

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

**Paul S. Ryerson, Chairman  
Dr. James F. Jackson  
Dr. Michael O. Garcia**

In the Matter of	)	Docket No. 70-7016-ML
GE-HITACHI GLOBAL LASER ENRICHMENT	)	ASLB No. 10-901-03-ML-BD01
LLC	)	
(GLE Commercial Facility)	)	May 21, 2012

**GE-HITACHI GLOBAL LASER ENRICHMENT’S MOTION FOR  
EXTENSION OF TIME TO FILE WRITTEN TESTIMONY, EXHIBITS AND PROPOSED  
FINDINGS**

Pursuant to 10 C.F.R. § 2.323(a), Applicant GE-Hitachi Global Laser Enrichment LLC (GLE) respectfully submits this Motion for: (1) a one-week extension of the current deadline for submission of prefiled written testimony and supporting exhibits to June 25, 2012; and (2) a one-week extension for submission of proposed findings of fact and conclusions of law to August 3, 2012. *No change in the dates for the hearing is being sought.* The Nuclear Regulatory Commission (NRC) Staff supports the extension of prefiled testimony, provided the hearing dates remain the same, and takes no position regarding the extension for submission of proposed findings.<sup>1</sup> The extensions, if granted, would also apply to the Staff’s related submittals. In support of this Motion, GLE states as follows:

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<sup>1</sup> The NRC Staff opposes any change in the hearing dates of July 11-13, 2012 due to the availability of at least one key witness.

1. On May 2, 2012, in accordance with the Atomic Safety and Licensing Board's (Board) previous Scheduling Orders in this mandatory uncontested proceeding,<sup>2</sup> GLE and the Staff filed written responses to the Board's initial written questions on various safety and environmental topics.<sup>3</sup>

2. On May 16, 2012, the Board issued a Memorandum and Order identifying the specific topics on which it wishes to receive more detailed prefiled testimony and exhibits from GLE and the NRC Staff.<sup>4</sup> The Board also encouraged the parties to supplement their formal prefiled written testimony with brief PowerPoint-type summaries, preferably filed at the same time as the parties' prefiled testimony.

3. After reviewing the Board's May 16, 2012 Memorandum and Order and the testimony topics identified therein, GLE believes that modest extensions of time are necessary. First, GLE believes that an additional one-week is necessary for the preparation of adequate testimony, exhibits, and PowerPoint slides on the identified topics.<sup>5</sup>

4. Apart from the time needed for interactions with GLE's expert witnesses, preparation, revision, refinement and internal management review of testimony, GLE has concluded that portions of its testimony will require discussion of classified and sensitive unclassified information. Such discussion is necessary to provide an adequate level of detail and to fully address the Board's inquiries. Adherence to the requisite procedures for the preparation, handling and

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<sup>2</sup> See, e.g., Licensing Board Memorandum and Order (Initial Board Questions and Associated Administrative Directives) (Apr. 4, 2012) (unpublished).

<sup>3</sup> NRC Staff Response to the Licensing Board's Initial Questions (May 2, 2012); NRC Staff Non-Publicly Available Response to the Licensing Board's Questions Regarding the SER (May 2, 2012); GE Hitachi Global Laser Enrichment Responses to Initial Board Questions (Public Version) (May 2, 2012); GE Hitachi Global Laser Enrichment Responses to Initial Board Questions (Non-Public Version) (May 2, 2012).

<sup>4</sup> Licensing Board Memorandum and Order (Identifying Areas for Prefiled Testimony) (May 16, 2012) (unpublished).

<sup>5</sup> The Staff and Applicant agree that if any major portion of the testimony is completed earlier than the requested extension date they will endeavor to file that testimony earlier in order to assist the Board.

transmittal of such information (particularly classified information) entails certain logistical challenges that affect GLE's ability to meet the current filing deadline. In fact, the Board expressly acknowledged this possibility in its Fourth Revised Scheduling Order.<sup>6</sup>

5. In its Fourth Revised Scheduling Order the Board also stated: "The Board recognizes that, because of this expedited schedule, GLE or the NRC Staff may need to request additional time in which to accomplish one or more steps."<sup>7</sup>

6. To mitigate the delay in the ultimate conclusion of this proceeding, GLE supports *maintaining* the currently scheduled hearing dates (July 11-13). In addition, GLE is requesting only a one-week extension for the parties to file their proposed findings of fact and conclusions of law. This is principally to allow sufficient time for receipt of transcripts and completion of transcript corrections during the process of preparing such proposed findings (portions of which are also likely to contain classified and sensitive unclassified information). The overall result of GLE's requests would be a one-week delay in submittal of such proposed findings and turnover of the record to the Board for a decision.

7. For the foregoing reasons, GLE respectfully requests that the instant Motion for extensions of time be granted.

8. In accordance with 10 C.F.R. § 2.323(b), GLE Counsel has contacted Counsel for the NRC Staff as discussed above.

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<sup>6</sup> Licensing Board Fourth Revised Scheduling Order (Oct. 5, 2011) at 7 (unpublished) ("Meeting the schedule set forth below of course depends upon ... many other factors, including but not limited to the quality of the parties' responses to the Board's questions and whether complications arise from the potential need for the Board to address classified materials.").

<sup>7</sup> *Id.* at 4.

Respectfully submitted,

*Executed in Accord with 10 C.F.R. § 2.304(d)*

Donald J. Silverman, Esq.  
Charles B. Moldenhauer, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
Phone: 202-739-5502  
E-mail: dsilverman@morganlewis.com  
E-mail: cmoldenhauer@morganlewis.com

Martin J. O'Neill, Esq.  
Morgan, Lewis & Bockius LLP  
1000 Louisiana St., Suite 400  
Houston, TX 77002  
Phone: 713-890-5710  
Fax: 713-890-5001  
E-mail: martin.oneill@morganlewis.com

*COUNSEL FOR GLE*

Dated in Washington, D.C.  
this 21st day of May 2012

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

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**Paul S. Ryerson, Chairman  
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	)	
(GLE Commercial Facility)	)	May 21, 2012
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that, on this date, a copy of “GE-Hitachi Global Laser Enrichment’s Motion for Extension of Time to File Written Testimony, Exhibits and Proposed Findings” was filed with the Electronic Information Exchange (EIE) in the above-captioned proceeding on the following recipients.

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3 F23  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop: O15-D21  
Washington, DC 20555-0001

Paul S. Ryerson, Chair  
Administrative Judge  
E-mail: [paul.ryerson@nrc.gov](mailto:paul.ryerson@nrc.gov)

Catherine Scott, Esq.  
[Catherine.Scott@nrc.gov](mailto:Catherine.Scott@nrc.gov)

Dr. James F. Jackson  
Administrative Judge  
E-mail: [james.jackson@nrc.gov](mailto:james.jackson@nrc.gov)

Carrie M. Safford, Esq.  
[Carrie.Safford@nrc.gov](mailto:Carrie.Safford@nrc.gov)

Dr. Michael O. Garcia  
Administrative Judge  
E-mail: [michael.garcia@nrc.gov](mailto:michael.garcia@nrc.gov)

Marcia J. Simon, Esq.  
[Marcia.Simon@nrc.gov](mailto:Marcia.Simon@nrc.gov)

Anthony C. Eitrem, Esq., Chief Counsel  
[ace1@nrc.gov](mailto:ace1@nrc.gov)

Molly Barkman Marsh, Esq.  
[Molly.BarkmanMarsh@nrc.gov](mailto:Molly.BarkmanMarsh@nrc.gov)

Anne Siarnacki, Law Clerk  
[anne.siarnacki@nrc.gov](mailto:anne.siarnacki@nrc.gov)

Michelle Albert, Esq.  
[Michelle.albert@nrc.gov](mailto:Michelle.albert@nrc.gov)

OGC Mail Center: [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Rulemakings and Adjudication Staff  
Mail Stop: O16-C1  
Washington, DC 20555-0001  
E-mail: [HEARINGDOCKET@nrc.gov](mailto:HEARINGDOCKET@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop: O16-C1  
Washington, DC 20555-0001  
E-mail: [OCAAMAIL@nrc.gov](mailto:OCAAMAIL@nrc.gov)

*Signed (electronically) by Charles B. Moldenhauer*

Charles B. Moldenhauer, Esq.  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave., NW  
Washington, DC 20004  
Phone: 202-739-5758  
E-mail: [cmoldenhauer@morganlewis.com](mailto:cmoldenhauer@morganlewis.com)

*COUNSEL FOR GLE*

DB1/69872308.2