decommissioning Funding)

On October 25, 1993, the Nuclear Regulatory Commission published in the Federal Register notice of an October 15, 1993 enforcement order issued to the Sequoyah Fuels Corporation (SFC) and General Atomics (GA) concerning the decontamination and decommissioning funding for the Sequoyah Fuels facility at Gore, Oklahoma. 58 Fed. Reg. 55,087.

In response to the order, SFC and GA both requested a hearing. On November 22, 1993, an Atomic Safety and Licensing Board was established to preside over the proceeding. 58 Fed. Reg. 63,406. The Licensing Board is comprised of Administrative Judges James P. Gleason, who is the Board Chairman, Dr. Jerry R. Kline and G. Paul

9404070161 940329
PDR ADOCK 04008027
C PDR

DS02

Bollwerk, III. On January 13, 1994, the Licensing Board was reconstituted by adding Administrative Judge Thomas D. Murphy as an Alternate Member. 59 Fed. Reg. 3382.

On November 18, 1993, Native Americans for a Clean Environment (NACE) filed a motion for leave to intervene in this proceeding. After conducting a January 19, 1994 prehearing conference in Bethesda, Maryland, on January 25, 1994, the Licensing Board issued an unpublished memorandum and order granting the NACE request to intervene and directing NACE to file a supplemental petition listing contentions it seeks to have litigated. (The Board subsequently issued a published memorandum and order detailing the reasons for its determination. LBP-94-5, 39 NRC ____ (Feb. 24, 1994).) In a March 22, 1994 memorandum and order, the Board found that NACE had filed two contentions meeting the requirements of 10 C.F.R. § 2.714(b)(2), thereby warranting its admission as a party to the proceeding. LBP-94-8, 39 NRC ____ (Mar. 22, 1994).

Please take notice that a hearing will be conducted in this proceeding. The hearing will be governed by the hearing procedures set forth in 10 C.F.R. Part 2, Subpart G (10 C.F.R. §§ 2.700-.790).

The NRC staff, SFC, GA, and NACE are parties to this proceeding. In addition, any person whose interest may be affected by this proceeding may petition for leave to intervene within twenty (20) days of the date of publication

of this notice of hearing in the Federal Register. In accordance with 10 C.F.R. § 2.714(a)(2), the petition must set forth in detail (1) the interest of the petitioner in the proceeding; (2) how that interest may be affected by the results of the proceeding, including the reasons why the petitioner should be permitted to intervene, with particular reference to (a) the nature of the petitioner's right under the Atomic Energy Act to be made a party to the proceeding, (b) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (c) the possible effect of any order that may be entered in the proceeding upon the petitioner's interest; and (3) the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.

A petition for leave to intervene must be filed with Commission at the following address: The Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch. In addition, copies of the petition should be served upon Administrative Judge James P. Gleason, Chairman, The Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (5 copies); Lawrence J. Chandler, Esq., Assistant General Counsel for Hearings and Enforcement, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Maurice Axelrad, Esq., Newman, Bouknight & Edgar, 1615 L Street,

NW., Suite 1000, Washington, DC 20036; Stephen M. Duncan, Esq., Mays & Valentine, 110 South Union Street, P.O. Box 149, Alexandria, Virginia 22313-0149; and Diane Curran, Esq., Harmon, Curran, Gallagher & Spielberg, 6935 Laurel Avenue, Suite 204, Takoma Park, Maryland 20912.

During the course of the proceeding the Board may hold further prehearing conferences, as well as oral arguments and evidentiary hearing sessions, at times and places to be hereafter announced, through notices to be published in the Federal Register and/or made available to the public at the Commission's Public Document Rooms.

In accordance with 10 C.F.R. § 2.715(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding. These statements do not constitute evidence but may assist the Board and/or parties in the definition of the issues being considered. Written limited appearance statements should be sent to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch. A copy of the statement also should be served on the Chairman of the Atomic Safety and Licensing Board. The Board will make a determination at a later date whether oral limited appearance statements will be entertained.

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room,

the Gelman Building, 2120 L Street, NW., Washington, DC
20037, or at the Local Public Document Room in the Stanley
Tubbs Memorial Library, 101 E. Cherokee, Sallisaw, OK 74955.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD



James P. Gleason, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland

March 29, 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 NOTICE OF HEARING (STAFF..) 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 NOTICE OF HEARING (STAFF..)

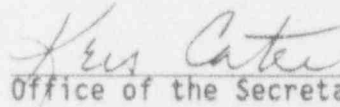
Stephen M. Duncan, Esq.
Bradfute W. Davenport, Jr., Esq.
Mays & Valentine
110 South Union Street
Alexandria, VA 22314

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

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


Office of the Secretary of the Commission