

May 30, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

May 31, 2007 (4:08pm)

In the Matter of)
)
Entergy Nuclear Generation Co. and)
Entergy Nuclear Operations, Inc.)
)
)
(Pilgrim Nuclear Power Station))

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket No. 50-293-LR

ASLBP No. 06-848-02-LR

NRC STAFF MOTION FOR EXTENSION OF TIME TO REPLY TO
ENTERGY'S MOTION FOR SUMMARY DISPOSITION

INTRODUCTION

On May 22, 2007, Pilgrim Watch, by its representative, Mary Lampert, filed a request for extension of time to reply¹ to the May 17, 2007, motion for summary disposition filed by Entergy Nuclear Generation Co. and Entergy Nuclear Operations, Inc.² (collectively: Entergy). On May 25, 2007, Entergy filed its response in opposition to Pilgrim Watch's request.³ On May 28, 2007, Pilgrim Watch filed a reply to Entergy's opposition to its Request.⁴ On May 30, 2007, the Atomic Safety and Licensing Board (Board) issued an order granting the Request.⁵

¹ See Request by Pilgrim Watch for Extension of Time to Reply to Entergy's Motion for Summary Judgment, (May 22, 2007) (Request). At the same time, Pilgrim Watch filed a "Notice of Withdrawal of Molly H. Bartlett" as counsel for Pilgrim Watch, and a "Notice of Appearance of Mary Elizabeth Lampert" as representative of Pilgrim Watch.

² See Entergy's Motion for Summary Disposition of Pilgrim Watch Contention 3, (May 17, 2007).

³ See Entergy's Opposition to Pilgrim Watch Request to Extend Time to Respond to Summary Disposition of Pilgrim Watch Contention 3, (May 24, 2007).

⁴ See Pilgrim Watch's Reply to Entergy's Opposition to Pilgrim Watch Request to Extend Time to Respond to Summary Disposition of Pilgrim Watch Contention 3, (May 28, 2007) (May 28th Reply).

⁵ See Order (Granting Request for Extension), (May 30, 2007).

Pursuant to 10 C.F.R. § 2.323(a), the U.S. Nuclear Regulatory Commission Staff (Staff) hereby moves the Board for an extension of time to file its response to Entergy's motion for summary disposition.

DISCUSSION

The Board granted Pilgrim Watch's motion to extend time to file a response to Entergy's motion for summary disposition to June 29, 2007. The Staff respectfully requests that it be afforded an equivalent extension of time to file its response to Entergy's motion. Both the Commission's Regulations and the Board's scheduling order contemplate the simultaneous filing of responses to motions. The Board's December 20, 2006 scheduling order provides for simultaneous filings of responses to summary disposition motions,⁶ as does 10 C.F.R. § 2.1205(b) ("Any other party may serve an answer supporting or opposing the motion within twenty (20) days after service of the motion.")⁷

The Staff submits that it is in keeping with the intention of the Commission's Regulations and the Board's Order that the responses be filed simultaneously. In addition, granting of the Staff's request and "allowing for a response in accordance with the original response deadline does not create any delay in the already-established schedule for this proceeding."

I certify that I made a sincere effort to contact the other parties and resolve the issue raised in this motion. Mr. Lewis, counsel for Entergy, and Ms. Hollis, counsel for Plymouth Township, advised that they have no objection to the Staff's motion. I was unable to reach Ms. Lampert or Chief Nord before filing this motion.

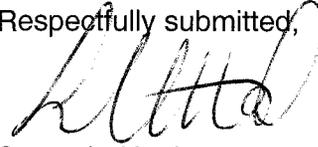
⁶ See Order (Establishing Schedule for Proceeding and Addressing Related Matters) at 6, (December 20, 2006).

⁷ If Pilgrim Watch had conferred with the Staff prior to filing the Request, the above position would have been relayed.

CONCLUSION

Based on the foregoing, the Staff respectfully requests that its motion for an extension of time to June 29, 2007 to respond to Entergy's motion for summary disposition be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Uttal", written over the typed name.

Susan L. Uttal
Counsel for NRC Staff

Dated at Rockville, Maryland
this 30th day of May, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR OPERATIONS, INC.)	Docket No. 50-293-LR
)	
(Pilgrim Nuclear Power Station))	ASLBP No. 06-848-02-LR
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR EXTENSION OF TIME TO REPLY TO ENTERGY'S MOTION FOR SUMMARY DISPOSITION" in the above-captioned proceeding have been served on the following by electronic mail and deposit in the U.S. Mail Service or by deposit in the U.S. Nuclear Regulatory Commission's internal mail system as indicated by a single asterisk(*), or by deposit in the U.S. mail system, as indicated by a double asterisk (**) this 30th day of May 2007.

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