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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION '94

JAN -5 10:43

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

\_\_\_\_\_  
In the Matter of )  
 )  
SEQUOYAH FUELS CORPORATION )  
and GENERAL ATOMICS )  
 )  
(Sequoyah Facility) )  
\_\_\_\_\_ )

Docket No. 40-8027-EA

January 3, 1994

SEQUOYAH FUELS CORPORATION'S  
MOTION FOR LEAVE TO REPLY TO  
NATIVE AMERICANS FOR A CLEAN ENVIRONMENT'S  
SUPPLEMENTAL FACTUAL ALLEGATIONS, NEW ARGUMENTS  
AND REQUEST FOR DISCRETIONARY INTERVENTION

Late on December 30, 1993, counsel for Sequoyah Fuels Corporation (SFC) received a copy of Native Americans for a Clean Environment's Reply to Sequoyah Fuels Corporation's Answer in Opposition to NACE's Motion to Intervene (NACE's Reply).

In addition to responding to Sequoyah Fuels Corporation's Answer in Opposition to NACE's Motion to Intervene, NACE's Reply contains for the first time,<sup>2/</sup> inter alia, NACE's attempt to satisfy the five late-filing criteria of 10 CFR § 2.714(a)(1), an affidavit making extensive new factual allegations in support of NACE's claim that it has standing to intervene in this proceeding, and a request for the grant of

<sup>2/</sup> NACE had previously contended that its request for intervention was timely and asserted that its participation in this proceeding was a matter of right. Therefore, NACE had failed to address the factors for permitting late-filed requests for intervention (10 CFR § 2.714(a)(1)) and had not requested discretionary intervention.

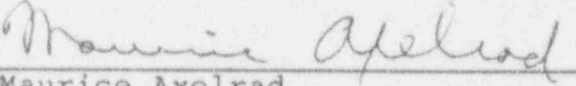
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discretionary intervention. Rather than simply responding to previous pleadings, NACE's Reply constitutes, in essence, an amended or supplemented petition to intervene. Moreover, as SFC will demonstrate, much of the factual information provided with NACE's Reply is incomplete, taken out of context or mischaracterizes the relevant circumstances.

In view of the substantive contents of NACE's Reply, including new requests, new factual allegations and new arguments, SFC should be entitled to respond thereto under 10 CFR § 2.714(c), just as SFC was entitled to respond to NACE's original motion to intervene or any amendment or supplement thereto. Moreover, fundamental concepts of due process allow SFC to respond to basic new requests, information and arguments submitted by a petitioner.

Accordingly, SFC hereby requests that the Atomic and Safety Licensing Board confirm that SFC is entitled to respond to NACE's Reply by January 10, 1994, or grant SFC leave to do so.

Respectfully submitted,

  
Maurice Axelrad

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ATTORNEY FOR  
SEQUOYAH FUELS CORPORATION

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SEQUOYAH FUELS CORPORATION )  
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(Sequoyah Facility) )

Docket No. 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of:

1. Sequoyah Fuels Corporation's Answer to Native Americans for a Clean Environment's Request for Extension of Time and
2. Sequoyah Fuels Corporation's Motion for Leave to Reply to Native Americans for a Clean Environment's Supplemental Factual Allegations, New Arguments and Request for Discretionary Intervention

were served upon the following persons by deposit in the United States mail, first class postage prepaid and properly addressed on the date shown below and also by telecopy (as shown by an asterisk):

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attention: Docketing & Service Branch  
(Original and two copies)

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

Administrative Judge James P. Gleason, Chairman\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge G. Paul Bollwerk, III\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge Jerry R. Kline\*  
Atomic Safety and Licensing Board  
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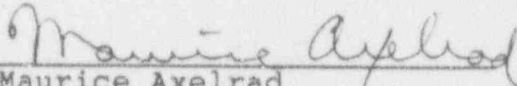
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Lance Hughes, Director  
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Dated this 3rd day of January 1994.

  
Maurice Axelrad

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