

70-3070
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December 6, 1993

Mr. John W. N. Hickey, Chief
Enrichment Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Docket No.: 70-3070
Louisiana Energy Services
Claiborne Enrichment Center
NIRS Request for DEIS Comment Period Extension
File: 6046-00-2001.01

Dear Mr. Hickey:

The request by the Nuclear Information and Resource Service (NIRS) dated December 1, 1993, to extend the comment period for NUREG-1484, "The Claiborne Enrichment Center (CEC) Draft Environmental Impact Statement" (DEIS) to April 10, 1994 should be denied.

A significant portion, if not all, of the technical information presented in the DEIS has been available in Louisiana Energy Services' (LES) Environmental Report for almost three years and has already been commented upon by NIRS as the intervenor's technical assistant, first in the intervenor's contentions (NIRS assisted CANT, see transcript of November 14, 1991, Special Prehearing Conference and intervenor's answers to LES' interrogatories NIRS provided the substantive answers to these very matters; see CANT's June 12, 1992, answers to LES' interrogatories). Thus, by this time, NIRS is intimately familiar with the information in the DEIS. Therefore, LES can only assume that NIRS intends, by this request, to delay the licensing proceeding. Clearly, the NIRS intends to delay the CEC licensing process as much as possible, hoping that LES will exhaust its finances. "The LES project is already on shaky ground, and it is unclear whether it could survive a lengthy delay in the licensing process." The Nuclear Monitor, June 17, 1991 (a Nuclear Information and Resource Service publication).

Any delay in the DEIS comment resolution process will result in an FEIS, and licensing hearing, delay (see the ASLB schedule in its May 7, 1992, Memorandum and Order)

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December 6, 1993

Mr. John W. N. Hickey, Chief

Page 2

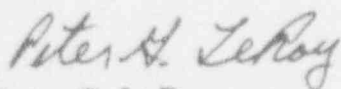
Where a request for extension of time would delay a hearing, the Commission noted that personal or other obligations or fewer resources than other parties does not relieve that party of its hearing obligations, Statement of Policy on Conduct of Licensing Proceedings, CLI-81-8, 13 NRC 452, 454 (1981). Technically, NIRS is not a party to this proceeding, but NIRS, CANT and Sierra Club Legal Defense Fund (CANT is the intervenor and Sierra Club Legal Defense Fund is the intervenor's counsel) issued a joint news release concerning the DEIS, and Michael Mariotte, executive director of the NIRS, provided the substantive answers to LES' interrogatories in the CEC licensing proceeding. Therefore, NIRS is likely acting in this case in the intervenor's interest and should be treated in the same manner as a party requesting a delay. Moreover, it is interesting to note that the request for extending the deadline for submission of comments comes from NIRS, which by various comments in a news release dated November 22, 1993 implied that it, as well as representatives from Citizens Against Nuclear Trash (CANT) and the Sierra Club Legal Defense Fund (SCLDF) had read the document thoroughly.

The DEIS was sent directly to more than 60 people, 17 of whom live in Claiborne Parish. Copies of the document are available in the Claiborne Parish library, as well as the Louisiana Energy Services (LES) information office located in Homer, Louisiana.

The delays in the project that have occurred up until now are part of the normal licensing process. And, since the CEC is the first facility of this kind to be licensed in the United States, the request for additional information process has been more protracted than normal. However, LES responses to NIRS' requests for additional information have been as expeditious as possible. These delays have provided people who are truly interested in the licensing of the CEC more than ample opportunity to review the Environmental Report prepared for the CEC. Also, it is clear from the additional time requested that this is just the expected and totally unjustified attempt by NIRS to delay the project, since granting the request would triple the allowed comment period, see 10 CFR §51.73.

Please call me at (704) 382-2834 if there are any questions concerning this.

Sincerely,



Peter G. LeRoy
Licensing Manager

PGL/N106.123

December 6, 1993
Mr. John W. N. Hickey, Chief
Page 3

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