

**RAS 2867**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 03/16/01**  
**SERVED 03/16/01**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Chief Administrative Judge:

G. Paul Bollwerk, III

In the Matter of

FIRSTENERGY NUCLEAR OPERATING  
COMPANY

(Perry Nuclear Power Plant, Unit 1;  
Operating License No. NPF-58)

Docket No. 50-440-CIVP

ASLBP No. 01-784-01-CivP

EA 99-012

March 16, 2001

MEMORANDUM AND ORDER  
(Appointment of Settlement Judge)

The Chairman of the Licensing Board appointed to preside in this proceeding has provided me with a copy of a March 8, 2001 joint status report in which the parties request the appointment of a settlement judge to aid in the resolution of this 10 C.F.R. Part 2, Subpart B civil penalty proceeding. In accordance with 10 C.F.R. §§ 2.718(h), (m), 2.759; see also Rockwell International Corp. (Rocketdyne Division), CLI-90-5, 31 NRC, 337, 340 (1990), I hereby appoint Administrative Judge Alan S. Rosenthal to serve as a settlement judge in this

proceeding to conduct such additional discussions and conferences with the parties as may be appropriate.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD PANEL<sup>\*</sup>

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G. Paul Bollwerk, III  
CHIEF ADMINISTRATIVE JUDGE

Rockville, Maryland

March 16, 2001

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<sup>\*</sup> Copies of this memorandum and order were sent this date by Internet e-mail transmission to counsel for petitioner FirstEnergy Nuclear Operating Company and the NRC staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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	)	
FIRSTENERGY NUCLEAR OPERATING	)	Docket No. 50-440-CIVP
COMPANY	)	
	)	
(Perry Nuclear Power Plant, Unit 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (APPOINTMENT OF SETTLEMENT JUDGE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-440-CIVP  
LB MEMORANDUM AND ORDER  
(APPOINTMENT OF SETTLEMENT  
JUDGE)

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of March 2001