

RAS 5474
January 16, 2003

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Presiding Officer

DOCKETED
USNRC

In the Matter of
Nuclear Fuel Services, Inc.
(Blended Low-Enriched Uranium Project)

January 28, 2003 (11:17AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 70-143
Special Nuclear Material License No. SNM-124

SUBJECT: REQUEST FOR CLARIFICATION

Dear Judge Rosenthal,

I respectfully request clarification on what constitutes notification when more than one type of notification is being used.

Following is an e-mail I received Thursday afternoon (Jan. 16, 2003) from Sean Barnett of Shaw Pittman, LLP, the law firm representing Nuclear Fuel Services Inc., in the matter of "Applicant's Motion to Strike Part of Kathy Helms-Hughes Response to Nuclear Fuel Services, Inc.'s Motion to Deny Helms-Hughes' Request for Standing and Leave to Intervene."

My MacIntosh computer does not have the capability to translate Mr. Barnett's e-mail attachments, which I have told him before. Other parties to this proceeding -- i.e., Sharon Marks Perini of the Atomic Safety and Licensing Board, Jennifer Euchner of the Office of General Counsel, Daryl Shapiro of Shaw Pittman, and Diane Curran, attorney for Friends of the Nolichucky River Valley -- also were notified of the difficulty I have in reading their attached files and have since begun to paste the attached information into the body of their e-mails so that I might receive the information in a timely manner.

Mr. Barnett, on the other hand, tells me that his firm is keeping me on the e-mail distribution list just so I will know to expect to receive his motions via U.S. mail, and that if I would like, he could drop me from the e-mail distribution list.

In my opinion, I feel this gives the appearance that the NFS representative is meeting the regulations by filing in a timely manner, yet it deprives me of response time. I would appreciate it if you would level the playing field by asking Mr. Barnett to paste his information into the body of

Template = SECY-041

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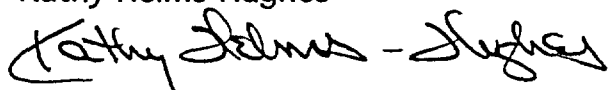
the e-mail, as Mr. Shapiro and others do, or give me extra time to respond.

I respectfully request this panel to notice Shaw Pittman of my inability to translate their e-mail attachments.

Thank you for your attention in this matter.

Respectfully submitted,

Kathy Helms-Hughes



Please see the attached emails:

(Received January 16, 2003)

Subject: NFS Motions to Strike Parts of Responses to Answers to Hearing Requests

Attached are Applicant's Motion to Strike Part of Kathy Helms-Hughes Response to Nuclear Fuel Services, Inc.'s Motion to Deny Helms-Hughes' Request for Standing and Leave to Intervene; Applicant's Motion to Strike Part of the Reply by Friends of the Nolichucky River Valley, State of Franklin Group of the Sierra Club, Oak Ridge Environmental Peace Alliance, and Tennessee Environmental Council to Applicant's Answer to Their Hearing Request; and the certificate of service.

(See attached file: rvb401!.DOC) (See attached file: r%s_01!.DOC) (See attached file: rv2v01!.DOC)

Sean Barnett
Shaw Pittman, LLP
202-663-8429

(Correspondence December 18-19, 2002)

> From: Sean.Barnett@shawpittman.com
> Date: Wed, 18 Dec 2002 15:49:40 -0500
> To: NFS@shawpittman.com
> Subject: NFS Response to Presiding Officer Question Concerning License Amendments
>
Attached are Applicant's Response to Presiding Officer's Question

Regarding Timing of Subsequent License Amendment Applications and the certificate of service.

>

> (See attached file: rr8b01!.DOC) (See attached file: rr7h01!.DOC)

>

> Sean Barnett

> Shaw Pittman, LLP

> 202-663-8429

>

"khelms@mounet.com" <khelms

To: <Sean.Barnett@shawpittman.com>

cc:

12/19/2002 10:44

Subject: Re: NFS Response to Presiding Officer Question Concerning License Amendments

Dear Sean Barnett,

I keep telling you good folks that I cannot translate these attachments. Are you sending a copy of U.S. mail? If not, I would like a translation please. Remember, this is a Macintosh -- great for everything except Microsoft files. Thanks.

Kathy Helms-Hughes

Dear Ms. Helms-Hughes:

We are sending all of our filings by U.S. mail as well as e-mail. We are keeping you on the e-mail distribution list only so you know to expect to receive something in the mail. We can drop you from the distribution list if you would like.

Sean Barnett

Shaw Pittman, LLP

202-663-8429

CERTIFICATE OF SERVICE

I certify that on January 16, 2003, copies of REQUEST FOR CLARIFICATION were served on the persons listed below by electronic transmission with hard copies to follow in first-class mail.

Alan S. Rosenthal, Presiding Officer

Atomic Safety and Licensing Board

Mail Stop T-3 F23

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

By e-mail to: rsnthl@comcast.net; sam4@nrc.gov

FAX: 301/415-5599

Office of Appellate Adjudication*

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555

Richard F. Cole, Administrative Judge

Atomic Safety and Licensing Board

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U.S. Nuclear Regulatory Commission

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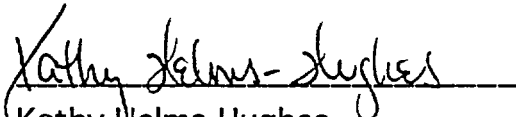
By e-mail to: chapman@xtn.net,
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* Copies sent by U.S. Mail only


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