

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'94 APR 20 P3:02

In the Matter of
SEQUOYAH FUELS CORPORATION
and GENERAL ATOMICS
(Gore, Oklahoma Site)

OFFICE OF SECRETARY
DOCKETING & SERVICE
Docket No. 40-8020-BENCH
(Decontamination and
Decommissioning Funding)

SERVED APR 20 1994

ORDER

On April 13, 1994, Native Americans for a Clean Environment (NACE) filed a Motion for Consolidation and/or Extension of Briefing Schedule related to Sequoyah Fuels Corporation's (SFC's) section 2.714a appeal of LBP-94-5 (Feb. 24, 1994) and LBP-94-8 (Mar. 22, 1994), and the Atomic Safety and Licensing Board's earlier referred ruling in section II.A. of LBP-94-5. By virtue of these orders, the Licensing Board granted NACE intervention in this enforcement proceeding.

NACE would like to incorporate by reference matters already briefed in connection with the referred ruling of section II.A of LBP-94-5. As SFC correctly assumed when it filed its section 2.714a brief on appeal, the parties may incorporate by reference their arguments in prior filings related to the appeal into their subsequent filings.

NACE also requests an additional 30 days in which to file its response to SFC's section 2.714a brief. NACE's answer to SFC's appeal is presently due by April 22, 1994. NACE states

SECY-048

DSO2

14925

that it needs additional time in which to file its response because it has another filing in a separate proceeding involving SFC which is due before the Commission on May 1, 1994, and because the 10 days in which it has to file the responsive brief here is not adequate time to respond to SFC's arguments.

The Nuclear Regulatory Commission staff has no objection to NACE's request for an extension of time, provided the staff is also granted permission to file its response on the same date. SFC does not believe that NACE has shown good cause for any extension of time.

NACE has not demonstrated that it needs the full extension of time. NACE has incorrectly determined the date on which its filing in the other proceeding is due. The other brief is due by May 6, not May 1, 1994.¹ Moreover, a grant of the full extension requested by NACE (approximately 19 days), is not justified, particularly when SFC's initial appeal brief was filed within the time permitted by sections 2.714a and 2.710.

Under the circumstances a one week extension would appear to provide NACE with adequate additional time in which to respond to matters raised in SFC's section 2.714a appeal. Therefore, pursuant to my authority under 10 C.F.R. § 2.772(b), both NACE

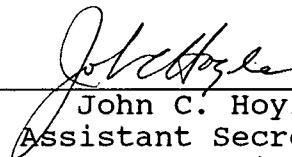
¹ In the license renewal proceeding also concerning SFC, NACE is permitted to file a brief within 30 days of service of the Commission's order. CLI-94-04 slip op. at 3 (April 1, 1994). This order was served on April 1, 1994 by deposit in the U.S. Mail. Accordingly, five days is added to the prescribed period in which NACE had to file its brief. See 10 C.F.R. § 2.710. Therefore, NACE's brief is due by May 6, 1994.

and the NRC staff are granted until April 29, 1994 in which to file their respective responses.

It is so ORDERED.



For the Commission



John C. Hoyle
Assistant Secretary
of the Commission

Dated at Rockville, Maryland,
this 20th day of April 1994.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

SEQUOYAH FUELS CORPORATION

(Sequoyah Facility)

Docket No.(s) 40-8027-EA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMM ORDER RE NACE EXT REQUEST have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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

Administrative Judge
James P. Gleason, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
G. Paul Bollwerk, III
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

** Richard G. Bachmann, Esq.
Steven R. Hom, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

* Maurice Axelrad, Esq.
John E. Matthews, Esq.
Newman, Bouknight & Edgar, P.C.
1615 L Street, N.W.
Washington, DC 20036

* Diane Curran, Esq.
c/o IEER
6935 Laurel Avenue, Suite 204
Takoma Park, MD 20912

Docket No.(s)40-8027-EA
COMM ORDER RE NACE EXT REQUEST

* Stephen M. Duncan, Esq.
Bradfute W. Davenport, Jr., Esq.
Mays & Valentine
110 South Union Street
Alexandria, VA 22314

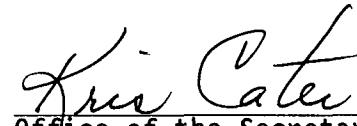
John R. Driscoll
General Atomics Corporation
3550 General Atomics Court
San Diego, CA 92121

John H. Ellis, President
Sequoyah Fuels Corporation
P.O. Box 610
Gore, OK 74435

Lance Hughes, Director
Native Americans For A Clean
Environment
P.O. Box 1671
Tahlequah, OK 74465

Betty Robertson
HCR 68 Box 360
Vian, OK 74962

Dated at Rockville, Md. this
20 day of April 1994



Office of the Secretary of the Commission

* FAXED

** HAND DELIVER