

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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UNITED STATES NUCLEAR REGULATORY COMMISSION

In the Matter Of )

Sequoyah Fuels Corporation )  
and General Atomics )

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

Docket No. 40-8027EA  
Source Materials  
License No. SUB-1010

NATIVE AMERICANS FOR A CLEAN ENVIRONMENT'S  
REQUEST FOR EXTENSION OF TIME FOR FILING  
CONTENTIONS AS OF RIGHT AND  
REQUEST FOR EXPEDITED CONSIDERATION

Native Americans for a Clean Environment ("NACE") hereby requests an extension of time for submitting contentions as of right in this proceeding. As grounds for this request, NACE submits the following:

1) Pursuant to 10 C.F.R. § 2.714(a)(3), contentions may be submitted without the approval of the presiding officer up to 15 days before the special prehearing conference, or the first prehearing conference if there is no special prehearing conference. On December 17, 1993, the Licensing Board issued an order in this case setting a prehearing conference for January 19, 1994. It thus appears that under the rule, NACE has until January 4, 1993, to file contentions as of right in this proceeding.

2) On December 6, 1993, Sequoyah Fuels Corporation ("SFC") and General Atomics ("GA") filed a massive opposition challenging NACE's standing to participate in this proceeding. Under a schedule established by the Licensing Board, NACE filed its reply

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to their opposition today, December 20, 1993. The preparation of NACE's reply has consumed much of counsel's time during the preceding weeks. Only three business days are left before the deadline for filing contentions as of right expires, and one of them is a Federal holiday. On January 4, NACE must also file its appeal of LBP-93-25 (December 15, 1993), the Licensing Board's decision in the license renewal case for the Sequoyah Fuels facility. Thus, it is impossible for NACE to meet a January 4 deadline for submission of contentions in this proceeding.

3) In its Motion for Leave to Intervene in this proceeding (November 18, 1993), NACE identified the issues raised by SFC's and GA's hearing requests on which NACE wishes to participate. NACE seeks sufficient time to develop these concerns into contentions of adequate basis and specificity to gain admission to this proceeding. NACE requires several weeks in which to work with its experts at the Institute for Energy and Environmental Research in order to prepare these contentions.

4) The provision of additional time for preparation of contentions will not result in broadening of the issues that can be raised in this proceeding, because these issues are limited to the scope of the enforcement order that is being challenged by SFC and GA. Moreover, any minimal delay that results from the requested extension is outweighed by the importance of allowing NACE sufficient time to prepare contentions that are adequate to permit NACE a meaningful degree of participation in this proceeding.

5) In the experience of this counsel, it is the usual practice of the Licensing Board to establish a schedule for submission of contentions after ruling on petitions to intervene. This practice allows public intervenors to discover whether they are provisionally admitted to a case before expending scarce resources on experts to support contentions. While NACE is proceeding with preparation of its contentions now, the prompt establishment of a reasonable schedule for submission of contentions, would allow NACE to allocate its limited resources in a more effective and useful manner.

For the foregoing reasons, NACE requests that the Board establish a schedule providing for the submission of contentions within 30 days after the Board's ruling on NACE's standing to participate in this proceeding. In the alternative, NACE requests an extension of 30 days from January 4, 1994.

Because of the immediate pendency of the January 4 deadline, NACE requests expedited consideration of this request.

Respectfully submitted,



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December 30, 1993



CERTIFICATE OF SERVICE

I certify that on December 30, 1993, copies of the foregoing  
NATIVE AMERICANS FOR A CLEAN ENVIRONMENT'S REQUEST FOR EXTENSION  
OF TIME FOR FILING CONTENTIONS AS OF RIGHT AND REQUEST FOR  
EXPEDITED CONSIDERATION and NOTICE OF APPEARANCE+ were served by  
first-class mail and/or by FAX on the following:

Office of Commission Appellate Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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+Notice of Appearance filed by first-class mail only