

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 10185

DOCKETED 07/22/05

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 07/22/05

Before Administrative Judges:

Ann Marshall Young, Chair
Michael C. Farrar
Peter S. Lam

In the Matter of

DAVID H. HAWES
(Reactor Operator License for
Vogtle Electric Generating Plant)

Docket No. 55-22685-SP

ASLBP No. 05-840-01-SP

July 22, 2005

ORDER

(Ruling on NRC Staff's Request for Extension of Time
to Respond to Request for Hearing)

The NRC Staff has this date filed with this Licensing Board a motion for extension of time to respond to Mr. David Hawes' request for hearing with regard to the Staff's proposed denial of his application for a reactor operator license. The basis of the Staff's motion is that its counsel did not receive Mr. Hawes' request for hearing, which was docketed by the Office of the Secretary of the Commission (SECY) on June 28, 2005, until July 19, 2005. This will afford the Staff insufficient time to prepare its response, counsel states, because of the requirement, at 10 C.F.R. § 2.309(h)(1), that it file a response within 25 days of service of the request for hearing, which would cause the time for filing the same to expire on Monday, July 25, 2005. Staff counsel on July 21 e-mailed Mr. Hawes, asking if he had any objection to an extension to Monday, August 1, 2005. No response has been received from Mr. Hawes.

While the Board would not ordinarily rule so quickly on a motion without a response from the opposing party, in this case, since the Staff's deadline without an extension is the next business day after today, we are persuaded that ruling at this time is appropriate. We also find

a one-week extension to August 1, 2005, to be appropriate under the circumstances, and therefore GRANT the Staff's motion.

We would also notify the parties that the Board intends to hold a telephone conference in the near future to discuss the issues in the case and any procedural and other preliminary matters of concern in the proceeding. The board is tentatively planning to hold this conference during the period of August 9-11, and requests that Mr. Hawes and Staff counsel, no later than Tuesday, July 26, notify the board chair of their (and relevant NRC Staff persons') availability for a one-hour conference call during that time, or if unavailable then, during the period of August 16-18. The board will thereafter, in writing, inform the parties of the date and time of the conference, along with directions on how to connect in to the call through the use of an 800 number.

In addition, the board would note that Mr. Hawes has the right, under 10 C.F.R. § 2.314(b), to appear in his own behalf or with counsel to represent him. If he has counsel, he should provide the attorney with a copy of this order, and counsel should file a notice of appearance pursuant to § 2.314(b).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 22, 2005¹

¹Copies of this Order were sent this date by e-mail transmission to all parties.

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DAVID H. HAWES) Docket No. 55-22685
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (RULING ON NRC STAFF'S REQUEST FOR EXTENSION OF TIME TO RESPOND TO REQUEST FOR HEARING) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of July 2005