

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 3521

DOCKETED 10/25/01

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 10/25/01

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of

DUKE ENERGY CORPORATION

(McGuire Nuclear Station, Units 1 and 2,
Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-369-LR, 50-370-LR,
50-413-LR, and 50-414-LR

ASLBP No. 02-794-01-LR

October 25, 2001

MEMORANDUM and ORDER
(Regarding Filing of Documents with Licensing Board, and
Telephone Conference on Motion for Extension)

We note that Petitioner Blue Ridge Environmental Defense League (BREDL) on October 23, 2001, filed with the Commission a "Petition to Dismiss Licensing Proceeding or, in the Alternative, Hold it in Abeyance," with regard to this license renewal proceeding. BREDL has, however, apparently inadvertently, served copies of its Petition on the Licensing Board currently presiding over another proceeding in which BREDL is a petitioner, rather than this Licensing Board, resulting in a delay in all Board members receiving copies of the Petition. All participants are therefore reminded that, if they wish the Board for this proceeding to be aware of documents filed relating to this proceeding, they must file copies with the Board members listed above. (Additional contact information is provided below.)

In addition, we have received copies of NIRS Representative Mary Olson's email to all participants indicating intent to file a motion for extension of time on Monday, October 29, 2001. With regard to the intended motion, the Board finds it appropriate to discuss the intended motion, along with any other scheduling and other pertinent issues, with all participants, and has therefore scheduled a telephone conference for Tuesday, October 30, 2001, at 9:30 a.m.

Eastern Time. Parties, and others wishing to participate (to the extent there are lines available), should, at the appropriate time, call 301/231-5539 or 1-800/638-8081 and give passcode **9456#** in order to be connected to the conference.

Further, based on BREDL's filing of its Petition to the Commission, and Ms. Olson's email, this Board deems it appropriate to advise all participants that, in addition to filing all documents in this proceeding with the members of this Licensing Board, if the unavailability of relevant parts of the NRC website, the inability to obtain needed documents through other means, and/or any other circumstances lead any participant to conclude that it needs an extension of time relating to any deadline in this proceeding, any such participant must comply with the following requirements, previously set in our Order of October 16, 2001:

Motions for Extension of Time: For any motion for extension of time, except upon a showing of good cause, the participant requesting the extension shall (a) ascertain whether and when any other participant intends to oppose or otherwise respond to the motion and apprise the Licensing Board of that information in the motion; (b) serve the motion on the Licensing Board so that it is received at least three business days before the due date for the pleading or other submission for which an extension is sought (i.e., for motions for extension relating to supplemented and amended petitions, including contentions, no later than November 1, 2001); and (c) state in the motion, specifically and in detail, what "unavoidable and extreme circumstances" warrant the extension. With regard to requirement (c), a narrative description of the specific factors and circumstances that make the extension necessary, along with a similar description of the specific factors that render these circumstances "unavoidable and extreme," should be provided.

Unless the Commission grants BREDL's October 23 Petition prior to any relevant date specified above, or otherwise grants a stay of this proceeding, all participants are advised that

they will be expected to comply with the requirements described above and in our previous October 16, 2001, Order.

Since both the BREDL filing and the NIRS email both make reference to the NRC website unavailability, the Board would also inform the parties that various additional content has been added to the NRC website today. As previously noted in email, updates on the availability of the NRC website can be obtained by calling 301/415-8200 or 1-800/368-5642, extension 8200.

Finally, as also previously noted by email, Judge Rubenstein wishes to be served by mail with all filings at his address of 4760 East Country Villa Drive, Tucson, AZ 85718. In addition, the following is the new email address for Judge Rubenstein: Lesrrr@msn.com.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 25, 2001

¹Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

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NUCLEAR REGULATORY COMMISSION

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Catawba Nuclear Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (REGARDING FILING OF DOCUMENTS WITH LICENSING BOARD, AND TELEPHONE CONFERENCE ON MOTION FOR EXTENSION) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket Nos. 50-369/370/413/414-LR
LB MEMORANDUM AND ORDER (REGARDING
FILING OF DOCUMENTS WITH LICENSING
BOARD, AND TELEPHONE CONFERENCE ON
MOTION FOR EXTENSION)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 25th day of October 2001