

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**RAS 7244**

**DOCKETED 01/16/04**

**SERVED 01/16/04**

\_\_\_\_\_  
In the Matter of )  
 )  
NUCLEAR FUEL SERVICES, INC. )  
 )  
 )  
(Blended Low-Enriched Uranium Project) )  
\_\_\_\_\_

Docket No. 70-143  
Special Nuclear Material  
License No. SNM-124

**ORDER**

On January 2, 2004, Petitioner Kathy Helms-Hughes filed a motion for a 60-day extension of time to file a hearing request regarding Nuclear Fuel Services, Inc. (NFS) license amendment to amend its NRC Special Nuclear Materials License SNM-124, to authorize processing operations in the Oxide Conversion Building and the Effluent Processing Building. This is the third of three license amendment applications submitted by NFS to support its activities related to the Blended Low-Enriched Uranium (BLEU) Project. The BLEU Project is part of a Department of Energy program to reduce stockpiles of surplus high-enriched uranium (HEU) through reuse as low-enriched uranium (LEU).

On December 24, 2003, the NRC staff published in the Federal Register a notice of opportunity for interested parties to request a hearing on NFS's third license amendment application within 30 days.<sup>1</sup> The Petitioner requested a 60-day extension because publication of the Federal Register Notice occurred during the end of year holiday season. The Applicant has responded that it opposes a 60-day extension; however, it responded that a 10-day

---

<sup>1</sup>Nuclear Fuel Services, Inc.; Notice of Receipt of Amendment Request and Opportunity To Request a Hearing for Oxide Conversion Building and Effluent Processing Building in the Blended Low-Enriched Uranium Complex, 68 Fed. Reg. 74653 (Dec. 24, 2003).

extension would be appropriate to account for the end of year holidays. The NRC staff opposes a 60-day extension; however, it does not oppose a short extension of 10-days.

Petitioner's request for a 60-day extension to file a hearing request is not warranted. There are only seven days between the Christmas and New Year's Holidays. Both the Applicant and the NRC staff support only a 10-day extension. For these reasons, the Commission will grant the Petitioner a 10-day extension.

Pursuant to my authority under 10 C.F.R. § 2.1261, I hereby grant the Petitioner, Ms. Kathy Helms-Hughes, a 10-day extension of time to file a hearing request regarding NFS's third license amendment application. The time for filing a hearing request is hereby extended until Monday, February 2, 2004.

IT IS SO ORDERED.

For the Commission

*/RA/*

---

Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of January 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )

NUCLEAR FUEL SERVICES, INC. )

Docket No. 70-143

(Blended Low-Enriched Uranium Project) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER OF THE SECRETARY EXTENDING INTERVENTION TIME have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution with copies by electronic mail as indicated.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
Alan S. Rosenthal, Presiding Officer  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: [axr@nrc.gov](mailto:axr@nrc.gov))

Administrative Judge  
Richard F. Cole, Special Assistant  
Atomic Safety and Licensing Board Panel  
Mail Stop - T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: [rfc1@nrc.gov](mailto:rfc1@nrc.gov))

Dennis C. Dambly, Esq.  
Marian L. Zobler, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: [dcd@nrc.gov](mailto:dcd@nrc.gov); [mlz@nrc.gov](mailto:mlz@nrc.gov))

Kathy Helms  
P.O. Box 2394  
Fort Defiance, AZ 86504  
(E-mail: [khelms@frontiernet.com](mailto:khelms@frontiernet.com))

Diane Curran, Esq.  
Harmon, Curran, Spielberg  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036  
(E-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com))

Docket No. 70-143  
ORDER OF THE SECRETARY EXTENDING  
INTERVENTION TIME

Daryl M. Shapiro, Esq.  
D. Sean Barnett, Esq.  
ShawPittman, LLP  
2300 N Street, NW  
Washington, DC 20037  
(E-mail: [daryl.shapiro@shawpittman.com](mailto:daryl.shapiro@shawpittman.com);  
[sean.barnett@shawpittman.com](mailto:sean.barnett@shawpittman.com))

Neil J. Newman  
Vice President and General Counsel  
Nuclear Fuel Services, Inc.  
1700 Rockville Pike  
Rockville, MD 20852

[Original signed by Evangeline S. Ngbea]

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of January 2004