

May 8, 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))

NRC STAFF MOTION FOR STAY

INTRODUCTION

On May 3, 2006, the Atomic Safety and Licensing Board (“Board”) in this proceeding issued an Order¹ granting in part and denying in part the NRC Staff’s Motion for Reconsideration.² Pursuant to 10 CFR § 2.323, the NRC Staff (“Staff”) respectfully requests a stay of the effectiveness of this Order for the reason set forth herein.

DISCUSSION

In its Order, the Board directed the Staff to notify the Board not later than May 12, 2006 of the date by which it would deliver the reports originally identified in the Board’s April 17, 2006 Order and modified by its subsequent Order, directing, however, that the date should be no later than June 9, 2006. Order at 8.

Because of the imminence of the first of the Order’s dates, the Staff requests a stay of the effectiveness of this Order until such time as the Commission has ruled on the petition for review that the Staff intends to file within the time provided by 10 CFR § 2.341, viz., no later than May 23, 2006.

¹ Unpublished Order, dated May 3, 2006.

² NRC Staff Motion for Reconsideration, dated April 27, 2006.

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 stay.

CONCLUSION

For the reason set forth herein, the Staff respectfully requests a stay of the effectiveness of the Board's Order until the Commission has ruled on the Staff's forthcoming petition for review.

Respectfully submitted,

/RA/

Mauri T. Lemoncelli
Counsel for NRC Staff

Dated at Rockville, Maryland
this 8th day of May, 2006

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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF MOTION FOR STAY" 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 8th day of May, 2006:

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