

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'96 DEC -5 P4:43

BEFORE THE COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
SECTION

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 EXTENSION OF
TIME TO FILE ANSWER TO STATE OF OKLAHOMA'S
PETITION FOR REVIEW AND REQUEST TO FILE BRIEF

Steven R. Hom
Counsel for NRC Staff

December 5, 1996

SECY-042

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The NRC Staff hereby moves for leave to file its answer to the State of Oklahoma's Petition for Review and Request to File Brief (Nov. 25, 1996) (State's Petition) on or before Friday, December 13, 1996.

DISCUSSION

On November 5, 1996, the Atomic Safety and Licensing Board in LBP-96-24 issued its decision approving a settlement agreement between the NRC Staff and General Atomics, and terminating the proceeding.¹ The State of Oklahoma filed the State's Petition for Commission review of LBP-96-24 on November 25, 1996, by overnight mail to "the Commission, Administrative Law Judges, Board and NRC counsel," and by first class mail to all others on the service list, according to a certificate of service attached to the State's

¹ *Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site Decontamination and Decommissioning Funding), LBP-96-24, 44 NRC ___, slip op. (Nov. 5, 1996).

Petition. However, the copy of the State's Petition intended for counsel for the NRC Staff was placed in a common envelope delivered to the Office of the Secretary, and, as a result, normal distribution to Staff counsel did not occur expeditiously. Staff counsel did not discover the mishandling of the State's Petition until December 4, 1996.

CONCLUSION

In consideration of the foregoing, the NRC Staff respectfully requests leave to file its answer to the State's Petition on or before December 13, 1996. As of the time of the filing of this motion, counsel for the State of Oklahoma had not returned a telephone call seeking the State's position on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven R. Hom", written in a cursive style.

Steven R. Hom
Counsel for NRC Staff

Dated at Rockville, Maryland
this 5th day of December 1996

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO STATE OF OKLAHOMA'S PETITION FOR REVIEW AND REQUEST TO FILE BRIEF" 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 via facsimile transmission; or as indicated by triple asterisk by hand delivery this 5th day of December 1996.

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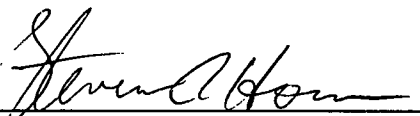
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