

The Extension Request is deficient for multiple reasons. First, the Extension Request was sent via e-mail only to the Office of the Secretary, and was not served on all parties, either through the Electronic Information Exchange or otherwise, contrary to 10 CFR 110.89(b) and the Notices of Hearing.⁴ As a result of Rev. Free’s apparent failure to even attempt to serve the Extension Request on the applicant, three days passed between the date of the extension request and the date it was finally served on *EnergySolutions*, and half the time between the Extension Request and the original due date for petitions to intervene and public comments was lost. Rev. Free’s failure to properly serve her eleventh-hour filing is therefore prejudicial to *EnergySolutions*. As a result, the Extension Request should be denied.

Second, the Extension Request provides no justification for the desired extension or for the inordinate 45-day length of the request. In NRC proceedings under Part 2, the presiding officer may extend a time limit upon a showing of special circumstances amounting to good cause.⁵ This standard is not met when the request merely cites generic problems that face many groups seeking to intervene in NRC proceedings.⁶ Considered under that standard, the Extension Request offers only vague and generic justifications such as the need for “citizens” to have “ample time to become informed and to have a say as to whether we want nuclear waste to be brought into this country.” It provides no specific information as to why there are special circumstances affecting Rev. Free—as opposed to the general public—that might prevent *her*

⁴ 75 Fed. Reg. at 74,104, 74,108 (“Any request for a hearing or petition for leave to intervene shall be served by the requestor or petitioners upon the applicant, the Office of General Counsel, U.S. Nuclear Regulatory Commission . . . ; the Secretary, U.S. Nuclear Regulatory Commission . . . ; and the Executive Secretary, U.S. Department of State . . .”).

⁵ *Detroit Edison Co.* (Fermi Unit 3), CLI-09-04, 69 NRC __ (slip op. at 2) (Feb. 17, 2009).

⁶ *See id.*

from meeting the established deadline.⁷ Further, the 45-day period is excessive and unwarranted, as it would more than double the prescribed period of 30 days under 10 CFR 110.82(c).

Finally, the Extension Request appears to request 45 additional days for all public comments and all requests for hearing and petitions to intervene, not only filings to be submitted by Rev. Free. Rev. Free, however, should only be permitted to request an extension for herself, not for any other person.⁸

For the foregoing reasons, EnergySolutions respectfully requests that the Extension Request should be denied in its entirety.

Respectfully submitted,

Signed (electronically) by Raphael P. Kuyler
Raphael P. Kuyler

⁷ Moreover, it is far from clear that Rev. Free will be able to demonstrate standing to participate in this proceeding, as she apparently lives in Knoxville, Tennessee, approximately 25 miles from EnergySolutions' Bear Creek facility where the imported material will be processed.

⁸ Cf. *Tennessee Valley Authority* (Watts Bar Nuclear Plant, Unit 2), CLI-10-12, 71 NRC __ (slip op.) (Mar. 26, 2010) (upholding the Atomic Safety and Licensing Board's denial of hearing requests because an order granting one petitioner an extension of time to file a petition to intervene did not extend the deadline for additional petitioners).

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

In the Matter of)	Docket Nos. 110-05896 (Import)
)	110-05897 (Export)
ENERGYSOLUTIONS)	
)	
(Radioactive Waste Import/Export Licenses))	December 28, 2010
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ENERYSOLUTIONS' RESPONSE TO THE EXTENSION REQUEST OF REV. MARCIA C. FREE has been served upon the following persons on December 28, 2010 through the Electronic Information Exchange. Individuals who are not registered with EIE were served via e-mail and U.S. Mail in accordance with 10 CFR 110.89(c)(3) and are indicated with an asterisk.

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