

PAS 9204

January 20, 2005

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

DOCKETED  
USNRC

January 21, 2005 (7:50 am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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In the Matter of

Docket No. 70-3103

Louisiana Energy Services, L.P.  
National Enrichment Facility

ASLBP No. 04-826-01-ML

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**MOTION ON BEHALF OF  
NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN  
FOR EXTENSION OF TIME TO SUPPLEMENT EXHIBIT LIST AND TO PROVIDE  
COPIES OF EXHIBITS**

**Preliminary statement**

This Motion is submitted on behalf of Nuclear Information and Resource Service and Public Citizen ("NIRS/PC"), Intervenors herein, seeking an extension of time to comply with certain requirements set forth in orders of the Atomic Safety and Licensing Board (the "Board") dated January 18, 2005.

**Discussion**

On January 18, 2005, the Board entered orders (1) Regarding NIRS/PC Prefiled Testimony and Exhibits and (2) Regarding Exhibit Submission and Other Administrative Matters, which require NIRS/PC to list as exhibits and supply to the Board and other parties copies of certain hearing exhibits. NIRS/PC are in the process of complying with those orders.

Certain provisions of those orders require documents to be listed and sent by overnight delivery by Friday, January, 21, 2005. One witness for NIRS/PC, Mr. George Rice, is away from his office and is not expected to return until Saturday, January 22. Certain of the items to

be added to the NIRS/PC exhibit list and copied for the Board and parties are referred to in Mr. Rice's testimony and are located at his office in San Antonio, Texas. At present counsel for NIRS/PC cannot communicate with Mr. Rice to obtain the items referred to in his testimony. Counsel expect to be able to do so over the weekend in time to receive, copy, and dispatch the additional references from his testimony by Monday, January 24, 2005. In this situation, NIRS/PC respectfully request that the dates for compliance with the Board's orders be modified as follows:

1. The date for identifying and listing any other items that NIRS/PC expert witnesses intend to rely upon as evidentiary backing for their statements and analyses in their proffered prefiled direct testimony shall be changed from Friday, January 21, 2005, to Monday, January 24, 2005.
2. The date for NIRS/PC to send hard copies of any such items (referred to in paragraph 1, above) by next business day delivery service to the Board and the parties shall be Monday, January 24, 2005.
3. The date for NIRS/PC to revise their the exhibit list to include discovery materials intended for use as evidence shall be changed from Friday, January 21, 2005, to Monday, January 24, 2005.

NIRS/PC can add that the materials to be identified pursuant to paragraph 1, above, have already been identified in the prefiled direct testimony. Likewise, the discovery materials to be added to the exhibit list pursuant to paragraph 3, above, were previously identified in Designations that were served on January 7, 2005.

NIRS/PC believe that the above schedule can be met without causing undue inconvenience. NIRS/PC have consulted with counsel for the Applicant and the Commission Staff and can advise that those parties do not object to the requested changes.

### Conclusion

For the reasons set forth herein, NIRS/PC respectfully request that the Board make the changes in schedule set forth herein.

Respectfully submitted,



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January 20, 2005

## CERTIFICATE OF SERVICE

Pursuant to 10 CFR § 2.305 the undersigned attorney of record certifies that on January 20, 2005, the foregoing Motion for Extension of Time on Behalf of Nuclear Information and Resource Service and Public Citizen to Supplement Exhibit List and to Provide Copies of Exhibits was served by electronic mail and by expedited delivery upon the following:

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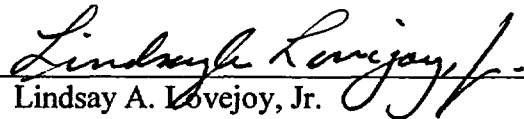
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