

RAS 8660

September 29, 2004

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE PRESIDING OFFICER

October 20, 2004 (11:04AM)

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

**UNOPPOSED MOTION BY STATE OF FRANKLIN GROUP OF THE SIERRA  
CLUB, FRIENDS OF THE NOLICHUCKY RIVER VALLEY,  
OAK RIDGE ENVIRONMENTAL PEACE ALLIANCE, AND  
TENNESSEE ENVIRONMENTAL COUNCIL FOR EXTENSION OF TIME  
TO FILE LEGAL AND EVIDENTIARY PRESENTATION**

Intervenors, the State of Franklin Group of the Sierra Club, Friends of the Nolichucky River Valley, Oak Ridge Environmental Peace Alliance, and Tennessee Environmental Council hereby request a two-week extension of the time period for filing their legal and evidentiary presentation regarding Nuclear Fuel Services' ("NFS's") three license amendment applications for the proposed Blended Low Enrichment Uranium ("BLEU"). This request is not opposed by either NFS or the U.S. Nuclear Regulatory Commission ("NRC" or "Commission") Staff.

Under the Presiding Officer's April 28, 2004, Memorandum and Order (Memorializing Pre-Hearing Conference Determinations) (hereinafter "Scheduling Order"), Intervenors' presentation is due October 1, 2004. Intervenors seek additional time to prepare their written submission because an important licensing document, the NRC Staff's Safety Evaluation Report ("SER") for NFS's third license amendment application, only became available to Intervenors today. See letter from Angela B.

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SECY-02

Coggins to Alan S. Rosenthal and Richard F. Cole (September 29, 2004), enclosing updated Hearing File Index.<sup>1</sup> Intervenor need additional time to review this centrally important licensing document before submitting their presentation.

In lieu of the schedule established in April 28 Scheduling Order, Intervenor propose the following schedule:

October 15, 2004	Intervenor's Presentation
December 14, 2004	NFS's and NRC Staff's Presentations
January 15, 2005	Intervenor's Reply Presentation

Intervenor note that while this schedule gives Intervenor an extra 14 days to prepare their case, it also provides a corresponding extension to NFS and the Staff for preparation of their responses. Moreover, the due date for Intervenor's reply presentation has not changed from the due date that was established in the Scheduling Order. Therefore, the requested extension will not prejudice any party or affect the Presiding Officer's overall schedule for deciding this case.

Respectfully submitted,



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Dated: September 29, 2004

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<sup>1</sup> Intervenor note that as of this morning, the four new documents listed under item 100 in the Hearing File Index could not be retrieved from ADAMS. Therefore, Intervenor's counsel obtained a hard copy of the SER from NRC Staff counsel. Ms. Coggins has assured undersigned counsel that the other documents will be available on ADAMS soon.

## CERTIFICATE OF SERVICE

I certify that on September 29, 2004, copies of Unopposed Motion by State of Franklin Group of the Sierra Cub et al. for Extension of Time to File Legal and Evidentiary Presentation were served on the following by first-class mail, and by e-mail if so designated:

Alan S. Rosenthal, Presiding Officer Atomic Safety and Licensing Board Mail Stop T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555 By e-mail to: <a href="mailto:rosnthl@aol.com">rosnthl@aol.com</a> <a href="mailto:Sam4@nrc.gov">Sam4@nrc.gov</a>	Office of Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, D.C. 20555
Richard F. Cole, Administrative Judge Atomic Safety and Licensing Board Mail Stop T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555 By e-mail to: <a href="mailto:rfe1@nrc.gov">rfe1@nrc.gov</a>	Daryl Shapiro, Esq. Shaw Pittman, LLP 2300 N Street N.W. Washington, D.C. 20037 By e-mail to: <a href="mailto:Daryl.Shapiro@shawpittman.com">Daryl.Shapiro@shawpittman.com</a>
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