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UNITED STATES OF AMERICA
BEFORE THE U.S. NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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In the Matter of)
)
Louisiana Energy Services)
)
(Claiborne Enrichment Center))
)

OFFICE OF SECRETARY
DOCKET NO. 70-3070-ML
November 6, 1996

**CITIZENS AGAINST NUCLEAR TRASH'S MOTION FOR LEAVE
TO FILE REPLY TO LES' AND NRC STAFF'S OPPOSITIONS
TO MOTION FOR PARTIAL RECONSIDERATION OF CLI-96-08**

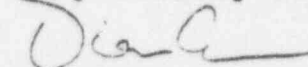
Citizens Against Nuclear Trash ("CANT") hereby moves for leave to reply to the Answer of Applicant Louisiana Energy Services In Opposition to Intervenor's Motion for Partial Reconsideration of CLI-96-08 (October 28, 1996) (hereinafter "LES Opposition") and NRC Staff's Answer Opposing Intervenor's Motion for Partial Reconsideration of CLI-96-08 (October 29, 1996) (hereinafter "NRC Staff Opposition"). In support of this motion, CANT states the following:

1) CANT's Motion for Partial Reconsideration of CLI-96-08 (October 17, 1996) (hereinafter "Motion") asks for further Commission deliberation on an issue of extreme safety significance to the neighbors of the proposed Claiborne Enrichment Center ("CEC"): whether the record of this proceeding provides an adequate basis for LES' now-clarified reliance on the local volunteer fire department to take primary responsibility for a severe chemical and radioactive fire at the CEC. CANT notes that the parties' ability to brief the Commission on this important issue has already been truncated, because the Commission did not follow its usual practice of requesting a more extensive briefing from the parties when it granted CANT's Petition for Review. In order to ensure that the record before the Commission is adequate

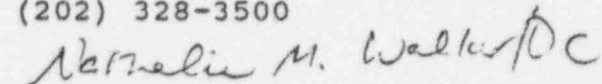
to support a meaningful decision on CANT's Motion for Partial Reconsideration, the Commission should grant CANT an opportunity to respond to incorrect and/or misleading assertions by LES and the NRC staff regarding whether the issues raised in CANT's Motion are embraced by CLI-96-08.

2) Citing 10 C.F.R. § 2.771, LES and the NRC seek to dismiss CANT's motion as late-filed. CANT seeks an opportunity to demonstrate that 10 C.F.R. § 2.771 must be read together with 10 C.F.R. §§ 2.710 and 2.712(a), which clearly establish Commission policy to require the service of all Commission decisions on parties, and to add a reasonable additional period of five days to all response periods in order to compensate for the unpredictability of the U.S. mail service. Because this issue has not been squarely addressed in any NRC decisions, CANT should be allowed to address the question here. In the alternative, CANT seeks an opportunity to show that the two-day delay occasioned by its error caused no harm, and that Commission review is warranted.

Respectfully submitted,



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