

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY**

In the Matter of:)	
)	
)	NRC-2021-0099
EXELON GENERATION COMPANY, LLC; EXELON CORPORATION; EXELON FITZPATRICK, LLC; NINE MILE POINT NUCLEAR STATION, LLC; R. E. GINNA NUCLEAR POWER PLANT, LLC; and CALVERT CLIFFS NUCLEAR POWER PLANT, LLC)	Docket Nos.: STN 50-456, STN 50-457, 72- 73, STN 50-454, STN 50-455, 72-68, 50-317, 50-318, 72-8, 50-461, 72-1046, 50-10, 50-237, 50-249, 72-37, 50-333, 72-12, 50-373, 50-374, 72-70, 50-352, 50-353, 72-65, 50-220, 50-410, 72-1036, 50-171, 50-277, 50-278, 72-29, 50- 254, 50-265, 72-53, 50-244, 72-67, 50-272, 50-311, 72-48, 50-289, 72-77, 50-295, 50-304, and 72-1037 -LT
(Braidwood Station, Units 1 and 2; Byron Station, Unit Nos. 1 and 2; Calvert Cliffs Nuclear Power Plant, Units 1 and 2; Clinton Power Station, Unit No. 1; Dresden Nuclear Power Station, Units 1, 2, and 3; James A. FitzPatrick Nuclear Power Plant; LaSalle County Station, Units 1 and 2; Limerick Generating Station, Units 1 and 2; Nine Mile Point Nuclear Station, Units 1 and 2; Peach Bottom Atomic Power Station, Units 1, 2, and 3; Quad Cities Nuclear Power Station, Units 1 and 2; R. E. Ginna Nuclear Power Plant; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Three Mile Island Nuclear Station, Unit 1; Zion Nuclear Power Station, Units 1 and 2; and Associated Independent Spent Fuel Storage Installations))	June 11, 2021

**ENVIRONMENTAL LAW & POLICY CENTER, THE PEOPLE OF THE STATE OF
ILLINOIS, AND EXELON GENERATION COMPANY’S AGREED MOTION TO EXTEND
DEADLINE
FOR THE FILING OF CERTAIN HEARING REQUESTS
REGARDING EXELON GENERATION COMPANY, LLC’s
FACILITY OPERATING LICENSE TRANSFER APPLICATION**

I. INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.307, 2.1325, and 2.323, the Environmental Law & Policy Center (“ELPC”), and the People of the State of Illinois by the Attorney General Kwame Raoul (“the People of the State of Illinois”) hereby request an extension until Wednesday, June 23, 2021, of the deadline for ELPC and the People of the State of Illinois to file their hearing requests in the above-captioned matter. Exelon Generation Company, LLC, on behalf of itself and Exelon Corporation; Exelon FitzPatrick, LLC; Nine Mile Point Nuclear Station, LLC; R. E. Ginna Nuclear Power Plant, LLC; and Calvert Cliffs Nuclear Power Plant, LLC (collectively, “Applicants”) agree with the requested extension as to ELPC and the People of the State of Illinois. The U.S. Nuclear Regulatory Commission’s (“NRC’s”) hearing notice established an original deadline of May 24, 2021. 86 Fed. Reg. 23,437 (May 3, 2021). The NRC Secretary subsequently extended the deadline for all parties to June 14, 2021. Order Granting Motion to Extend Hearing Requests Deadline, ML21144A125 (May 24, 2021). The moving parties respectfully submit that pursuant to 10 C.F.R. § 2.307, “good cause” exists to extend the deadline further as to only ELPC and the People of the State of Illinois because of “unavoidable circumstances” that necessitate a longer time frame for preparation of hearing requests. Statement of Policy on Conduct of Adjudicatory Proceedings, CLI-98-12, 48 NRC 18, 21 (1998).

II. GOOD CAUSE EXISTS TO EXTEND THE HEARING REQUEST DEADLINE FOR ONLY ELPC AND THE STATE OF ILLINOIS

The NRC’s administrative rules provide that the Commission or the presiding officer may extend deadlines in Commission proceedings for good cause. That standard is met here with respect to ELPC and the People of the State of Illinois. The moving parties filed a Joint Motion to Amend Protective Order on June 4, 2021 to designate certain representatives of ELPC and the People of the State of Illinois as Authorized Recipients of certain Sensitive Unclassified Non-Safeguards Information (“SUNSI”). The NRC Secretary granted that motion on June 9, 2021. Order Granting Joint

Motion to Amend Protective Order ML21160A231 (June 9, 2021) (“Amended Protective Order”). Good cause exists to provide ELPC and the People of the State of Illinois with additional time so they can review the SUNSI belonging to Applicants in this proceeding. A detailed review and careful consideration of these materials is necessary to complete their hearing requests and contentions. Such a review cannot take place in a short, 5-day time span.

Adequately responding in a constructive and meaningful fashion that includes the SUNSI documents will require more time. ELPC and the People of the State of Illinois and their experts are working with Applicants for the release of the SUNSI and will begin the review of the SUNSI as soon as that information is released pursuant to the Amended Protective Order. However, the current hearing request deadline, three business days after the Amended Protective Order was issued, is not sufficient time to evaluate the SUNSI information and consult with experts covered under an amended protective order to finalize contentions. The three business days remaining before the deadline are simply insufficient time to thoroughly review the SUNSI documents and revise hearing requests and contentions accordingly. Applicants agreed to an extension of time for the People of the State of Illinois and ELPC to Wednesday, June 23, 2021, which is 10 business days after the Amended Protective Order was issued, provided that the extension applies only to the People of the State of Illinois and ELPC. Only those two parties are affected by the Amended Protective Order.

III. CONCLUSION

A thorough and meaningful response to Exelon’s Application cannot be accomplished by June 14, 2021. In light of the fact that ELPC and the People of the State of Illinois were only recently granted access to SUNSI materials through the Amended Protective Order, we jointly request that the deadline for the People of the State of Illinois and ELPC to file hearing requests be extended to Wednesday, June 23, 2021, but that the filing deadline remain unchanged as to any other party.

DATED: June 11, 2021

Respectfully submitted,
/Signed (electronically) by/

Margrethe Kearney
Counsel for ELPC
Environmental Law & Policy Center
35 E. Wacker Drive, Ste. 1600
Chicago, IL 60601
(312) 673-6500
mkearney@elpc.org