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NEWMAN & HOLTZINGER, P.C.

ATTORNEYS AT LAW

1615 L STREET, N.W.

WASHINGTON, D.C. 20036-5610

TELEPHONE: (202) 955-6600

FAX: (202) 872-0581

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Mr. Samuel J. Chilk
Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Via Hand Delivery
February 2, 1994

Re: In the Matter of Sequoyah Fuels
Corporation, Source Material License
No. SUB-1010, Docket No. 40-08027-MLA

Dear Mr. Chilk:

Sequoyah Fuels Corporation (SFC) is in receipt of a pleading entitled "Native Americans for a Clean Environment's and Cherokee Nation's Reply to NRC Staff's and Sequoyah Fuels Corporation's Responses to NACE's Petition for Review of LBP-93-25" (NACE Reply) filed with the Commission on January 28, 1994, along with an accompanying motion for leave to file such Reply. NACE's submitted Reply asserts, among other things, that both the NRC Staff's and SFC's answers to NACE's and the Cherokee Nation's petition for Commission review of LBP-93-25 contain "certain misleading statements" and responds to the alleged misstatements. NACE Reply at 1.

Under 10 CFR § 2.786(b)(3), "no right" to submit such a reply exists "except as permitted by the Commission."^{1/} Thus, SFC assumes that the Commission will deny the request for leave to submit NACE's Reply and will not consider such Reply in its deliberations on the petition for review.

However, should the Commission grant the request for leave to file and consider the already submitted pleading, SFC respectfully requests permission to submit a brief response to the Reply. SFC disagrees with the allegation that SFC's and the NRC Staff's answers contain misleading statements, and particularly takes issue with the characterization of the December 30, 1993 letter from Mr. John H. Ellis to Mr. Robert M. Bernero as indicating that SFC will not apply for any necessary license amendments prior to submission of its final Plan for

^{1/} See Public Service Co. of Oklahoma (Black Fox Station, Units 1 & 2), LBP-76-38, 4 NRC 435, 440-41 (1976) (unauthorized reply brief not to be submitted until after permission to file is granted).

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NEWMAN & HOLTZINGER, P.C.

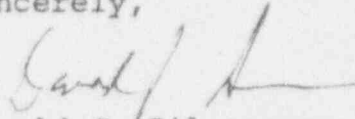
Mr. Samuel J. Chilk

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Completion of Decommissioning. NACE Reply at 2. Therefore, if the Commission determines to consider NACE's Reply in its deliberations on the petition for review, SFC should be entitled as a matter of fundamental fairness to respond to the misstatements in NACE's Reply, in order to demonstrate their lack of merit.

Sincerely,



Donald J. Silverman
Attorney for Sequoyah
Fuels Corporation

/cja

cc: Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Sequoyah Fuels Corporation) Docket No. 40-08027-MLA
(Source Material License)
No. SUB-1010))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing letter from Donald J. Silverman to Samuel J. Chilk dated February 2, 1994 were served upon the following persons by deposit in the United States mail, postage prepaid and properly addressed on the date shown below or by hand delivery as indicated by an asterisk:

*Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852

*Chairman Ivan Selin
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike - Room 17 D1
Rockville, Maryland 20852

*Commissioner Kenneth C. Rogers
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike - Room 18 E1
Rockville, Maryland 20852

*Commissioner Forrest J. Remick
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike - Room 18 H1
Rockville, Maryland 20852

*Commissioner E. Gail de Planque
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike - Room 18 G1
Rockville, Maryland 20852

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

Administrative Judge Jerry R. Kline
Special Assistant
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

*Office of the Secretary
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland 20852
Attention: Docketing & Service Branch
(Original and two copies)

Susan L. Uttal, Esq.
Richard G. Bachmann, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Diane Curran, Esq.
c/o Institute for Energy and
Environmental Research
6935 Laurel Avenue, Suite 204
Takoma Park, Maryland 20912

Lance Hughes, Director
Native Americans For A Clean Environment
P.O. Box 1671
Tahlequah, Oklahoma 74465

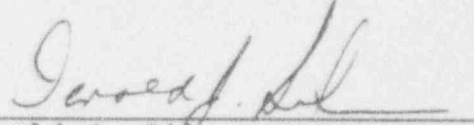
Kathy Carter-White, Esq.
ECOLaw Institute, Inc.
Attorney for Citizens' Action For A Safe Environment
P.O. Box 124
Welling, Oklahoma 74471

James G. Wilcoxon, Esq.
Wilcoxon & Wilcoxon
Cherokee Nation of Oklahoma
P.O. Box 357
Muskogee, Oklahoma 74402

Brita Haugland-Cantrell, Esq.
Assistant Attorney General
Oklahoma Department of Wildlife Conservation
2300 North Lincoln Blvd., Room 112
Oklahoma City, Oklahoma 73105

Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dated this 2nd day of February, 1994



Donald J. Silverman

NEWMAN & HOLTZINGER, P.C.
1615 L Street, N.W.
Suite 1000
Washington, L.C. 20036
(202) 955-6600