

January 17, 2019

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	Docket No. 72-1051
Holtec International	)	
	)	ASLBP No. 18-958-01-ISFSI-BD01
HI-STORE Consolidated Interim Storage	)	
Facility	)	

**Holtec International’s Motion for Extension of Time**

Pursuant to 10 C.F.R. §§ 2.323 and 2.307(a), Holtec International (“Holtec”) hereby moves for an extension of time, to February 11, 2019, to file its answer to the Motion to Strike filed by Beyond Nuclear, Fasken Land and Minerals and Permian Basin Land and Royalty Owners, Sierra Club, Don’t Waste Michigan, Citizens’ Environmental Coalition, Citizens for Alternatives to Chemical Contamination, Nuclear Energy Information Service, Public Citizen, San Luis Obispo Mothers for Peace, and Nuclear Issues Study Group (collectively, “Combined Petitioners”) on January 15, 2019.<sup>1</sup>

Good cause for the extension request exists for two reasons. First, the document filed by Combined Petitioners contains two motions with different deadlines under Subpart C—a Motion to Amend Contentions and a Motion to Strike. Under 10 C.F.R. § 2.309(i)(1), Holtec has 25 days to respond to the Motion to Amend Contentions, or until Monday February 11, 2019 (the 25<sup>th</sup> day falls on the immediately prior Saturday). Under 10 C.F.R. § 2.323(c), Holtec has ten days to

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<sup>1</sup> Motion by Petitioners Beyond Nuclear, Fasken, The Sierra Club, and Don’t Waste Michigan, et al. to Amend Their Contentions to Address New Information Confirming That Holtec’s License Application Contains False or Misleading Statements and Motion by Petitioners to Strike Unreliable Statements from Holtec’s Responses to Petitioners’ Hearing Requests, dated Jan. 15, 2019.

respond to the Motion to Strike, or until January 25, 2019. Because both motions involve the same alleged concerns, Holtec respectfully requests it be permitted to file an answer to both motions on the same date of February 11, 2019, to avoid unnecessary overlap in the proceedings.

Second, the oral argument for this proceeding has been scheduled to take place on January 23 and, as necessary, January 24 in Albuquerque, New Mexico. As stated above, the due date for Holtec's answer to the Motion to Strike is Friday, January 25, 2019—the same day that Holtec's counsel are scheduled to be returning from Albuquerque, New Mexico. To avoid prejudice resulting from the overlapping of the oral argument (and related travel) with the schedule for responding to the Motion, Holtec requests a modest extension to respond to the Motion to Strike described above. Further, the grant of a brief extension will not prejudice any party or cause undue delay to the resolution of this proceeding.

Pursuant to 10 C.F.R. § 2.307(a), the presiding officer may extend procedural deadlines for good cause, or by stipulation approved by the Commission or the presiding officer. The Commission has stated that “[t]he presiding officer will ultimately determine on a case-by-case basis whether a participant has demonstrated good cause for a § 2.307 request to extend a filing deadline.”<sup>2</sup> Accordingly, Holtec respectfully requests that it be afforded an extension of time to file its Answer to Combined Petitioners' Motion to Strike until February 11, 2019, for good cause shown.

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<sup>2</sup> *Final Rule, Amendments to Adjudicatory Process Rules and Related Requirements*, 77 Fed. Reg. 46,562, 46,572 (Aug. 3, 2012).

### **Certification of Consultation with Other Participants**

As required by 10 C.F.R. § 2.323(b), counsel for Holtec solicited the agreement of the other participants in this proceeding to this motion via communication on January 16, 2019. Combined Petitioners do not oppose this Motion for an extension of time, and they have advised that if circumstances warrant, they will seek leave to reply to Holtec's response. The NRC Staff and NAC do not oppose the Motion. The Alliance for Environmental Strategies did not respond to our consultation request prior to filing this Motion.

Respectfully submitted,

/Signed electronically by Timothy J. V. Walsh/

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Counsel for HOLTEC INTERNATIONAL

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Holtec International's Motion for Extension of Time has been served through the EFiling system on the participants in the above-captioned proceeding this 17<sup>th</sup> day of January 2019.

/signed electronically by Timothy J. V. Walsh/

Timothy J. V. Walsh