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September 1st, 2009

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U.S. Nuclear Regulatory Commission

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Attention: Rulemakings and Adjudications Staff

Regarding: Notice of License Amendment Request of Westinghouse Electric Company LLC for Hematite Decommissioning Project, Festus, MO, and Opportunity to Request a Hearing [Docket No. 70-36; NRC-2009-0278]

Subject: Request for Extension of September 4th, 2009 Deadline for Hearing Requests

Mr. Secretary:

My client, Citizens for a Clean Idaho, Inc. (CCI), hereby requests under 10 CFR Section 2.1312 and 2.1325, that you extend the deadline for hearing requests regarding Notice of License Amendment Request of Westinghouse Electric Company LLC for Hematite Decommissioning Project, Festus, MO, and Opportunity to Request a Hearing [Docket No. 70-36; NRC-2009-0278]. Westinghouse has applied for a 20.2002 exemption to permit the storage of special nuclear materials at an NRC unlicensed, unregulated site in Western Idaho.

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We contend that the currently set September 4th deadline for hearing requests in the review of the Westinghouse application poses an unnecessary, excessive, and undue burden on the public and on CCI. We are therefore seeking an extension of that deadline for the reasons stated below.

First, the Federal Register notice of July 6, 2009, was improper and insufficient. That notice was improper or insufficient because the NRC document numbers referenced in the notice under heading "IV. Further Information" were/are invalid, specifically including the accession number "ML090180071," assigned to the document "Request for Alternate Disposal Approval and Exemption for Specific Hematite Project Waste." As of the date of this letter, the use of that preceding accession number results in this ADAMS message: "No documents were retrieved by this query." In fact, the accession number actually assigned to that named document has been discovered by CCI to be "ML0914800710." Despite a multiple of unsuccessful emails to and from the NRC ADAMS "librarian" to locate the referenced document, CCI finally located the key document by using a variety of keyword searches within ADAMS - often producing more than 1,000 matches - and then examining the resulting documents one-by-one. This issue is critical since the accession number system is the primary document management system used by the NRC, and the document in question constitutes the explained basis of the public meeting, along with the factual basis upon which any hearing demand must and would be based. This inability to locate the document unreasonably burdens the public in its review of the facts and has significantly delayed CCI in its research and preparation of the substantive response due on or before September 4th. Our requested resolution is a) the issuance of a new notice and public meeting, or b) an extension of time for submitting a hearing request.

CCI is a grassroots, volunteer organization with limited resources to evaluate the applications and develop a hearing request. The stipulated September 4th deadline places an undue burden on CCI to responsibly review and respond to the applications, particularly given the aforementioned obstacles to accessing the documents.

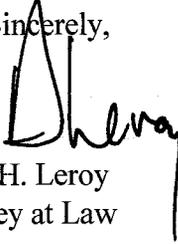
Further, the review of these applications will be the public's first, and possibly only opportunity to scrutinize the application by Westinghouse for storage of 50,000 tons of nuclear waste in an NRC unlicensed, state-regulated facility in Grandview, Idaho. By NRC's own admission, this 20.2002 exemption request is potentially precedent setting in its dimension and scope. If approved, it will possibly set a local precedent for and give encouragement to other nuclear waste-producers seeking to circumnavigate the more thorough, expensive requirements of the NRC for licensed, regulated disposal. These conditions make reviewing and responding to these applications by the stipulated deadline both more critical and more difficult, thereby increasing the burden on ordinary citizens and advocacy groups such as CCI.

In view of the unique, complex, and potentially precedent-setting nature of the proposed transaction, we believe it is the NRC's responsibility to make sure that the public has adequate time to fully and intelligently participate in the review of these applications. Further, we reiterate

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our claim that the original notice published in the Federal Register of July 6, 2009, is legally flawed, improper, and insufficient. Therefore, we request that the Secretary, under the Commission's authority granted in 10 CFR Section 2.1306 (c)(3), extend the deadline for hearing requests and petitions. In view of these considerations, we request 45 additional days from the published deadline of September 4, 2009, which new response date would be October 15, 2009.

Most Sincerely,



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