

fuel will not be inimical to the common defense and security nor constitute an unreasonable risk to the public health and safety.”²

The March 10 order was the Board’s final order in this case, and none of the parties sought review of it. Nevertheless, the Commission has decided to review the Board’s order pursuant to 10 C.F.R. § 2.786(a).³ Before proceeding further, the Commission specifically requests the parties to brief the issue of the necessity of the conditions the Board imposed for purposes of receipt of the MOX lead test assemblies.

The briefs should not exceed 25 pages and should be filed for receipt by the Commission by close of business on May 2, 2005. Parties may file reply briefs, limited to 10 pages and consisting only of rebuttal, for receipt by the Commission by May 9, 2005. The parties are reminded of the importance of compliance with the procedures regarding submission of safeguards information.

IT IS SO ORDERED.

For the Commission

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 21st day of April, 2005.

²See “Notice of Final Partial Initial Decision (Issues Relating to BREDL Security Contention 5)” (Mar. 10, 2005).

³The Commission’s new adjudicatory rules do not apply to this case, which began before their promulgation. See Final Rule: “Changes to Adjudicatory Process,” 69 Fed. Reg. 2182 (Jan. 14, 2004).