

December 31, 2003

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**DOCKETED
USNRC**

Before the Presiding Officer

January 12, 2004 (8:59AM)

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))	

KATHY HELMS-HUGHES' MOTION FOR EXTENSION OF TIME

Kathy Helms-Hughes files this motion respectfully requesting an extension of time of 60 days, until Tuesday, March 23, 2004, for the public to file responses to applicant Nuclear Fuel Services Inc.'s (NFS)'s third segment of a license amendment request for the Blended Low-Enriched Uranium Complex, specifically the Oxide Conversion Building and Effluent Processing Building.

Helms-Hughes filed on Nov. 29, 2002, a declaration, request for intervention and a hearing in the NFS case. Daryl Shapiro, attorney for NFS, in response, filed a motion for time extension on Dec. 4, 2002, citing as justifiable rationale that he received requests for a hearing by Friends of the Nolichucky River Valley, State of Franklin Group of the Sierra Club, the Oak Ridge Environmental Peace Alliance, and the Tennessee Environmental Council, on Nov. 27, 2002, another request by Blue Ridge Environmental Defense League on Nov. 29, 2002, and a request by Helms-Hughes, also on Nov. 29, 2002, in response to an Oct. 30, 2002, Federal Register notice regarding the NFS project.

NFS requested 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.

Shapiro's request for a time extension was granted by the NRC.

Helms-Hughes now requests a time extension based on the same premise. The Nuclear Regulatory Commission received by letter dated Oct. 23, 2003, a request from NFS to amend its Special Nuclear Materials License SNM-124 to authorize processing operations in the Oxide Conversion Building and the Effluent Processing Building at the Blended Low-Enriched Uranium Complex. The request is the third of three license amendment requests planned to support operations associated with downblending and conversion of high-enriched uranium materials to low-enriched uranium oxides.

Though the third license amendment request was received Oct. 23, 2003, it was not posted in the Federal Register for public review until Christmas Eve, Dec. 24, 2003. Common sense and mass merchandising will tell you that the Christmas and New Year's holidays are quite possibly the most celebrated holidays by the American public during the calendar year. To submit such a document for such a potentially dangerous process at a time of the year when the majority of public attention is focused on family and freedom of worship, when many are traveling great distances to share in the holidays with their families rather than sitting in front of the computer checking Federal Register notices, is an action calculated to put the public and this public process at a disadvantage.

In fairness to the general public, which NRC maintains *does* have a voice in these proceedings, it would be appropriate to grant a time extension so that those affected by the outcome of these proceedings will have sufficient time to review the documentation filed by NFS.


As part of NFS's license amendment request, the Applicant also filed several supporting documents, including a Non-Proprietary Version of the Integrated Safety Analysis Summary (367 pages) on Nov. 14, 2003, and New Information Potentially Relevant and Material to Licensing Board Proceeding in the Matter Of Nuclear Fuel Services, Inc., on Nov. 24, 2003 (approximately 30 pages). The relevance of these documents also must be considered to present a

full, comprehensive picture of this blend-down project, parts of which NFS admits in its severely lacking Environmental Assessment will rely on processes heretofore untried by the Applicant.

Because of the continued segmentation of this license amendment request by NFS in an apparent attempt to avoid producing an Environmental Impact Statement, which would delay the project beyond its targeted start-up time, it is vitally important that the segmentation of this project be dealt with in a manner that puts the requester at a disadvantage, rather than the public.

A time extension might result in a loss of profit for NFS and its contractor, Framatome ANP, as well as Tennessee Valley Authority — the ultimate recipient of fuel from this reprocessing — and for the U.S. Department of Energy, which is being pushed by the Bush Administration and Congress to get rid of this bomb material. However, the NRC should not consider loss of monetary profit by these companies and agencies as reason to continue with the Jan. 23, 2004, deadline for public comment. Instead, in fairness and consideration of the holiday filing, Helms-Hughes respectfully requests that the NRC presiding judge grant a 60-day time extension so that the public may participate in this public comment process.

Respectfully submitted,


12/31/03

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CERTIFICATE OF SERVICE

I certify that on Dec. 31, 2003, copies of "Kathy Helms-Hughes' Motion for Extension of Time" were served on the persons listed below by e-mail transmission or facsimile, with paper copies to follow in U.S. Mail.

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