

DOCKETED
USNRC

April 26, 2004 (10:09AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket Nos. 70-143-MLA
70-143-MLA-2
70-143-MLA-3

SERVED April 26, 2004

From: Kathy Helms <khelms@frontiernet.net>
To: <ABC1@nrc.gov>
Date: 4/22/04 7:28PM
Subject: Re: Due Date for Appeal

Mr. Dambly and Ms. Coggins:

I just received Daryl Shapiro's response to my motion to appeal in the Nuclear Fuel Services case. While I have not read the entire document, one thing immediately caught my eye. I take total exception to Shapiro's remarks regarding my motion being "unduly late." I would appreciate your consideration of the following in this matter.

Sincerely,

Kathy Helms-Hughes

From: "Emile Julian" <ELJ@nrc.gov>
Date: Wed, 24 Mar 2004 17:17:05 -0500
To: <khelms@frontiernet.net>
Subject: Re: Due Date for Appeal

Glad to help.

>>> Kathy Helms <khelms@frontiernet.net> 03/24/04 06:10PM >>>
Emile, thanks a bunch for your help. I'm never quite sure how it all works when it's a weekend. -- kathy

> From: "Emile Julian" <ELJ@nrc.gov>
> Date: Wed, 24 Mar 2004 15:57:18 -0500
> To: <Khelms@frontiernet.net>
> Cc: "Adria Byrdsong" <ATB1@nrc.gov>, "Evangeline Ngbea" <ESN@nrc.gov>, "Sharon

> Perini" <SAM4.twf1_po.TWFN_DO@nrc.gov>
> Subject: Due Date for Appeal
>
> Ms. Helms-Hughes,
>
> Sharon Perini of the Atomic Safety and Licensing Board referred your filing
> deadline question to the Office of the Secretary for response. Your appeal to
> the Commission of the Presiding Officer's Order of March 17, 2004, is due 10
> days from the date of service. The exact date, if calculating from the date
> of the Order is March 27, 2004, which is a Saturday. However, with respect to
> computation of time for filing deadlines 10 CFR 2.1203(d) refers to 10 CFR
> 2.710. Under Section 2.710, the recipient of service by mail has an additional
> five days from the date of service to respond or to perform the act required
> by rule or order. In your case, five days would be added to March 27, 2004.
> Your time for filing would thus be extended to April 1, 2004. You should
> place your appeal in the mail by that date. You may also wish to sent a copy
> of your appeal by e-mail on that date to the Office of the Secretary, but that
> is not a requirement of your service.
>
>
> Emile L. Julian
> Assistant for Rulemakings
> And Adjudications
> Office of the Secretary, NRC
> 301-415-1966
>
>

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
NUCLEAR FUEL SERVICES, INC.) Docket Nos. 70-143-MLA
) 70-143-MLA-2
) 70-143-MLA-3
(Erwin, Tennessee))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing E-MAIL FROM KATHY HELMS-HUGHES RE DUE DATE FOR APPEAL have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution, with copies by electronic mail or facsimile as indicated.

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Washington, DC 20555-0001

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E-mail: axr@nrc.gov

Administrative Judge
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Atomic Safety and Licensing Board Panel
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Docket Nos. 70-143-MLA
70-143-MLA-2
70-143-MLA-3
E-MAIL FROM KATHY HELMS-HUGHES
RE DUE DATE FOR APPEAL

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Neil J. Newman
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Nuclear Fuel Services, Inc.
1700 Rockville Pike
Rockville, MD 20852

[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of April 2004