

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

---

In the Matter of )

Sequoyah Fuels Corporation )

(Source Material License No. SUB-1010) )

---

Docket No. 40-0827-MLA

NATIVE AMERICANS FOR A CLEAN ENVIRONMENT'S  
MOTION FOR LEAVE TO RESPOND TO NRC STAFF'S  
RESPONSE TO REQUEST FOR HEARING AND MOTION  
FOR LEAVE TO SUPPLEMENT INFORMATION SUBMITTED  
IN SUPPORT OF PETITION TO INTERVENE

By letter dated September 23, 1990, as supplemented by a letter dated October 22, 1990, Native Americans for a Clean Environment ("NACE") petitioned the Nuclear Regulatory Commission ("NRC" or "Commission") for a hearing on Sequoyah Fuels Corporation's ("SFC's") application to renew its source materials license for its uranium processing facility in Gore, Oklahoma. The NRC Staff responded to NACE's letters on November 20, 1990, and argued that NACE had not satisfied the requirements of 10 C.F.R. § 2.1205 and NRC case law for establishing standing to intervene as a matter of right under Section 189a of the Atomic Energy Act.<sup>1</sup>

In its November 20 filing, the Staff also stated that in a separate action, on September 19, 1990, it had ordered the modi-

---

<sup>1</sup> NRC Staff's (1) Response to Requests for Hearing Filed by the Native Americans for a Clean Environment, Earth Concerns of Oklahoma, and the National Toxics Campaign and (2) Status Report Concerning the Application (hereinafter "NRC Staff's Response to Requests for Hearing").

fication of SFC's license to require SFC to obtain information and develop characterization studies regarding seepage of uranium-contaminated water into the ground; and that on November 5, 1990, it had issued a Demand for Information "seeking further information required, inter alia, for evaluation of the license renewal application."<sup>2</sup> The Staff noted that this demand for information remained outstanding; and that it considered SFC's license application to be incomplete without it.<sup>3</sup> On the same day the Staff filed its response to the hearing requests, SFC filed its response to the November 5 Demand for Information with the NRC Staff.<sup>4</sup>

Since receiving the NRC Staff's response, NACE has ended its relationship with the attorney who filed the request for hearing on NACE's behalf, Sam T. Richard.<sup>5</sup> NACE diligently searched for another attorney with experience in NRC proceedings, and recently retained undersigned counsel to represent it.<sup>6</sup>

NACE hereby seeks leave to respond to the NRC Staff's filing, and to supplement its initial filings with affidavits from its members and more detailed information demonstrating NACE's interest in the proceeding, the manner in which those

---

<sup>2</sup> NRC Staff's Response to Requests for Hearing at 10.

<sup>3</sup> Id.

<sup>4</sup> Response of Sequoyah Fuels Corporation to the Nuclear Regulatory Commission's November 5 Demand for Information.

<sup>5</sup> NACE has informed undersigned counsel that it has requested Mr. Richard to immediately file a withdrawal of appearance from this proceeding.

<sup>6</sup> A notice of appearance is attached.

interests will be affected by the proceeding, and NACE's areas of concern regarding the application. NACE seeks until December 21, 1990, to provide this information. This period of time is necessary to gather and obtain signed affidavits from NACE members as well as other information that will establish NACE's standing. NACE's affidavits will demonstrate, for example, that NACE members include individual residing as close as one-half mile from the plant, who pasture grazing animals and hunt game within a short distance of the plant, and who regularly commute past the plant on local and interstate highways. NACE will also rely in its supplemental petition to intervene on NRC Staff documents that demonstrate unsafe practices at the SFC facility that jeopardize their interest in a safe and healthy environment.

The additional time is also needed for the purpose of reviewing SFC's response to the Staff's Demand for Information, which, according to the Staff, "bears directly on license renewal."<sup>7</sup> If the Staff determines that additional information is needed from SFC to complete its license renewal application, NACE may also request further opportunity to supplement its request for a hearing, based on any additional documents that are filed by SFC.

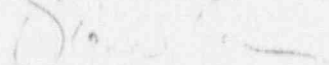
The NRC Staff has informed undersigned counsel that it does not object to NACE's request. (NACE was unable to reach counsel for the Licensee.) Moreover, because the order to modify SFC's license and the Demand for Information have delayed the NRC

---

<sup>7</sup> NRC Staff's Response to Requests for Hearing at 10.

Staff's action on SFC's application, NACE's request for additional time should not have any delaying or prejudicial effect on this proceeding. NACE therefore respectfully seeks until December 21, 1990, to supplement its request for a hearing on the SFC license renewal application.

Respectfully submitted,

  
Diane Curran  
HARMON, CURRAN & TOUSLEY  
2001 "S" Street N.W.  
Suite 430  
Washington, D.C. 20009  
(202) 328-3500

Dated: December 11, 1990

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BUCKETED  
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

90 DEC 12 10:38

In the Matter of

Sequoyah Fuels Corporation

(Source Material License No. SUB-1010)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket No. 40-0827-MLA

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name: Diane Curran


Address: Harmon, Curran & Tousley  
2001 "S" Street N.W.  
Washington, D.C. 20009

Telephone: (202) 328-3500

Admissions: District of Columbia Court of Appeals,  
United States Court of Appeals for the  
D.C. Circuit, Federal District Court for  
the District of Columbia

Name of Party: Native Americans for a Clean Environment

Respectfully submitted,

  
Diane Curran

Dated: December 11, 1990



CERTIFICATE OF SERVICE

I certify that on December 11, 1990, copies of NATIVE AMERICANS FOR A CLEAN ENVIRONMENT'S MOTION FOR LEAVE TO RESPOND TO NRC STAFF'S RESPONSE TO REQUEST FOR HEARING AND MOTION FOR LEAVE TO SUPPLEMENT INFORMATION SUBMITTED IN SUPPORT OF PETITION TO INTERVENE and NOTICE OF APPEARANCE for Diane Curran were served on the following by first class mail, or by overnight mail if indicated by an asterisk:

\*Administrative Judge James P. Gleason  
Presiding Officer  
513 Gilmoure Drive  
Silver Spring, MD 20901

\*Administrative Judge Glenn O. Bright  
6009 McKinley Street  
Bethesda, MD 20817

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

\*Office of the Secretary  
Docketing and Service Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Susan L. Uttal, Esq.  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555


Sam T. Richard, Esq.  
3000 Center, Suite 308  
3005 East Skelly Drive  
Tulsa, OK 74105

Edward O. Lammers, Chairman  
Carlile Area Residents Association  
Route 1 Box 84-A  
Vian, OK 74962

Earl Hatley, Director  
National Toxics Campaign  
3000 United Founders Blvd. Suite 125  
Oklahoma City, OK 73112

\*Kenneth Berlin, Esq.  
Winthrop, Stimson, Putnam & Roberts  
1133 Connecticut Avenue N.W.  
Washington, D.C. 20036

Sequoyah Fuels Corp.  
Attn: Mr. Reau Graves, Jr., President  
P.O. Box 610  
Gore, OK 74435

  
\_\_\_\_\_  
Diane Curran  
Counsel for NACE