

RAS 7676

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DOCKETED
USNRC

April 28, 2004 (10:51AM)

April 26, 2004

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Edward McGaffigan, Jr. Commissioner
Jeffrey S. Merrifield, Commissioner
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

**Re: Nuclear Fuel Services, Inc. (Erwin, Tennessee)
Docket Nos. 70-143-MLA, 70-143-MLA-2, 70-143-MLA-3
Applicant's Opposition to Motion for Appeal of Kathy Helms-Hughes**

Dear Commissioners:

Today we were served by the NRC Hearing Docket with a March 24, 2004 e-mail exchange that had taken place between Petitioner Kathy Helms-Hughes and Mr. Emile Julian, Assistant for Rulemakings and Adjudications, Office of the Secretary, in which Mr. Julian advised Ms. Helms-Hughes that she should file her Motion for Appeal in the Nuclear Fuel Services proceeding by April 1, 2004. In Nuclear Fuel Services' April 22, 2004 opposition to her motion, we objected to her filing as unjustifiably late, on the grounds that pleadings and orders in the proceeding were to be served by e-mail, and thus the five-day extension for service by U.S. mail should not apply. However, when we filed our opposition, we were unaware of Mr. Julian's advice to Ms. Helms-Hughes. Therefore, while we maintain our opposition to her appeal on substantive grounds, we withdraw our opposition on the grounds of lateness.

Sincerely,



D. Sean Barnett
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Counsel for Nuclear Fuel Services, Inc.

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SECY-02

U.S. Nuclear Regulatory Commission

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