

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

December 4, 2002
DOCKETED
USNRC

December 6, 2002 (12:47PM)

Before the Presiding Officer

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)	
)	Docket No. 70-143
NUCLEAR FUEL SERVICES, INC.)	Special Nuclear Material
)	License No. SNM-124
(Blended Low Enriched Uranium Project))	

APPLICANT'S MOTION FOR EXTENSION OF TIME

Applicant Nuclear Fuel Services, Inc. ("NFS") files this motion requesting an extension of time of four days, until Friday, December 13, to file responses to the requests for hearing of the Friends of the Nolichucky River Valley, the State of Franklin Group of the Sierra Club, the Oak Ridge Environmental Peace Alliance, and the Tennessee Environmental Council,¹ the Blue Ridge Environmental Defense League,² and Ms. Kathy Helms-Hughes³ and the request by the Friends of the Nolichucky River Valley et al. to hold the proceeding in abeyance pending the submission of additional license amendment applications.⁴ Applicant received the requests for hearing from the Friends of the Nolichucky River Valley et al. on November 27 and the Blue Ridge Environmental Defense League on November 29. Pursuant to the Order of the Presiding Officer of

¹ Request for Hearing by Friends of the Nolichucky River Valley, State of Franklin Group of the Sierra Club, Oak Ridge Environmental Peace Alliance, and Tennessee Environmental Council, (Nov. 27, 2002).

² The Substitute Request of the Blue Ridge Environmental Defense League for a Hearing on a License Amendment for Nuclear Fuel Services (Nov. 29, 2002).

³ Declaration of Kathy Helms-Hughes (Nov. 29, 2002).

⁴ Request by Friends of the Nolichucky River Valley, State of Franklin Group of the Sierra Club, Oak Ridge Environmental Peace Alliance, and Tennessee Environmental Council to Hold Proceeding in Abeyance Pending Submission of Additional License Amendment Applications (Nov. 27, 2002).

September 23, 2002,⁵ responses would ordinarily be due on December 4, 2002.

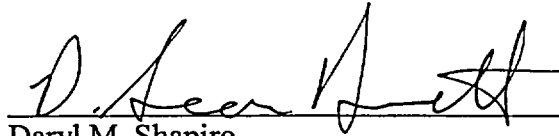
Applicant received the request to hold in abeyance from the Friends of the Nolichucky River Valley et al. on November 27 and the hearing request from Ms. Helms-Hughes on November 29, both by e-mail. Under NRC rules, 10 C.F.R. §§ 2.714(c), 2.730(c), responses would ordinarily be due 10 days after receipt, plus two days for papers received via express mail, 10 C.F.R. § 2.710.⁶ Therefore, responses would ordinarily be due on December 9 and December 11.

Applicant requests an extension of four days (two days regarding the Helms-Hughes request) because the requests were filed just before and during the Thanksgiving holiday weekend, one of the requests is from a new petitioner (Ms. Helms-Hughes), and the request to hold the proceeding in abeyance involves issues not previously raised in this proceeding. Applicant contacted counsel for the Friends of the Nolichucky River Valley et al. and Ms. Helms-Hughes and they are not opposed to Applicant's request. Applicant attempted but was unable to contact the representative for the Blue Ridge Environmental Defense League.

⁵ Memorandum and Order (Suspending Further Proceedings Pending Issuance of Revised Federal Register Notice) (Sept. 23, 2002).

⁶ NRC rules are silent as to how to calculate time for papers received by e-mail or facsimile.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Sean Barnett", written over a horizontal line.

Daryl M. Shapiro

D. Sean Barnett

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Counsel for Nuclear Fuel Services, Inc.

Neil J. Newman

Vice President and General Counsel

Nuclear Fuel Services, Inc.

Dated: December 4, 2002

December 4, 2002

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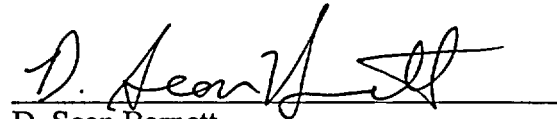
Before the Presiding Officer

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)	Docket No. 70-143
NUCLEAR FUEL SERVICES, INC.)	Special Nuclear Material
)	License No. SNM-124
(Blended Low Enriched Uranium Project))	

NOTICE OF APPEARANCE

The undersigned, being an attorney at law in good standing admitted to practice before the courts of the Commonwealth of Virginia, the District of Columbia, and various federal courts, hereby enters his appearance as counsel on behalf of Applicant Nuclear Fuel Services, Inc. in any proceeding related to the above-captioned matter.¹ Mr. Barnett requests that he be served by e-mail with all papers henceforth served by e-mail in this proceeding.

Respectfully submitted,



D. Sean Barnett
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Dated: December 4, 2002

¹ Daryl M. Shapiro, Esq. also remains counsel for Applicant Nuclear Fuel Services, Inc.

December 4, 2002

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CERTIFICATE OF SERVICE

I hereby certify that copies of Applicant's Motion for Extension of Time and the Notice of Appearance of D. Sean Barnett were served on the persons listed below by electronic mail, facsimile or by deposit in the U.S. mail, first class, postage prepaid, this 4th day of December, 2002.

Office of Commission Appellate
Adjudication
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Washington, D.C. 20555-0001

Administrative Judge
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Atomic Safety and Licensing Board Panel
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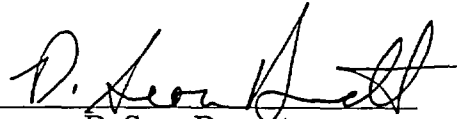
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Email: khelms@mounet.com


D. Sean Barnett