

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 23, 2006

Cathy A. Catterson, Clerk
U.S. Court of Appeals for the
Ninth Circuit
PO Box 193939
95 Seventh Street
San Francisco, CA 94119-3939

RE: Docket Nos. 05-70718 and 05-70725 (consolidated), *Robert L. Farmer v. U.S. Nuclear Regulatory Commission et. al*

Dear Ms. Catterson:

Enclosed you will find an original and 5 copies of the Nuclear Regulatory Commission's Opposition to Petitioner's Motion for a Stay of Further Proceedings. Please date stamp the enclosed copy of this letter to indicate date of receipt and return it to me in the enclosed envelope, postage pre-paid, at your convenience.

Respectfully submitted,

Jared K. Heck
Counsel for Respondent U.S.
Nuclear Regulatory Commssion

Enclosure: As stated

cc: service list

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERT L. FARMER,)
)
 Petitioner,)
)
v.)
)
U.S. NUCLEAR REGULATORY)
COMMISSION,)
)
 Respondent,)
)
and)
)
ELAINE CHAO, Secretary of)
Labor, U.S. DEPARTMENT OF)
LABOR,)
 Respondent,)
)
and)
)
STATE OF ALASKA,)
)
 Intervenor.)

Nos. 05-70718 and 05-70725
(consolidated)

NUCLEAR REGULATORY COMMISSION'S OPPOSITION TO
PETITIONER'S MOTION FOR A STAY OF FURTHER PROCEEDINGS

On February 16, 2005, Respondent Nuclear Regulatory Commission received by email from the State of Alaska a copy of Petitioner's Motion for a Stay (it has yet to arrive by mail). Mr. Farmer filed the motion in lieu of his opening brief, which was due on February 6, 2006. Mr. Farmer's

motion is not adequately justified and should therefore be denied.


The Court has extended the briefing schedule several times since these cases began more than a year ago. Early extensions accommodated the parties' extensive mediation efforts, which culminated in a round of face-to-face talks in Anchorage, Alaska in July 2005. After the mediation failed, Mr. Farmer's counsel withdrew from the case in September 2005. In November 2005, Mr. Farmer requested another extension of his briefing deadline, which the Court granted on December 20, 2005.

The Court's December 20, 2005, Order made clear that "further requests for extensions of time will be disfavored." Nevertheless, Mr. Farmer now requests an additional eight months to file his opening brief. Mr. Farmer offers no specific explanation why he could not meet his February 6, 2006, briefing deadline, nor does he elaborate on why he requires an additional eight months to prepare a case that began more than a year ago. Mr. Farmer's justifications for further extensions are vague and do not provide confidence that he would meet the next filing deadline if the current deadline were extended.

The Commission therefore requests the Court deny Mr. Farmer's

motion for a stay of further proceedings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jared K. Heck", written over a horizontal line.

JARED K. HECK
Counsel for Respondent U.S.
Nuclear Regulatory Commission

A handwritten signature in black ink, appearing to read "Lane MCFadden", written over a horizontal line. To the right of the signature is the handwritten initials "JPH".

LANE MCFADDEN
Attorney
Environment and Natural Resources
Division
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that the Nuclear Regulatory Commission's Opposition to Petitioner's Motion for a Stay of Further Proceedings was served by first class mail this 23rd day of February, 2006, upon the following:

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