

DOCKETED
USNRC

May 11, 2004 (11:30AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**Docket Nos. 70-143-MLA
70-143-MLA-2 and 70-143-MLA-3**

RAS 7751

From: <rsnthl@comcast.net>
To: Kathy Helms <khelms@frontiernet.net>
Date: Fri, Apr 23, 2004 6:19 AM
Subject: Re: FW: Due Date for Appeal

Ms. Helms-Hughes

Your Motion for Appeal is now before the Commission and your rejoinder to the Licensee's claim of untimeliness therefore should have been filed with the commission, rather than sent to Judge Cole and this presiding officer. Moreover, a copy should have been provided to Mr. Shapiro.

In the circumstances, you might wish now to refile with the Commission, with a copy sent to Mr. Shapiro. If in doubt as to how filing with the Commission is to be accomplished, I am certain that Mr. Julian will be pleased to provide guidance upon request.

Best wishes

Alan S. Rosenthal
Administrative Judge

> Gentlemen,

>

> I just received Daryl Shapiro's response to my motion to appeal in the
> Nuclear Fuel Services case. While I have not read the entire document, one
> thing immediately caught my eye. I take total exception to Shapiro's remarks
> regarding my motion being "unduly late." I would appreciate your
> consideration of the following in this matter.

>

> Sincerely,

>

> Kathy Helms-Hughes

>

>

>

>

> -----
> From: "Emile Julian" <ELJ@nrc.gov>
> Date: Wed, 24 Mar 2004 17:17:05 -0500
> To: <khelms@frontiernet.net>
> Subject: Re: Due Date for Appeal
>
> Glad to help.
>
> >>> Kathy Helms <khelms@frontiernet.net> 03/24/04 06:10PM >>>
> Emile, thanks a bunch for your help. I'm never quite sure how it all works
> when it's a weekend. -- kathy
>
> > From: "Emile Julian" <ELJ@nrc.gov>
> > Date: Wed, 24 Mar 2004 15:57:18 -0500
> > To: <Khelms@frontiernet.net>
> > Cc: "Adria Byrdsong" <ATB1@nrc.gov>, "Evangeline Ngbea" <ESN@nrc.gov>, "Sharon
> > Perini" <SAM4.twf1_po.TWFN_DO@nrc.gov>
> > Subject: Due Date for Appeal
> >
> > Ms. Helms-Hughes,
> >
> > Sharon Perini of the Atomic Safety and Licensing Board referred your filing
> > deadline question to the Office of the Secretary for response. Your appeal to
> > the Commission of the Presiding Officer's Order of March 17, 2004, is due 10
> > days from the date of service. The exact date, if calculating from the date
> > of the Order is March 27, 2004, which is a Saturday. However, with respect to
> > computation of time for filing deadlines 10 CFR 2.1203(d) refers to 10 CFR
> > 2.710. Under Section 2.710, the recipient of service by mail has an additional
> > five days from the date of service to respond or to perform the act required
> > by rule or order. In your case, five days would be added to March 27, 2004.
> > Your time for filing would thus be extended to April 1, 2004. You should
> > place your appeal in the mail by that date. You may also wish to sent a copy
> > of your appeal by e-mail on that date to the Office of the Secretary, but that
> > is not a requirement of your service.
> >
> >
> > Emile L. Julian
> > Assistant for Rulemakings
> > And Adjudications
> > Office of the Secretary, NRC
> > 301-415-1966
> >
> >
>
>

CC: <rfc1@nrc.gov>, <elj@nrc.gov>

Mail Envelope Properties

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Subject: Fwd: Re: FW: Due Date for Appeal
Creation Date: Tue, May 11, 2004 10:57 AM
From: Emile Julian

Created By: ELJ@nrc.gov

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