

**RAS 11627**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

**DOCKETED 05/09/06**

**SERVED 05/09/06**

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 9, 2006

ORDER  
(Granting Motion to Stay)

Upon consideration of the May 8, 2006 motion of the NRC Staff to stay the effectiveness of this Board's May 3, 2006 Order, granting in part and denying in part the NRC Staff's Motion for Reconsideration, and there being no opposition thereto, it is

ORDERED that the May 8, 2006 NRC Staff motion requesting a stay of the Board's May 3, 2006 order is granted until such time as the Commission has ruled on the petition for review that the Staff has stated that it intends to file pursuant to 10 C.F.R. § 2.341.

Recognizing that all parties have a strong interest in the fair and efficient management of this proceeding, and that the Applicant has timely produced to the Board its portion of the requested documents, the Board will commence its review of the Applicant's documents and the NRC Staff's Final Safety Evaluation Report in an effort to minimize delay and/or hardship. We note, nonetheless, that delay by the Staff in production of documents for the Board's review is likely to lead to delays and inefficiencies in the mandatory hearing process and, potentially, in the Board's final disposition of this proceeding; therefore, the NRC Staff is urged to expedite, to the maximum extent practicable, its petition for review.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

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Dr. Paul B. Abramson, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
May 9, 2006

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<sup>1</sup> Copies of this order were sent this date by Internet e-mail transmission to: (1) Counsel for EGC, and (2) Counsel for the NRC Staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING MOTION TO STAY) 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 (GRANTING MOTION TO STAY)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 9<sup>th</sup> day of May 2006