

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

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Michael F. Kennedy
Dr. William E. Kastenber

In the Matter of

EXELON GENERATION COMPANY, LLC

(Limerick Generating Station, Units 1 and 2)

Docket Nos. 50-352-LR, 50-353-LR

ASLBP No. 12-916-04-LR-BD01

August 6, 2013

MEMORANDUM

(Clarifying the Board's July 12, 2013 Order)

On July 12, 2013, this Board issued a brief order tolling the deadline for the Natural Resources Defense Council (NRDC) to submit certain contentions relating to the Nuclear Regulatory Commission (NRC) Staff's Draft Supplemental Environmental Impact Statement.¹ On July 22, 2013, Exelon Generation Company, LLC ("Exelon") filed a motion to clarify that order, or in the alternative, for leave to seek reconsideration of that order.² NRDC filed an answer in opposition to the motion on July 31, 2013.³ The NRC Staff did not file a response to Exelon's motion.

The confusion appears to center around our use of the phrase "these contentions" in the July 12 order. In using this phrase, we intended to toll the deadline for NRDC to re-submit the contentions that are currently pending before the Commission in NRDC's waiver petition. These contentions (enumerated Contentions 1-E-1, 1-E-2, and 3-E) are reflected on page 6 of NRDC's

¹ Licensing Board Memorandum and Order (Ruling on Resubmission of Contentions) (July 12, 2013) (unpublished) [hereinafter "July 12 Order"].

² Exelon's Motion for Clarification or, in the Alternative, for Leave to Request Partial Reconsideration of the Board's July 12 Order (July 22, 2013) [hereinafter "Motion"].

³ [NRDC's] Opposition to Exelon's Motion for Clarification or, in the Alternative, for Leave to Request Partial Reconsideration of the Board's July 12 Order (July 31, 2013) [hereinafter "Answer"].

May 30 motion re-submitting its contentions.⁴ Because the Commission's pending decision on NRDC's waiver petition would affect these contentions only, the deadline for NRDC to re-submit these contentions is tolled. We do not toll the deadline for the remaining portions of Contention 1-E or for Contentions 2-E and 4-E because the Commission's decision on the waiver petition will have no impact on those contentions. That is, the Board's ruling on NRDC's initial petition to intervene is the final word on those contentions.⁵

Finally, we do not toll the deadline for NRDC to re-submit its Waste Confidence Decision-related contention because the Commission has ordered that the Boards hold such contentions in abeyance pending further Commission order.⁶ Because we are aware of no Commission order on this subject, this contention remains in abeyance.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 6, 2013

⁴ [NRDC's] Resubmission of Contentions in Response to Staff's Supplemental Draft Environmental Impact Statement (May 30, 2013).

⁵ See LBP-12-08, 75 NRC 529 (2012). Specifically, the Board held that "[i]n all other respects, we find Contention 1-E is inadmissible," id. at 562; Contention 2-E is "inadmissible because NRDC has not raised a dispute with Exelon's application, contravening 10 C.F.R. § 2.309(f)(1)(vi), and because it is outside the scope of this proceeding," id. at 564; and "Contention 4-E is inadmissible because it fails to provide "a concise statement of the alleged facts or expert opinions which support the petitioner's position on the issue."" Id. at 570.

⁶ See Calvert Cliffs 3 Nuclear Project, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3) et al., CLI-12-16, 76 NRC 63, 68-69 (2012).

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NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
Exelon Generation Company, LLC) Docket Nos. 50-352-LR and 50-353-LR
(Limerick Generating Station, Units 1 and 2))
) ASLBP No. 12-916-04-LR-BD01
(License Renewal))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM (Clarifying the Board's July 12, 2013 Order)** have been served upon the following persons by Electronic Information Exchange.

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Limerick Generating Station, Units 1 and 2, Docket Nos. 50-362-LR and 50-363-LR
MEMORANDUM (Clarifying the Board's July 12, 2013 Order)

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[Original signed by Herald M. Speiser _____]
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Dated at Rockville, Maryland
this 6th day of August, 2013