

September 30, 2011

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
EXELON GENERATION COMPANY, LLC)	50-352-LR/ 50-353-LR
)	
(Limerick Generating Station, Units 1 and 2))	
)	

NRC STAFF'S RESPONSE TO NRDC'S AND EXELON'S REQUESTS FOR EXTENSIONS TO
FILE PETITIONS FOR HEARING AND ANSWERS TO PETITIONS

INTRODUCTION

Pursuant to 10 C.F.R. § 2.323(c), the staff of the Nuclear Regulatory Commission ("Staff") herewith files its response to the Natural Resources Defense Council's ("NRDC") and Exelon Generation Company, LLC's ("Exelon") requests for extensions of time to submit a hearing request and petition for leave to intervene and to respond to any such submission, respectively. As detailed below, the Staff does not object to either request, but requests the same extension to answer to any hearing request or petition for leave to intervene and asks that any other hearing requests or petitions for leave to intervene filed prior to November 22, 2011 be deemed filed on November 22, 2011 for purposes of calculating the date for the submission of Answers.

BACKGROUND

On August 24, 2011, the Staff published a notice in the *Federal Register* stating that the license renewal application for Limerick Generating Station, Units 1 and 2 was acceptable for

docketing and establishing October 24, 2011, as the deadline for filing Hearing Requests.¹ On September 22, 2011, the NRDC filed a request for a 30-day extension of time for filing a request for hearing and petition for leave to intervene in the above captioned proceeding.² The NRDC asserts that it has been unable to do a detailed and careful review of the Limerick license renewal application because during much of the 60-day review period, it has been “expend[ing] substantial programmatic energy both of [its] own accord and at the request of the NRC”³ on Fukushima-related activities and meetings. Given NRDC’s involvement with Commission activities during the period for review of the Limerick license renewal application, the Staff does not oppose NRDC’s request, which would extend the time for submitting a request for hearing and petition for leave to intervene from October 24, 2011 to November 22, 2011.

On September 26, 2011, Exelon submitted an answer to the Extension Request.⁴ In its Answer, Exelon did not oppose NRDC’s requested extension.⁵ However, Exelon detailed how granting this extension would “move the due date for any Request/Petition to November 22, 2011, which is the Tuesday before Thanksgiving.”⁶ Therefore, to account for the holidays, Exelon requested an extension of five (5) calendar days to answer any request for hearing or

¹ See Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing Regarding Renewal of Facility Operating License Nos. NPF-39 and NPF-85 for an Additional 20-Year Period, Exelon Generation Company, LLC, Limerick Generating Station, 76 Fed. Reg. 52992 (Aug. 24, 2011).

² Letter from Geoffrey H. Fettus, Senior Project Attorney, Natural Resources Defense Council, to Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission (September 22, 2011) (“Extension Request”). Although the letter is dated September 22, 2011, the letter was filed via the NRC’s electronic filing system September 23, 2011.

³ *Id.* at 1.

⁴ Exelon’s Answer to NRDC’s Request for Extension of Time (September 26, 2011) (“Answer”).

⁵ *Id.* at 1.

⁶ *Id.* at 1-2.

petition for leave to intervene submitted by NRDC, assuming the Commission granted NRDC's extension and NRDC submitted a hearing request or petition.⁷ The Staff does not oppose Exelon's request, but requests the same conditional 5-day extension be extended to the Staff.

Further, the Staff requests that any hearing request or petition for leave to intervene filed in this proceeding prior to November 22, 2011,⁸ shall be considered to have been filed on November 22, 2011 for purposes of calculating the time by which the Staff and Exelon must file their Answers.⁹ This will promote a more efficient and fair process and avoid piecemeal responses from the Staff and Applicant to any other hearing requests or petitions for leave to intervene.

Respectfully submitted,

/Signed (electronically) by/

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⁷ *Id.*

⁸ Assuming the Commission grants NRDC's extension request.

⁹ This type of request was granted in the Seabrook license renewal proceeding. See NextEra Energy Seabrook, LLC (Seabrook Station) Order (September 20, 2010) (unpublished) (ADAMS Accession No. ML102630577).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC STAFF'S RESPONSE TO NRDC'S AND EXELON'S REQUESTS FOR EXTENSIONS TO FILE PETITIONS FOR HEARING AND ANSWERS TO PETITIONS" in the above captioned proceeding have been served upon the following by the Electronic Information Exchange, this 30th day of September, 2011:

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