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'94 JUN 14 P5:18

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
SEQUOYAH FUELS CORPORATION)	Docket No. 40-08027-MLA
)	
(Source Material License)	
No. SUB-1010))	

NRC STAFF MOTION FOR LEAVE TO FILE BRIEF
IN EXCESS OF THIRTY PAGES IN LENGTH, *NUNC PRO TUNC*,
OR IN THE ALTERNATIVE, LEAVE TO FILE A REVISED BRIEF

Susan Uttal
Counsel for NRC Staff

June 14, 1994

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INTRODUCTION

On April 1, 1994, the Commission issued an Order (Order) granting review of the Presiding Officer's Memorandum and Order (Withdrawal of Application and Termination of Proceeding), LBP-93-25, 38 NRC 304 (1993), in response to Native Americans for a Clean Environment (NACE) and the Cherokee Nation's (collectively "Petitioners") petition for review filed on January 4, 1994. The Order requires the parties to submit briefs not to exceed thirty pages in length, exclusive of table of contents, table of citations and any addendum. On June 10, 1994, the NRC Staff (Staff) submitted its "NRC Staff Response in Opposition to Native Americans For a Clean Environment and Cherokee Nation's Petition for Review of LBP-93-25." The Staff's response is thirty-nine pages in length, exclusive of table of contents and table of authorities. The Staff hereby requests that the Commission grant leave to file a pleading which exceeds the length specified in the Commission's Order, *nunc pro tunc*, or in the alternative, to permit the Staff to file a revised brief. Counsel for Sequoyah Fuels

Corporation has no objection to this motion. Counsel for Petitioner NACE has no objection to the request for leave to file a revised brief, but objects to the request for leave to file a brief which exceeds thirty pages in length, *nunc pro tunc*.

MOTION

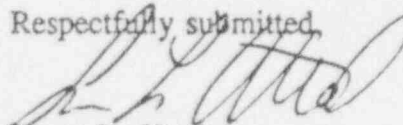
The Staff filed a response to Petitioners' initial brief which exceeded the length limitation specified in the Commission's Order by nine pages. In its desire to address all the issues raised by the Commission in its Order and to address the issues raised by the Petitioners, the Staff overlooked the Commission's admonition to limit the length of the brief to thirty pages. The Staff apologizes for this error and any inconvenience that it may have caused the Commission and the parties.

The Staff requests the Commission to accept and consider the brief filed on June 10, 1994; however, if the Commission determines not to accept the brief, the Staff requests the opportunity to refile, within three days, a brief which meets the limitations set forth in the Commission's Order of April 1, 1994.

CONCLUSION

For the above reasons, the Staff respectfully requests that it be granted leave to file a brief which exceeds the length limitations of the Commission's April 1, Order, *nunc pro tunc*, or in the alternative, be granted leave to file a revised brief.

Respectfully submitted,



Susan L. Uttal
Counsel for NRC Staff

Dated at Rockville, Maryland
this 14th day of June, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Docket No. 45-08027-MLA
OFFICE OF SECRETARY
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF THIRTY PAGES IN LENGTH, *NUNC PRO TUNC*, OR IN THE ALTERNATIVE, LEAVE TO FILE A REVISED BRIEF" in the above-captioned matter have been served on the following by deposit in the United States mail, first class, or as indicated by asterisk through deposit in the Nuclear Regulatory Commission's internal mail system this 14th day of June 1994.

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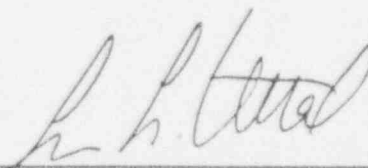
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