

April 20, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
EXELON GENERATION COMPANY, LLC.)	Docket No. 52-007-ESP
)	
(Early Site Permit for Clinton ESP Site))	ASLBP No. 04-821-01-ESP

NRC STAFF MOTION FOR HOUSEKEEPING STAY

INTRODUCTION

On April 17, 2006, the Atomic Safety and Licensing Board ("Board") in this proceeding issued an Order requesting documents and briefings ("Order").¹ Pursuant to 10 CFR § 2.323, the NRC Staff ("Staff") respectfully requests a "housekeeping" stay of the effectiveness of this Order for the reasons set forth herein.

DISCUSSION

In its Order, the Board directed the Staff and Exelon Generation Company ("EGC" or "Applicant"), as relevant, to submit hard copies of existing or soon-to-be-completed Staff and Applicant documents regarding the EGC early site permit (ESP) application, described in Items 1 through 8, on or before May 8, 2006. Order at 2. The Board also directed the Staff to prepare and submit a detailed report described in Item 9, and notify the Board, by April 21, 2006, of the date on which it will deliver documents relevant to that Item, directing, however, that the date should be no later than May 19, 2006. Order at 3.

Because of the imminence of the first of the Order's dates, the Staff requests a stay of the effectiveness of this Order to enable the Staff to file a motion for reconsideration of the Order within the time provided by 10 CFR § 2.323, viz., no later than April 27, 2006, and

¹ Order (Request for Documents and Briefings), unpublished Order, dated April 17, 2006.

accommodate the time needed for the Board to rule on this motion. In its motion, the Staff intends to request that the Board reconsider the scope of its request for documents and briefings consistent with the Commission's Rules of Practice in 10 C.F.R. Part 2 and the Commission's Memorandum and Order regarding the Board's certified questions concerning the scope of mandatory hearings.²

Pursuant 10 CFR § 2.323, the Staff has contacted the Applicant regarding this Motion; the Applicant has no objection to the Staff's motion for a housekeeping stay.

CONCLUSION

For the reasons set forth herein, the Staff respectfully requests a housekeeping stay of the effectiveness of the Board's Order until the Board has ruled on the Staff's subsequent motion for reconsideration.

Respectfully submitted,

/RA/

Mauri T. Lemoncelli
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of April, 2006

² *Exelon Generation Co., LLC* (Early Site Permit for Clinton ESP Site) *et al.*, CLI-05-17, 62 NRC 5 (2006).

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NOTICE OF WITHDRAWAL

Notice is hereby given that effective April 20, 2006, the undersigned counsel withdraws her appearance in the above-captioned proceeding. All mail and service lists should be amended to delete my name after that date.

Respectfully submitted,

/RA/

Darani M. Reddick
Counsel for NRC Staff

Dated at Rockville, Maryland
this 20th day of April, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF MOTION FOR HOUSEKEEPING STAY" along with the "NOTICE OF WITHDRAWAL" of Darani M. Reddick in the captioned proceeding have been served on the following through electronic mail, with copies to follow by deposit in the NRC's internal mail system as indicated by a single asterisk, or through electronic mail, with copies to follow by deposit in the U.S. Mail, first class, as indicated by a double asterisk, this 20th day of April, 2006:

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/RA/

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