

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

BEFORE THE COMMISSION

'94 APR 18 P2:03

In the Matter of )

SEQUOYAH FUELS CORPORATION )  
GENERAL ATOMICS )

(Gore, Oklahoma Site )  
Decontamination and )  
Decommissioning Funding) )

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Docket No. 40-8027-EA

Source Material License  
No. SUB-1010

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NRC STAFF'S RESPONSE TO NATIVE AMERICANS FOR A CLEAN  
ENVIRONMENT'S MOTION FOR CONSOLIDATION  
AND/OR EXTENSION OF BRIEFING SCHEDULE

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April 18, 1994

SECY-042

DESIGNATED ORIGINAL

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On April 7, 1994, Sequoyah Fuels Corporation (SFC) filed with the Commission a Notice of Appeal (with accompanying brief) of the Atomic Safety and Licensing Board's decisions in LBP-94-5 (Feb. 24, 1994) and LBP-94-8 (Mar. 22, 1994). Native Americans for a Clean Environment (NACE) has filed a Motion for Consolidation And/Or Extension of Briefing Schedule (Apr. 13, 1994) (Motion), seeking, *inter alia*,<sup>1</sup>

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<sup>1</sup> NACE also seeks consolidation of SFC's appeal of LBP-94-5 and LBP-94-8, with the Commission's consideration of the Licensing Board's referral, pursuant to 10 C.F.R. § 2.730(f), of section II.A. of LBP-94-5. By Order (Mar. 3, 1994), the Commission has already required the filing of initial briefs, by March 11, 1994, concerning the referral. It is not clear that there is a compelling reason to grant NACE's request for consolidation, which is based on NACE's "wishes to conserve its resources and avoid the wasted time and expense involved in briefing the same issues twice." While there is some overlap with the issue referred by the Licensing Board, SFC's appeal also goes to other issues. Thus, duplicative efforts would not be required to brief those other issues.

additional time within which to file an answer to SFC's appeal. NACE asserts that "the ten day response period provided by 10 C.F.R. § 2.714a is inadequate to allow a meaningful opportunity to respond to SFC's brief, which is almost 30 pages long." NACE also notes that it must prepare a separate appellate brief, concerning the pending license renewal matter for the SFC facility, at this time, pursuant to CLI 94-04 (Apr. 1, 1994). Motion at 1.

The Staff agrees that additional time to respond to SFC's brief is warranted. Furthermore, the granting of additional time would not prejudice any party. Accordingly, the Staff does not object to NACE's request for leave to file its answer to SFC's appeal by May 11, 1994, provided that the Staff is also granted permission to file its response by such date.

Respectfully submitted,



Steven R. Hom  
Susan L. Uttal  
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Counsel for NRC Staff

Dated at Rockville, Maryland  
this 18th day of April, 1994



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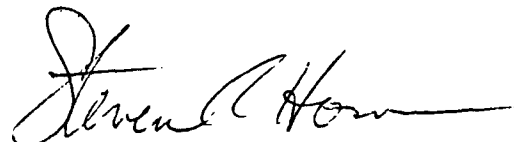
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