

February 27, 2003

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE PRESIDING OFFICER

DOCKETED
USNRC

March 7, 2003 (11:03AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the matter of)
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)
Nuclear Fuel Services, Inc.)
)
)
(Materials License SNM-124))
)

Docket No. 70-143

MOTION BY KATHY HELMS-HUGHES
FOR LEAVE TO REPLY TO NFS'S RESPONSE
TO SECOND HEARING REQUEST

Kathy Helms-Hughes hereby requests leave to reply to Nuclear Fuel Services' ("NFS's" or "The Applicant's") response to her hearing request regarding NFS's second license amendment application for the Blended Low-Enriched Uranium Project at NFS's Erwin, Tenn., facility. (Applicant's Answer to Request for Hearing and Leave to Intervene by Kathy Helms-Hughes on NFS' Second License Amendment Request, Feb. 21, 2003).

Helms-Hughes understands that while Nuclear Regulatory Commission (NRC) regulations do not provide for replies to hearing requests, a reply is warranted in order to correct inaccuracies and misleading information contained within NFS's response. The purpose of allowing replies to answers to hearing requests in NRC practice generally is to allow petitioners to respond to arguments in the answers that otherwise might have been difficult to anticipate in the requests [See Houston Lighting and Power Company, Allens Creek Nuclear Generating Station, Unit 1, ALAB-565, 10 NRC 521, 525 (1979)] and to address issues that are not germane to what is being heard.

Attempts by NFS to make it appear that Helms-Hughes is lying is totally unconscienceable. Helms-Hughes respectfully requests an opportunity to respond to issues that

were put into NFS's response that have no factual basis, are absolutely misleading, and are groundless. For a complete record to be available to this panel, it is imperative that the panel know everything, not just a part of the issue. Even though some things might not be in Helms-Hughes' favor, she still feels that this panel should hear all of the issues, regardless of who is right or wrong. Helms-Hughes also respectfully requests permission to respond to these issues because it would be totally inappropriate for the record to stand as it is, with misleading information. Among the issues Helms-Hughes wishes to address are:

- NFS's attempt to keep decommissioning information from the public by labeling it "proprietary information" and its contention that Helms-Hughes has not requested clearance to view the proprietary information;

- NFS's attempt to cover up apparent wrongdoing regarding double-use by NFS and General Atomics of the Applicant's Special Nuclear Material SNM-124 License number and accusations that Helms-Hughes is "more interested in muckraking than in pursuing legitimate safety or environmental issues";

- NFS's contention that the impact of historic cumulative airborne emissions from the NFS facility as well as the impact from Studsvik and the USM Ore Program are not germane to the proposed license amendment request;

- NFS's attempts to portray Helms-Hughes as lazy because she did not resubmit previously submitted information which the NRC and the Applicant have readily available;

- NFS's dismissal of information contained in the Department of Energy Final Environmental Impact Statement — information NFS chooses to quote when it serves the Applicant's purpose, yet at the same time, chooses to ignore when it clearly points out discrepancies relative to the BLEU Project.

- NFS's objections to the need to perform an Environmental Impact Statement which would take into consideration the Applicant's "new processes"; its rejection of the need for a

new Special Nuclear Material License to cover a new operation which utilizes new processes; NFS's contention that ownership of the facility is not pertinent or germane to its new operation; NFS's contention that training of its employees will have no bearing on environmental impacts from the BLEU Project; NFS's contention that use of remote-control locomotives near its facility will have no impact on risks to NFS' operations; NFS's contentions that flooding and lightning strikes should be dismissed because they are not germane or should be dismissed for lack of particularity; and NFS's contention that the dangers of a hydrogen explosion should be dismissed for lack of particularity and lack of basis.

• NFS's claim that Helms-Hughes has failed to raise any issue which would result in her being granted standing." Rather than address any one of the issues raised by Helms-Hughes, NFS has chosen to divert attention from themselves by portraying Helms-Hughes as a lazy muckraker. Helms-Hughes requests that NFS set aside its personal differences with Helms-Hughes and respond to the health, safety and environmental issues which must be addressed for the benefit of all who reside within the 50-mile area which could be affected if an accident occurred.

Helms-Hughes seek leave to respond to these arguments, which she could not reasonably have anticipated.

CERTIFICATE OF SERVICE

I certify that on February 27, 2003, copies of MOTION BY KATHY HELMS-HUGHES FOR LEAVE TO REPLY TO NFS'S RESPONSE TO SECOND HEARING REQUEST were served on the persons listed below by e-mail transmission with copies to follow in first-class U.S. Mail.

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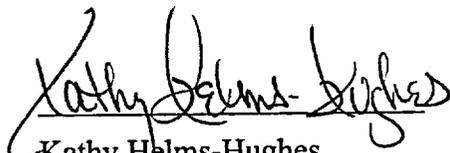
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Dated Feb. 27, 2003