

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

'96 JUL 31 P5:57

Before Administrative Judges:

James P. Gleason, Chairman
Dr. Jerry R. Kline
G. Paul Bollwerk, III
Thomas D. Murphy

OFFICE OF SECRETARY
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BRANCH

In the Matter of)

SEQUOYAH FUELS CORPORATION)
and GENERAL ATOMICS)

(Sequoyah Facility in)
Gore, Oklahoma))

Docket No. 40-8027-EA

July 29, 1996

**GENERAL ATOMICS' MOTION FOR LEAVE TO FILE REPLY
AND FOR EXTENSION OF TIME**

Pursuant to 10 C.F.R. § 2.730(c) and the July 24, 1996 Order of the Atomic Safety and Licensing Board ("Board"), General Atomics respectfully moves the Board for leave to file a reply to the anticipated answer of the Intervenors to the NRC Staff's and General Atomics' Joint Motion for Approval of Settlement Agreement. General Atomics further moves the Board for an extension of time within which to file its reply.

As grounds for these motions, General Atomics shows the Board the following:

1. On July 11, 1996, the NRC Staff and General Atomics filed their Joint Motion seeking Board approval of a Settlement Agreement entered into by those parties on July 10, 1996.

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2. On July 22, 1996, the Intervenor moved the Board for an a fourteen (14) day extension of time through August 9, 1996, within which to file their answers to the Joint Motion. The Intervenor noted in their motion for extension of time that counsel for General Atomics and the NRC Staff had agreed to the requested extension of time on the condition that the Intervenor would not object to a request by General Atomics and the NRC Staff for a comparable period of time to reply that takes into account previously planned travel and vacation schedules.

3. On July 24, 1996, the Board granted the Intervenor's motion. No written memorandum or other explanation accompanied the Board's Order.

4. 10 C.F.R. § 2.730(c) prohibits a moving party from filing a reply, except as permitted by the presiding officer or the Secretary or Assistant Secretary. Since the Licensing Board's July 24, 1996 Order did not expressly grant such permission, General Atomics does not wish to assume that it has been granted.

5. The Settlement Agreement between General Atomics and the NRC Staff was negotiated over a ten month period and required intense effort. Prudent consideration of the Agreement by the Board requires that General Atomics and the NRC Staff be given full opportunity to explain the nature and scope of the agreement.

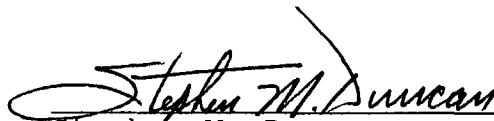
6. At this point in time, it is impossible for General Atomics to know the exact nature of the answer that will be filed by the Intervenor. It is possible that the Intervenor will strongly urge approval of the Settlement Agreement. Is also

possible that the Intervenor will vigorously argue that it should not be approved.

7. Counsel for General Atomics will be traveling outside of the United States from Saturday, August 10 to August 29, 1996 on a trip that has long been planned. Depending upon the method of service used by the Intervenor, at the time of its counsel's departure from the country General Atomics will have just received, and may not have yet received at all, the anticipated answer of the Intervenor.

8. Under these circumstances, and in the event that the Intervenor elect to oppose Board approval of the Settlement Agreement, it would be in the interest of the Board and of all parties that General Atomics be given permission to file a reply and a reasonable period of time within which to do so. If the Intervenor decide to support Board approval of the Settlement Agreement, it is very unlikely that any reply will be necessary. Since the Intervenor have been given twenty-four days within which to file their answer, it is reasonable that General Atomics now be given twenty-two days after its counsel's return to reply. Consequently, General Atomics respectfully requests that it be permitted to file a reply to the Intervenor's answer no later than September 20, 1996.

Respectfully submitted,

A handwritten signature in cursive script, reading "Stephen M. Duncan", is written over a horizontal line.

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ATTORNEYS FOR GENERAL ATOMICS

Date: July 29, 1996

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing General Atomics' Motion for Leave to File Reply and for Extension of Stay Time was served on July 29, 1996, upon the following persons by deposit in the United States mail, first class postage prepaid and properly addressed, and to those persons marked with an asterisk by telecopier:

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attention: Docketing & Service Branch
(Original and two copies)

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Washington, D.C. 20555

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Dated this 29 th day of July, 1996.


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