

December 7, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE PRESIDING OFFICER

In the Matter of)	
)	Docket Nos. 70-143-MLA,
)	70-143-MLA-2,
)	70-143-MLA-3
NUCLEAR FUEL SERVICES, INC.)	
)	ASLBP Nos. 02-803-04-MLA,
(Erwin, Tennessee))	03-810-02-MLA,
)	04-820-05-MLA

NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME

The NRC Staff (Staff) hereby requests an eight-day extension of the time period for filing its responsive written presentation in this proceeding. The Staff's responsive written presentation is currently due for filing on December 14, 2004, pursuant to the Presiding Officer's September 30, 2004, Order. See unpublished Order (Sept. 30, 2004) (slip op. at 1). This motion is not opposed by either the licensee, Nuclear Fuel Services, Inc. (NFS), or the intervenors, the State of Franklin Group of the Sierra Club, Friends of the Nolichucky River Valley, Oak Ridge Environmental Peace Alliance, and Tennessee Environmental Council (Sierra Club et al.), provided that the time periods for the filing of a responsive written presentation by NFS and a rebuttal presentation by Sierra Club et al. are correspondingly extended by eight days.

In presenting this request, the Staff is mindful of the Presiding Officer's Memorandum and Order of April 28, 2004, in which the Presiding Officer admonished the parties that motions for extensions of time would be highly disfavored. See unpublished Order (Apr. 28, 2004) (slip op. at 3). The Staff's request for this very brief extension of time is necessitated by reassignment of Staff counsel, including the temporary reassignment of lead counsel to a position external to the Office of the General Counsel during this critical period of time. While the Staff has endeavored

to meet the prescribed deadlines, it has been necessary for recently assigned Staff counsel to acquire the necessary familiarity with this complex project to effectively aid the Staff in preparing its responsive written presentation.

In light of the circumstances described above, the Staff requests that the Presiding Officer adopt the following schedule:

December 22, 2004 Licensee's and Staff's responsive presentations

January 24, 2005 Intervenors' rebuttal presentation

Respectfully submitted,

/RA by Shelly D. Cole/

Shelly D. Cole
Michael A. Woods
Counsel for NRC Staff

Dated at Rockville, Maryland
this 7th day of December, 2004

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)		04-820-05-MLA

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

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Admissions:	State of New York Supreme Court, Appellate Division, Third Department
Name of Party:	NRC Staff

Respectfully submitted,

/RA/

Shelly D. Cole
Counsel for NRC Staff

Dated at Rockville, Maryland
this 7th day of December, 2004

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME" and "NOTICE OF APPEARANCE" for Shelly D. Cole in the above-captioned proceeding have been served on the following by deposit in the Nuclear Regulatory Commission's internal mail system as indicated by an asterisk (*), or by U.S. Mail, first class, and electronic mail as indicated by a double asterisk (**) on this 7th day of December, 2004.

Administrative Judge
Alan S. Rosenthal, Presiding Officer * **
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U.S. Nuclear Regulatory Commission
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Administrative Judge
Richard F. Cole, Special Assistant * **
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/RA/

Shelly D. Cole
Counsel for NRC Staff