

August 11, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

August 18, 2004 (12:05PM)

BEFORE THE COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:)
)
System Energy Resources, Inc.)
)
(Early Site Permit for Grand Gulf ESP Site))
)
)

Docket No. 52-009

ASLBP No. 04-823-03-ESP

ANSWER BY SYSTEM ENERGY RESOURCES, INC.
TO REQUEST FOR EXTENSION OF TIME

In accordance with 10 C.F.R. §§ 2.307(a) and 2.311, System Energy Resources, Inc. (SERI) opposes the Petitioners'¹ Request for Extension of Time² to appeal the decision in LBP-04-19, Memorandum and Order (Ruling on Standing and Contentions), dated August 6, 2004. As a matter of law and under the Commission's revised rules of practice set forth in 10 C.F.R. Part 2, Petitioners' appeal is due on Monday, August 16, 2004. 10 C.F.R. § 2.311. As specified in LBP-04-19, "[c]opies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant SERI; (2) the Grand Gulf Petitioners; and (3) the staff." LBP-04-19, note 8, at 23. Thus, under the revised rules of practice, Petitioners are not entitled to add five days to the prescribed ten-day response time, and thereby erroneously calculate the purported appeal due date as August 23, 2004. See 10 C.F.R. § 2.306, ("No time is

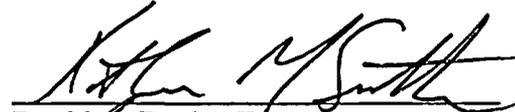
¹ The Petitioners are: the National Association for the Advanced of Colored People Claiborne County, Mississippi Branch; Nuclear Information and Resource Service; Public Citizen; and Mississippi Chapter of the Sierra Club.

² "Petitioners' Request for Extension of Time to File Appeal of LBP-04-19 and Request for Expedited Consideration," August 11, 2004.

added when the notice or paper is served in person, by courier, electronic mail or facsimile transmission.”).

Petitioners have not requested a "modest extension," but rather a lengthy sixteen-day extension of time. As such, SERI opposes the proposed request.

Respectfully submitted,



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COUNSEL FOR SYSTEM ENERGY
RESOURCES, INC.

Dated in Washington, District of Columbia
this 11th day of August 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER BY SYSTEM ENERGY RESOURCES, INC. TO REQUEST FOR EXTENSION OF TIME" in the captioned proceeding have been served as shown below by deposit in the United States mail, first class, this 11th day of August 2004. Additional service has also been made this same day by electronic mail as shown below.

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