

January 6, 2004

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

January 13, 2004 (3:43PM)

In the matter of

Nuclear Fuel Services, Inc.

(Materials License SNM-124)

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Docket No. 70-143

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**RESPONSE BY FRIENDS OF THE NOLICHUCKY RIVER VALLEY,
STATE OF FRANKLIN GROUP OF THE SIERRA CLUB,
OAK RIDGE ENVIRONMENTAL PEACE ALLIANCE, AND
TENNESSEE ENVIRONMENTAL COUNCIL IN SUPPORT OF
KATHY HELMS-HUGHES' MOTION FOR EXTENSION OF TIME**

Petitioners, Friends of the Nolichucky River Valley, the State of Franklin Group of the Sierra Club, Oak Ridge Environmental Peace Alliance, and Tennessee Environmental Council hereby respond in support of Kathy Helms-Hughes' Motion for Extension of Time (January 2, 2004) (hereinafter "Helms-Hughes Motion").

The NRC received Nuclear Fuel Services' ("NFS's") third license amendment application for the proposed Blended Low-Enriched Uranium ("BLEU") Project on October 23, 2003. Subsequently, NFS supplemented the application with revisions to its Emergency Plan and Fundamental Nuclear Material Control Plan (October 24, 2003); a revision to its Security Plan (November 3, 2003); and a Safety Analysis Summary (November 14, 2003). To Petitioners' knowledge, none of the nonproprietary versions of these documents was placed in the NRC's Public Document Room until sometime in late December.

Inexplicably, the NRC waited until December 24, 2003 -- Christmas Eve -- to publish a notice of opportunity to request a hearing on the NFS application. *See* 68 Fed. Reg. 74,653. At that time, Petitioners' counsel had left the office for a week-long visit to out-of-town family members, and many of Petitioners' members were out of town on holidays. In addition, the offices of Petitioners' expert consultants were closed.

Petitioners submit that the publication of a 30-day hearing notice on the eve of a federal holiday, and just before the commencement of a week when it is traditional for many people to take annual leave to visit with friends and loved ones, created an unreasonable and unnecessary hardship for Petitioners and others who wish to seek a hearing on the BLEU project. As a result of the timing of the notice, Petitioners lost more than a week of time they would otherwise have had to review the application, collect standing declarations, and prepare a hearing request.

Moreover, Petitioners agree with Ms. Helms-Hughes that more than thirty days' time is needed to review this complex and voluminous license amendment application, and to evaluate its relationship to the two license amendment applications that preceded it.¹ Petitioners also anticipate that they may need to make special arrangements to obtain proprietary portions of some of these documents.

¹ Petitioners requested a hearing on both of these earlier license amendment applications. *See* 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 (November 22, 2002); Second 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 (February 6, 2003).

Therefore, the requested extension of 60 days is appropriate and necessary. At the very least, the Secretary should extend the time period by an additional thirty days, to February 23, 2004.

Respectfully submitted,



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Dated: January 6, 2004

CERTIFICATE OF SERVICE

I certify that on January 6, 2004, copies of RESPONSE BY FRIENDS OF THE NOLICHUCKY RIVER VALLEY, STATE OF FRANKLIN GROUP OF THE SIERRA CLUB, OAK RIDGE ENVIRONMENTAL PEACE ALLIANCE, AND TENNESSEE ENVIRONMENTAL COUNCIL IN SUPPORT OF KATHY HELMS-HUGHES' MOTION FOR EXTENSION OF TIME were served on the following by first-class mail, and by e-mail if so designated:

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