

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

April 29, 2004 (4:37PM)

Before Administrative Judges:

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

G. Paul Bollwerk, III, Chairman
Dr. Charles N. Kelber
Dr. Peter S. Lam

In the Matter of)	Docket No. 50-346-CO
FirstEnergy Nuclear Operating Co.)	ASLB No. 04-825-01-CO
Davis-Besse Nuclear Power Station, Unit 1)	April 29, 2004

PETITIONERS' MOTION FOR EXTENSION OF TIME
TO REPLY TO FENOC AND STAFF RESPONSES TO OBJECTIONS

Now come Michael Keegan, Donna Lueke, Joanne DiRando, and Nuclear Information and Resource Service (by Paul Gunter), Petitioners herein, and move the Board for leave to file on or before May 13, 2004 their replies to the responses filed by FirstEnergy Corp. and the NRC staff to the March 29, 2004 "Objections to Confirmatory Order Modifying License."

Presently, Petitioners' reply is due May 3, 2004.

FENOC and the NRC have, between them, filed approximately 30 total pages of factual and legal argument in opposition to the "Objections." A ruling favorable to them would be potentially dispositive of the issues raised by Petitioners. Each respondent took some 24 days to prepare and file its response. Fairness suggests that Petitioners ought to have at least 20 days to prepare theirs.

Counsel for both FENOC and the NRC have signified via electronic message that neither respondent has an objection to the grant of this request.

While counsel for Petitioners acknowledges that he has not tendered this Motion within the three business days prior to the

current May 3, 2004 deadline as contemplated by the Board,¹ it is being submitted two (2) days in advance, and hopefully the Board will agree that this noncontroversial request should be granted in the interests of justice.

WHEREFORE, Petitioners pray the Board grant them until May 13, 2004 to file their replies.



Terry J. Lodge
Counsel for Individual Petitioners

¹See April 15, 2004 "Memorandum and Order" in this proceeding, p. 5.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing PETITIONERS' MOTION FOR EXTENSION OF TIME TO REPLY TO FENOC AND STAFF RESPONSES TO OBJECTIONS have been served upon the following persons via deposit of paper copies in the U.S. first-class mail as indicated by an asterisk (*), and via electronic mail as indicated by a double asterisk (**):

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Washington, DC 20555-0001

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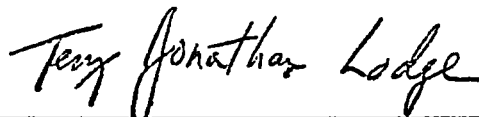
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