



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 3, 2010

DOCKETED  
USNRC

February 3, 2010 (4:05 p.m.)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SERVED February 3, 2010

SECRETARY

Mr. Eric Gilstrap, P.E.  
Missouri Department of Natural Resources  
917 N. Highway 67, Suite 104  
Florissant, Missouri 63031

Dear Mr. Gilstrap:

I have received your email request, dated January 22, 2010, asking for a 30-day extension until March 8, 2010 to submit comments and requests for hearing on the proposed decommissioning plan for the Hematite facility. As you also note, the proposed plan, which was submitted by Westinghouse, the facility licensee is the subject of a Notice of Opportunity for Hearing published in the Federal Register. See 74 Fed. Reg. 64765 (Dec. 8, 2009). Your request states that your agency needs additional time in which to submit comments on the proposed plan and that while your agency itself does not plan to file a request for hearing, you are seeking an extension of time for other members of the public to file hearing requests. For the reasons stated below, the Commission cannot grant your request.

First, neither the Federal Register Notice, Commission regulations, nor agency practice establishes a deadline for submitting comments on the proposed decommissioning plan. You may submit comments on the plan at any time before final approval of the plan. Comments do not need to be submitted before the closing of the period to request a hearing. Second, Commission practice requires that persons seeking an agency action, such as an extension of time, file their own requests. In other words, absent unusual circumstances one person cannot seek an extension of time for another person.

While the NRC appreciates your interest in this matter and will consider carefully any comments your agency offers, your request for an extension of time is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook".

Annette L. Vietti-Cook

cc: Mark J. Wetterhahn, Esq.  
David A. Repka, Esq.  
Tyson R. Smith, Esq.  
Counsel for Westinghouse Electric Company LLC