

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

In the Matter of:

U.S. Department of Energy

(License Application for Geologic
Repository at Yucca Mountain)

Docket No. 63-001

NATIVE COMMUNITY ACTION COUNCIL'S MOTION FOR EXTENSION OF TIME

Pursuant to 10 C.F.R. § 2.1026(b)(1), the Native Community Action Council (NCAC) hereby moves for an extension of time of 15 days within which to file its reply to the Answer of the United States Department of Energy (DOE) to the Council's Petition to intervene as a full party in the above-captioned proceeding. Based on the schedule established by the Commission, the reply is now due on February 24, 2009. The NCAC requests an extension to and including April 8, 2009. As set forth below, the NCAC has good cause for this modest extension of time.

The DOE filed an answer comprising 65 pages of legal argument and factual assertions. Within the past few days, the NCAC has been able to obtain legal counsel to represent it in this proceeding. With the reply due tomorrow, new counsel has had insufficient time to consult with the NCAC, review the license application, review DOE's answer and prepare a response. A short, 15-day extension will not prejudice the rights of any other party, nor delay the disposition

of this proceeding. It is in the interest of the Commission and the parties to have a thorough and complete response to the DOE's answer.

This request could not have been filed five days in advance of the filing deadline, due to the unforeseen circumstance of retention of legal counsel within the past few days.

Date: February 23, 2009

Respectfully submitted,

Signed electronically by Ian Zabarte
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CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2009, copies of the Native Community Action Council's Motion for Extension of Time have been served upon the following persons by the Nuclear Regulatory Commission's Electronic Information Exchange:

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