

Before the
UNITED STATES NUCLEAR REGULATORY COMMISSION
Washington, D.C. 20555

In the Matter of	)	
	)	
Edlow International Company	)	Docket No. 11006235
	)	
(Export of 93.20% Enriched Uranium)	)	License No. XSNM 03771
	)	
	)	

**RESPONSE OF ALAN J. KUPERMAN TO EDLOW INTERNATIONAL COMPANY'S
MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION TO
INTERVENE ON HIGH ENRICHED URANIUM EXPORT LICENSE**

On September 6, 2016, the Commission granted Alan J. Kuperman ["Petitioner"] seven days to respond in writing to the motion of Edlow International Company ["Applicant"] for a one-month extension to file a response to the petition in the above-captioned proceeding. Applicant cited two main grounds for its motion:

1. "Edlow has engaged in previous discussions with the Petitioner to determine if there is a manner to address the concerns raised in the Petition without the need for [a hearing] . . . Edlow is working with interested parties to identify a strategy to address the issues raised by the Petitioner without requiring the need for a hearing."

2. "Edlow understands that the Executive Branch has not yet provided its views on this proposed export" to the Commission, and "The views of the Executive Branch play an integral role in how Edlow will respond to the issues raised by the Petitioner."

Regarding the first ground, the Petitioner and Applicant had telephonic and email communication on August 5, 2016, more than one month ago, on the day after the petition was filed. No further communication has transpired between the Petitioner and Applicant. Thus, there is no apparent ongoing negotiation between Petitioner and Applicant that could justify an extension.

Regarding the second ground, federal regulations require the public to file petitions and submit comments to the Commission within 30 days of publication in the Federal Register of an NRC export license application. This period invariably expires prior to the Executive Branch's submission of its views on the application to the Commission. Thus, the public does not have benefit of the Executive Branch's views prior to the deadline for filing a petition. Therefore, it would be prejudicial to grant the applicant an extension so that it could benefit from the Executive Branch's views prior to responding to a petition.

As stated in the petition, Petitioner is not necessarily opposed to an export license of shorter duration, for a smaller amount of HEU, in accordance with U.S. law and policy. If the Applicant is still contemplating reducing the duration and/or amount of HEU in its license application, the obvious solution is not for the Commission to grant an extension of time to respond, but rather for the Applicant to withdraw its application and then subsequently, after further research and deliberation with interested parties, to submit a new export license application if and when it deems fit.

Respectfully submitted,

A handwritten signature in black ink, reading "Alan J. Kuperman". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Dated: September 9, 2016
Austin, TX