

April 17, 2013

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
)
MARK A. CARTER, JR.) Docket No. 55-42504
)
(Denial of Senior Reactor)
Operator License Application))
)

NRC STAFF'S ANSWER NOT OPPOSING PETITIONER'S SECOND EXTENSION REQUEST

On February 25, 2013, the Nuclear Regulatory Commission ("NRC") Staff issued a letter to Mark A. Carter, Jr. ("Petitioner") indicating a final denial of Petitioner's application for a Senior Reactor Operator ("SRO") license. In that letter, the NRC Staff informed Petitioner that he may, within 20 days of the date of the final denial letter, request an adjudicatory hearing pursuant to 10 C.F.R. § 2.103(b)(2). Prior to the lapse of this 20-day period, Petitioner requested a 30-day extension of the time limit to request an adjudicatory hearing. The NRC Staff did not oppose Petitioner's request, and by Order dated March 18, 2013, the Secretary of the Commission extended Petitioner's deadline to request an adjudicatory hearing to April 16, 2013.

On April 16, 2013, Petitioner submitted a second request to extend the filing deadline. Under 10 C.F.R. § 2.307(a), such deadlines may be extended by the Commission for good cause. Petitioner asserts that he is waiting for the facility licensee to issue its response to Condition Report (CR-2013-01031), which bears on his decision whether to request an adjudicatory hearing, and he therefore requests an extension until May 16, 2013.

The NRC Staff does not oppose Petitioner's request to extend the time limit for requesting an adjudicatory hearing until May 16, 2013. The NRC Staff will, however, oppose any further motion by Petitioner for an extension of the deadline to request an adjudicatory

hearing. In addition, the NRC Staff would request that, in accordance with 10 C.F.R. § 3.323(b), the Petitioner consult with Counsel for the NRC Staff prior to filing any further motions with the Commission or designated presiding officer in this proceeding so that the parties may attempt to resolve the potential issues without requiring a motion.

Respectfully submitted,

/Signed (electronically) by/

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305, I hereby certify that the foregoing NRC STAFF'S ANSWER NOT OPPOSING PETITIONER'S SECOND EXTENSION REQUEST dated April 17, 2013 has been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, this 17th day of April, 2013.

/Signed (electronically) by/
Lloyd B. Subin
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Dated at Rockville, Maryland
this 17th day of April, 2013