

December 22, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
U.S. DEPARTMENT OF ENERGY)	Docket No. 63-001-HLW
)	
(High-Level Waste Repository))	ASLBP No. 09-892-HLW-CAB04
)	

NRC STAFF MOTION FOR ONE-DAY
EXTENSION OF TIME TO FILE RESPONSE TO BOARD QUESTIONS

On December 9, 2009, Construction Authorization Board-04 ("the Board") issued a Memorandum and Order addressing six contentions filed after the original intervention petitions. *U.S. Dep't of Energy* (High-Level Waste Repository), LBP-09-29, 70 NRC __ (Dec. 9, 2009). With respect to NEV-SAFETY-203, a petition for a rule waiver pursuant to 10 C.F.R. § 2.335, the Board directed the NRC staff ("Staff") to answer certain questions about the waiver petition filings by Monday, December 21, 2009. *Id.* at 13. Because Federal agencies in the Washington, D.C. area, including the NRC, were closed on December 21, 2009 as a result of the weekend blizzard, the Staff moves for an extension of time to file its response to the Board's questions on December 22, 2009, the day the NRC reopened for business. The Staff submits that the Federal government emergency closure due to extreme weather constitutes good cause for the extension of time. See 10 C.F.R. § 2.307(a); 10 C.F.R. § 2.306(a).

Pursuant to 10 C.F.R. § 2.323(b), the Staff has contacted the other parties and participants regarding this motion. Counsel for DOE, Lincoln County, Eureka County, Nevada, Nye County, NEI, Clark County, California, NCAC, White Pine County, the Four Nevada

Counties, and the Joint Timbisha Shoshone do not object to the Staff's delayed filing. Counsel for Inyo County has not responded to the Staff's inquiry before this filing.

Respectfully submitted,

/Signed (electronically) by/

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Dated in Rockville, MD
this 22nd day of December, 2009

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF MOTION FOR ONE-DAY EXTENSION OF TIME TO FILE RESPONSE TO BOARD QUESTIONS" in the above-captioned proceeding have been served on the following persons this 22nd day of December, 2009, by Electronic Information Exchange.

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