

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))

OFFICE OF SECRETARY
DOCKETING & SERVICE
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Docket No. 40-8027-EA

Source Material License
No. SUB-1010

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

Steven R. Hom
Susan L. Uttal
Richard G. Bachmann
Counsel for NRC Staff

April 18, 1994

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*,¹

¹ 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
Richard G. Bachmann
Counsel for NRC Staff

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

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S RESPONSE TO NATIVE AMERICANS FOR A CLEAN ENVIRONMENT'S MOTION FOR CONSOLIDATION AND/OR EXTENSION OF BRIEFING SCHEDULE" in the above-captioned matter have been served on the following by deposit in the United States mail, first class, or as indicated by one asterisk by deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by two asterisks by facsimile transmission, or as indicated by three asterisks by hand, this 18th day of April, 1994:

James P. Gleason, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Jerry R. Kline*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Thomas D. Murphy*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, DC 20555

G. Paul Bollwerk, III*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.**
c/o IEER
6935 Laurel Avenue, Suite 204
Takoma Park, MD 20912

Stephen M. Duncan, Esq.**
Bradfute W. Davenport, Jr., Esq.
Mays & Valentine
110 South Union Street
Alexandria, Virginia 22314

Maurice Axelrad, Esq. **
John E. Matthews, Esq.
Newman, Bouknight & Edgar, P.C.
1615 L Street, N.W.
Suite 1000
Washington, DC 20036

John H. Ellis, President
Sequoyah Fuels Corporation
P.O. Box 610
Gore, Oklahoma 74435

Mr. John R. Driscoll
General Atomics Corporation
3550 General Atomics Court
San Diego, California 92121-1194

Lance Hughes, Director
Native Americans for a Clean
Environment
P.O. Box 1671
Tahlequah, OK 74465

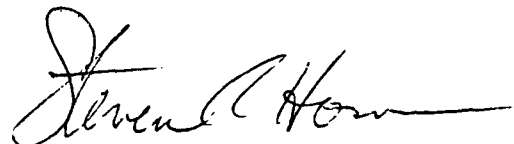
Office of the Commission Appellate
Adjudication***
Mail Stop: 16-G-15 OWFN
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Adjudicatory File (2)*
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Office of the Secretary*** (16)
ATTN: Docketing and Service
Mail Stop: 16-G-15 OWFN
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Board
Panel*
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Betty Robertson
HCR 68 Box 360
Vian, OK 74962



Steven R. Hom
Counsel for NRC Staff