

September 22, 2003

Mark J. Langer, Clerk
U. S. Court of Appeals
E. Barrett Prettyman U.S. Courthouse
333 Constitution Ave., N.W.
Washington, D.C. 20001

RE: Margene Bullcreek, et al. v. Nuclear Regulatory Commission, No. 03-1018

Dear Mr. Langer:

Enclosed you will find an original and four copies of the "Unopposed Emergency Motion to Extend Briefing Time by Five Days and to File the Extension Motion Out-of-Time" in the above-reference case. Please date stamp the enclosed copy of this letter to indicate date of receipt, and return the copy to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

/RA/

Grace H. Kim
Senior Attorney
Office of the General Counsel

Enclosures: As stated

cc: service list

Oral Argument Scheduled for January 16, 2003

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MARGRENE BULLCREEK, et al.,)	
)	
Petitioners,)	
)	
v.)	No. 03-1018 (& No. 03-1022, consolidated)
)	
U.S. NUCLEAR REGULATORY COMM'N)	
and the UNITED STATES OF AMERICA,)	
)	
Respondents,)	
)	
PRIVATE FUEL STORAGE, L.L.C. and)	
SKULL VALLEY BAND OF GOSHUTE)	
INDIANS)	
)	
Intervenor-respondents)	

**UNOPPOSED EMERGENCY MOTION TO EXTEND BRIEFING TIME BY FIVE DAYS
AND TO FILE THE EXTENSION MOTION OUT-OF-TIME**

The Nuclear Regulatory Commission (NRC) hereby requests a 5-day extension of time, from September 26, 2003, to and including October 1, 2003, within which to file the federal respondents' answering brief in these consolidated cases. In view of our imminent briefing deadline, **we request prompt action on our motion.** Because the recent hurricane and government shutdown are the reasons why we seek an extension of time, we were unable to meet the ordinary requirement to seek extensions 10 days or more prior to our brief's due date. See D.C. Circuit, Local Rule 28(f). All counsel to this case have consented to the grant of this motion.

We seek leave to file this extension motion out-of-time, and the extension itself, for the following reasons.

1. Our brief currently is due on Friday, September 26, 2003. The hurricane that recently struck the Washington, D.C., area resulted in widespread power outages and the

shutdown of the federal government for two days (September 18-19). This seriously disrupted preparation of the NRC's answering brief by rendering support staff unavailable and communication within the government impossible. We now are unable to complete the drafting of our brief, and complete our consultations within the government, by the current September 26 deadline.

2. Five extra calendar days (three business days) will enable us to complete work on our brief and file it in this Court.

3. Counsel for petitioners and counsel for the intervenor-respondents have consented to the granting of this motion.

4. Granting the NRC a short extension of briefing time will not delay disposition of this case. Oral argument will not take place until January 16, 2003. This Court issued the original briefing schedule on the premise that the parties would follow the "deferred appendix" process, which would have necessitated a second round of brief-filing (so that the briefs would include appendix references). Petitioners, however, chose to file an appendix with their initial brief. Thus, there will be no second round of briefs. This leaves ample time between the completion of briefing and the oral argument date.

5. We are filing this motion at the first available opportunity after reopening of the government (on Monday, September 22, 2003). It was impossible to seek an extension of time more than 10 days before our brief's due date, as contemplated in this Court's rules (Local Rule 28(f)) because we could not anticipate the disruption caused by the hurricane and the September 18-19 government shutdown.

For the foregoing reasons, we ask this Court to grant our motion to file an out-of-time request for an extension of time and that this Court grant an additional 5 calendar days, to and including October 1, 2003, within which to file the federal respondents' answering brief.

Respectfully submitted,

/RA/

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/RA/

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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2003, copies of the foregoing “UNOPPOSED EMERGENCY MOTION TO EXTEND BRIEFING TIME BY FIVE DAYS AND TO FILE THE EXTENSION MOTION OUT-OF-TIME” were served by mail, postage prepaid, upon the following counsel:

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