

August 13, 1996 DOCKETED
NRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'96 AUG 14 P3:58

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

SEQUOYAH FUELS CORPORATION)
GENERAL ATOMICS)

Docket No. 40-8027-EA

(Gore, Oklahoma Site)
Decontamination and)
Decommissioning Funding))

Source Material License
No. SUB-1010

NRC STAFF'S MOTION FOR LEAVE TO FILE REPLY TO
INTERVENORS' OPPOSITION TO JOINT MOTION FOR APPROVAL OF
SETTLEMENT AGREEMENT BETWEEN NRC STAFF AND GENERAL ATOMICS

The NRC Staff (Staff) hereby moves the Atomic Safety and Licensing Board (Board) for leave to file a reply to Intervenor's Opposition to Joint Motion for Approval of Settlement Agreement Between NRC Staff and General Atomics (Aug. 9, 1996) (Intervenor's Opposition), a copy of which the Staff received this date. The Staff respectfully requests that it be permitted to file a reply by September 20, 1996, the date General Atomics' reply is now due.¹

¹ *Sequoyah Fuels Corp. and General Atomics (Gore, Oklahoma Site Decontamination and Decommissioning Funding), Memorandum and Order (Aug. 1, 1996).*

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DISCUSSION

On July 11, 1996, the Staff and General Atomics (GA) filed a joint motion seeking the Board's approval of a Settlement Agreement between the Staff and GA.² The intervenors in this proceeding, Native Americans for a Clean Environment and the Cherokee Nation (Intervenors), filed Intervenors' Opposition following an extension of time granted by the Board.³

Intervenors' Opposition is over 30 pages in length, and raises a number of issues that reflect some misunderstandings of the Settlement Agreement. The Staff believes that the public interest would be served by permitting the Staff to file a reply to clarify provisions in the Settlement Agreement, which the Intervenors themselves have characterized as "novel and complex,"⁴ and correct any misunderstandings. As noted earlier, the Board has already granted leave to GA to file a reply by September 20, 1996; the Staff likewise requests that it be permitted to file a reply by that same date, which will provide the Staff with a reasonable amount of time to respond to Intervenors' Opposition, factoring in previously established travel and vacation schedules.

No objection to the Staff's request was raised by counsel for the Cherokee Nation per a telephone conversation this date. Although they are both unavailable for consultation

² NRC Staff's and General Atomics' Joint Motion for Approval of Settlement Agreement (July 11, 1996).

³ See Intervenors' Motion for Extension of Time to Respond to Joint Motion for Approval of NRC Staff-General Atomics Settlement Agreement (July 22, 1996) (Intervenors' Motion), granted by the Board on July 24, 1996.

⁴ Intervenors' Motion at 1.

this week, counsel for GA and counsel for Native Americans for a Clean Environment, during earlier telephone conversations in the context of Intervenor's Motion, previously expressed no opposition to the Staff's anticipated request for leave to file a reply. *See also* Intervenor's Motion at 2.

CONCLUSION

In consideration of the foregoing, the Staff respectfully requests that this motion be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven R. Hom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven R. Hom
Counsel for NRC Staff

Dated at Rockville, Maryland
this 13th day of August 1996

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GENERAL ATOMICS)	OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR LEAVE TO FILE REPLY TO INTERVENORS' OPPOSITION TO JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT BETWEEN NRC STAFF AND GENERAL ATOMICS" in the above-captioned matter have been served on the following by deposit in the United States mail, first class; or as indicated by single asterisk through deposit in the Nuclear Regulatory Commission's internal mail system; or as indicated by double asterisk by hand delivery this 13th day of August 1996.

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