

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

Before Administrative Judges:

BOARD CAB-01
ASLBP No. 09-876-HLW
William J. Froehlich, Chairman
Thomas S. Moore
Richard E. Wardwell

BOARD CAB-02
ASLBP No. 09-877-HLW
Michael M. Gibson, Chairman
Lawrence G. McDade
Nicholas G. Trikouros

BOARD CAB-03
ASLBP No. 09-878-HLW
Paul S. Ryerson, Chairman
Michael C. Farrar
Mark O. Barnett

In the Matter of U.S. DEPARTMENT OF ENERGY (High Level Waste Repository)	Docket No. 63-001-HLW February 25, 2009
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ORDER
(Granting Motion for Extension of Time)

On February 24, 2009 the Native Community Action Council (NCAC) moved 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 NCAC's petition to intervene in the above-captioned proceeding.

NCAC states that it only recently obtained legal counsel to represent it in this proceeding and that newly retained counsel has had insufficient time to consult with the NCAC, review the license application, review DOE's answer and prepare a timely response. NCAC further states the 15-day extension will not prejudice the rights of any other party nor delay the disposition of this proceeding.

NCAC's motion certifies that pursuant to 10 C.F.R. § 2.323(b) it has made an effort to contact the other parties in the proceeding by e-mail on February 24, 2009 to request their consent to the motion. Of the parties NCAC was able to contact, only the NRC Staff and DOE

oppose this motion. DOE's Answer, filed on February 25, 2009, indicates that only DOE's Office of General Counsel received NCAC's February 24, 2009 e-mail and that the attorneys with its law firm did not receive NCAC's e-mail.

For good cause shown, NCAC's motion for a 15-day extension of time until March 11, 2009 to file its reply is GRANTED. This extension applies only to NCAC. NCAC is directed to insure that all future filings with the Commission or these Licensing Boards are in strict compliance with the Commission's filing regulations.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARDS

/RA/

William J. Froehlich, Chairman CAB-01
ADMINISTRATIVE JUDGE

/RA/

Michael M. Gibson, Chairman CAB-02
ADMINISTRATIVE JUDGE

/RA/

Paul S. Ryerson, Chairman CAB-03
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 25, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
U.S. DEPARTMENT OF ENERGY) Docket No. 63-001-HLW
)
(High-Level Waste Repository))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Granting Motion for Extension of Time), dated February 25, 2009, have been served upon the following persons by Electronic Information Exchange.

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