

RAS 9944

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 05/10/05
SERVED 05/10/05

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Dr. Paul B. Abramson, Chairman
Dr. Anthony J. Baratta
Dr. David L. Hetrick

In the Matter of

EXELON GENERATION COMPANY, LLC

(Early Site Permit for Clinton ESP Site)

Docket No. 52-007-ESP

ASLBP No. **04-821-01-ESP**

May 10, 2005

ORDER

(Schedule for Intervenor's Reply)

On May 6, 2005, we received the responses of Applicant Exelon Generation Company, LLC and the NRC Staff to the motion of Intervenor Environmental Law and Policy Center, Blue Ridge Environmental Defense League, Nuclear Energy Information Service, Nuclear Information and Resource Service, and Public Citizen (collectively, the Intervenor) to amend contention 3.1. Given the extensive and detailed response by the Applicant to the specific allegations made by the Intervenor in their Motion to Amend, and the complexity and potentially-dispositive nature of the issues at hand, the Board requires additional argument from the Intervenor.

Accordingly, the Intervenor shall file a reply to the Applicant and Staff responses on or before noon EDT on May 20, 2005. In so doing, while the Intervenor may respond to the Staff's response and to Parts I through IV of the Applicant's response, the Board is particularly interested in, and therefore the Intervenor are directed to respond in detail to, Parts V and VI of the Applicant's response. In addition, the Intervenor are reminded that a reply brief is not the place for raising new contentions or bases, or for providing additional information regarding the amended contention as submitted; instead, the reply filing should be narrowly focused and respond directly, succinctly and solely to the responses of the Applicant and the Staff.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD*

/RA/

Paul B. Abramson
ADMINISTRATIVE JUDGE

Rockville, Maryland

May 10, 2005

* Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for (1) applicant EGC; (2) the Intervenor; and (3) the NRC Staff.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULE FOR INTERVENORS' REPLY) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 52-007-ESP
LB ORDER (SCHEDULE FOR INTERVENORS'
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 10th day of May 2005