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USNRC
September 29, 1998

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

In the Matter of)

) Docket Nos. 50-269-LR

DUKE ENERGY CORPORATION)

) 50-270-LR

) 50-287-LR

(Oconee Nuclear Station,)
Unit Nos. 1, 2, and 3))

NRC STAFF'S RESPONSE TO
MOTION FOR ENLARGEMENT OF TIME FILED BY
NORMAN "BUZZ" WILLIAMS, WILLIAM "BUTCH" CLAY, W.S. LESAN,
AND THE CHATTOOGA RIVER WATERSHED COALITION

INTRODUCTION

Pursuant to the Atomic Safety and Licensing Board's (Board) Order of September 18, 1998, the staff of the Nuclear Regulatory Commission (Staff) hereby responds to a motion filed by Norman "Buzz" Williams, William "Butch" Clay, W.S. Lesan, and the Chattooga River Watershed Coalition (CRWC) (collectively referred to as Petitioners) requesting an enlargement of time to file amendments to their Petition for leave to intervene (Petition). For the reasons set forth below, the request should be denied.

BACKGROUND

On August 11, 1998, pursuant to 10 C.F.R. §§ 54.27 and 2.105, the Staff published a notice of opportunity for a hearing on the Duke Energy Corporation's application to renew the operating licences for the Oconee Nuclear Station (Oconee), Units 1, 2, and 3 (Notice). "Duke Energy Corporation, Oconee Nuclear Station Units 1, 2, and 3; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding

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Renewal of Licenses Nos. DPR-38, DPR-47, and DPR-55 for an Additional 20-Year Period," 63 Fed. Reg. 42,885 (1998). Pursuant to that Notice, the Petitioners filed their Petition for leave to intervene on September 8, 1998.

On September 18, 1998, the Board issued an Order that scheduled further filings regarding the Petition. "Memorandum and Order," (Sept. 18, 1998) (Prehearing Order). The Prehearing Order provided that the Petitioners could file an amendment to "address any shortcomings in their initial pleading in addressing the requirements of 10 C.F.R. § 2.714(a)(2)" no later than September 30, 1998. *Id.* at 2. On September 28, 1998, the Petitioners sent an e-mail to the Secretary of the Commission requesting an additional 30 days to file their amended Petition. The Secretary of the Commission forwarded the Petitioners' Motion to the Staff on September 28, 1998 at 6:05 p.m. As discussed below, the Petitioners have not demonstrated unavoidable and extreme circumstances to warrant an enlargement of time. Therefore, the motion should be denied.

DISCUSSION

The Prehearing Order specifically sets forth the standards for a motion for extension of time. A request for additional time must be made "at least three (3) business days before the due date of the pleading or other submission for which an extension is sought." *See* Prehearing Order at 7. The motion must "indicate whether the request is supported or opposed by the other participants" and "demonstrate 'unavoidable and extreme circumstances' that support permitting the extension." *Id.*

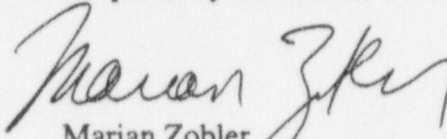
The Petitioners have failed to demonstrate "extreme and unavoidable circumstances" warranting a 30 day extension to file an amendment to their Petition. The Petitioners state

only that they need additional time to "find and retain counsel." The Petitioners have already had over two months to do so. The notice of receipt of application for renewal was published in the *Federal Register* on July 14, 1998 and indicated that an opportunity to request a hearing would be the subject of a subsequent notice. *See* 63 Fed. Reg. 37,909 (1998). The notice for an opportunity to request a hearing was published on August 11, 1998. *See* 63 Fed. Reg. 42,885 (1998). The Petitioners have had ample time to enlist the aid of counsel. The Petitioners have not set forth one reason why they could not have found and retained counsel earlier. Accordingly, no extension is warranted.

CONCLUSION

Petitioners have failed to establish sufficient cause for delaying the submission of amendments to their Petition. Accordingly, the Motion should be denied.

Respectfully submitted,


Marian Zobler
Counsel for NRC Staff

Dated at Rockville, Maryland
this 29th day of September, 1998

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S RESPONSE TO MOTION FOR ENLARGEMENT OF TIME FILED BY NORMAN "BUZZ" WILLIAMS, WILLIAM "BUTCH" CLAY, W.S. LESAN, AND THE CHATTOOGA RIVER WATERSHED COALITION" in the above captioned proceeding have been served on the following by electronic mail, with conforming copies deposited in Nuclear Regulatory Commission internal mail system, or as indicated by an asterisk, by e-mail with conforming copies deposited in United States mail, first class, or as indicated by a double asterisk by deposit in NRC internal mail system or as indicated by triple asterisk by deposit in the United States mail, first class, this 29th day of September, 1998.

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Adjudicatory File (2)**
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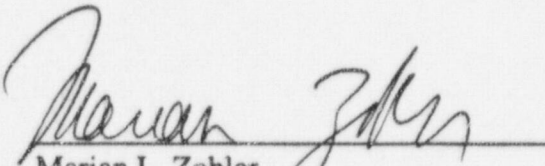
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