

STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS

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Appeal from the Administrative Law Court  
Honorable Ralph King Anderson, III, Administrative Law Judge  
Case No. 04-ALC-07-0126-CC

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Sierra Club,

Respondents,

v.

73467

South Carolina Department of Health and  
Environmental Control and Chem-Nuclear  
Systems, LLC,

Petitioners.

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MOTION FOR EXTENSION OF TIME TO FILE REPLY TO  
THE RESPONDENT'S RETURN TO PETITION FOR REHEARING  
OF  
THE PETITIONER, CHEM-NUCLEAR SYSTEMS, LLC

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Stephen P. Groves, Sr., Esquire  
Mary D. Shahid, Esquire  
Sara S. Rogers, Esquire  
*NEXSEN PRUET, LLC*  
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Charleston, South Carolina 29401  
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*Attorneys for the Respondent,  
Chem-Nuclear Systems, LLC*

**RECEIVED**

SEP 08 2014

**SC Court of Appeals**

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA  
COURT OF APPEALS:

COMES NOW the Petitioner, Chem-Nuclear Systems, LLC (“Chem-Nuclear”), pursuant to Rule 240 of the South Carolina Appellate Court Rules, and jointly respectfully requests this Court of Appeals to grant them a five (5) extension of time in which to file Chem-Nuclear’s Reply to the Respondent’s Return to Petition for Rehearing recently filed by the Respondent, Sierra Club, in this appellate matter.

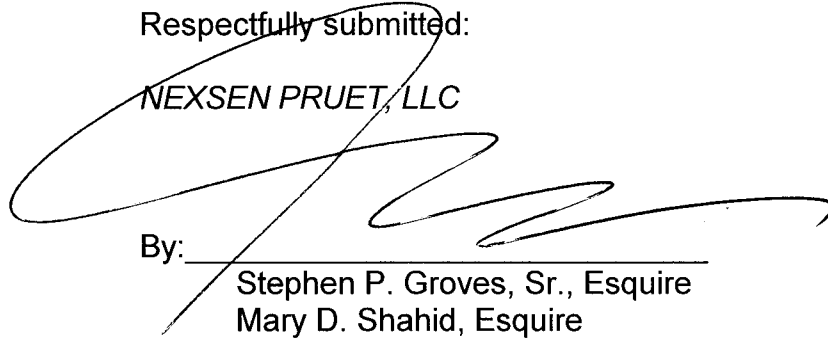
The basis for this motion is that Chem-Nuclear’s appellate counsel only received the Sierra Club’s Return to Petition for Rehearing today through the U.S. Mail and, pursuant to Rule 240(f), SCACR, Chem-Nuclear’s Reply to that Return would be due today. Even though the Sierra Club’s Return to Petition for Rehearing indicates that it was mailed on Friday, 29 August 2014, it was not received in the U.S. Mail until today – Thursday, 4 September 2014 - the fifth day after service. Apparently the Labor Day holiday weekend must have delayed delivery.

Based upon the current briefing schedule Chem-Nuclear’s Reply to the Sierra Club’s Return to Petition for Rehearing is, as has been noted, currently due this very day, 4 September 2014. Consequently, anticipating a favorable reception and subsequent grant of this motion, Chem-Nuclear’s Reply to the Sierra Club’s Return to Petition for Rehearing would then be due on Tuesday, 9 September 2014.

Finally, Chem-Nuclear respectfully requests this Court of Appeals to hold the briefing time in abeyance until such time as this motion may be considered and ruled upon.

Respectfully submitted:

*NEXSEN PRUET, LLC*



By: \_\_\_\_\_

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*Attorneys for the Petitioner,  
Chem-Nuclear Systems, LLC*

Charleston, South Carolina

4 September 2014

NPCOL1:3966521.1-MO-(SPG) 049893-00002

STATE OF SOUTH CAROLINA  
IN THE  
COURT OF APPEALS

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Appeal from the Administrative Law Court  
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Sierra Club,

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South Carolina Department of Health and  
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PROOF OF SERVICE  
for the  
MOTION FOR EXTENSION OF TIME TO FILE REPLY TO  
THE RESPONDENT'S RETURN TO PETITION FOR REHEARING  
OF  
THE PETITIONER, CHEM-NUCLEAR SYSTEMS, LLC

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*Attorneys for the Respondent,  
Chem-Nuclear Systems, LLC*

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**SC Court of Appeals**

I, Stephen P. Groves, Esquire, hereby certify that on 4 September 2014, I served a copy of the **Motion for Extension of Time in Which to File Reply to Respondent's Return to Petition for Rehearing** submitted on behalf of the Petitioner, Chem-Nuclear Systems, LLC, on all counsel of record herein via United States Mail, postage pre-paid, and addressed as follows:

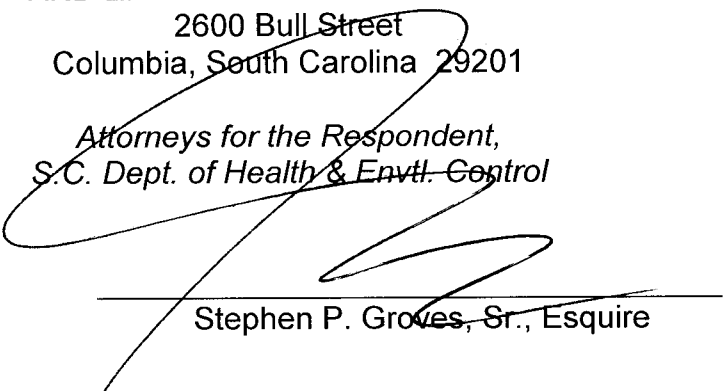
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2600 Bull Street  
Columbia, South Carolina 29201

*Attorneys for the Respondent,  
S.C. Dept. of Health & Env'tl. Control*



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Stephen P. Groves, Sr., Esquire

Charleston, South Carolina

4 September 2014

NPCOL1:3966521.1-MO-(SPG) 049893-00002

4 September 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court Of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: **Sierra Club v. South Carolina Department of Health and Environmental Control and Chem-Nuclear Systems, LLC.**

Appeal from the South Carolina Administrative Law Court  
Case Action No.: 04-ALJ-07-0126-CC  
COA Case Tracking No.: **2012-212791**  
NP File No.: 049893-00002

Dear Ms. Kitchings:

Charleston  
Charlotte  
Columbia  
Greensboro  
Greenville  
Hilton Head  
Myrtle Beach

Enclosed please the original and seven copies of a **Motion for Extension of Time in Which to File the Petitioner's Reply to the Return to Petition for Rehearing** in the above-referenced appellate matter. I also enclose the original and one copy of a **Proof of Service** indicating service of a copy of the **Motion for Extension of Time in Which to File the Petitioner's Reply to the Return to Petition for Rehearing** upon all other counsel of record. Finally, I also enclose our firm check in the amount of \$25.00 each to cover the applicable motion filing fee.

I would appreciate your filing this **Motion for Extension of Time in Which to File the Petitioner's Reply to the Return to Petition for Rehearing**, as well as the **Proof of Service**, with the Court of Appeals and returning one stamped copy of each to my attention in the enclosed self-addressed stamped envelope.

If you need anything else or I otherwise may be of any assistance to you regarding this matter, please feel free to contact me at your convenience. My direct telephone number is 843.720.1725, direct telecopier is 843.414.8206, and the e-mail is [sgroves@nexsenpruet.com](mailto:sgroves@nexsenpruet.com).

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SEP 08 2014  
**SC Court of Appeals**

NEXSEN PRUET

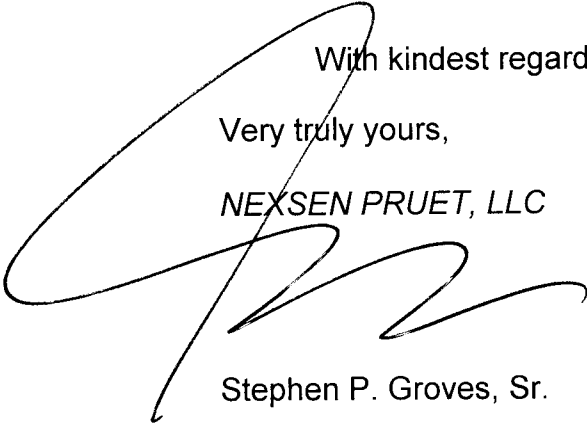
Hon. Jenny Abbott Kitchings  
Clerk of Court  
4 September 2014  
Page 2

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With kindest regards, I remain

Very truly yours,

NEXSEN PRUET, LLC



Stephen P. Groves, Sr.

SPGsr:spg

Enclosures

CCE

Amy E. Armstrong, Esquire/Michael G. Corley, Esquire

Robert Guild, Esquire

Claire H. Prince, Esquire

NPCOL1:3966585.1-LT-(SPG) 049893-00002