

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 10410

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 09/06/05

SERVED 09/06/05

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Anthony J. Baratta
Nicholas G. Trikouros

In the Matter of

NUCLEAR MANAGEMENT COMPANY, LLC
(Palisades Nuclear Plant)

Docket No. 50-255-LR,
ASLBP No. 05-842-03-LR

September 6, 2005

ORDER
(Regarding Requests to Reschedule)

1. Petitioners in this proceeding, involving the application of Nuclear Management Company, LLC (Nuclear Management's or NMC) to renew the operating license for its Palisades Nuclear Plant for an additional twenty-year period commencing in 2011, have, on September 2, in response to an Order issued August 31, made the following requests: Petitioners request to reschedule a telephone conference originally set for September 7, based on previously-scheduled depositions to be held that day by their lead attorney; they further request to reschedule oral argument originally scheduled for September 13-14, based on three previously-scheduled jury trials expected to be held September 13-15, 19-21, and 27-29 or 30; finally, they have also requested an extension of the deadline for any reply to the September 2 Answers of NMC and the NRC Staff to Petitioners' Request for Hearing and Petition to Intervene. Petitioners have proposed various substitute dates for those scheduled in our August 31 Order. Applicant NMC opposes Petitioners' requests. The NRC Staff did not respond to the Board's August 31 Order by the 12:00 deadline of this date set in that Order.

2. The Board finds Petitioners' lead counsel's September 7 depositions to be good cause, as provided at 10 C.F.R. §§ 2.307 and 2.332(b), for rescheduling the telephone conference for September 12, 2005, commencing at 1:30 p.m.; the parties will be notified of the

call-in numbers prior to September 12. The Board also finds lead counsel's prior schedule of jury trials to be good cause to reschedule the oral argument previously set for September 13-14, and to grant an extension of an additional seven days, until September 16, for Petitioners' reply. The Board finds good cause for resetting the previously-set dates under § 2.332(b), based on Petitioners' showing of appropriate due diligence and unavoidable circumstances, and, notwithstanding the Applicant's and NRC Staff's failure to agree to the proposed changes, based on our finding that the resetting of dates will not have an undue effect on the overall progress of this proceeding and that such resetting is appropriate in order to provide Petitioners with a meaningful opportunity to be heard on their contentions.

3. At the September 12 telephone conference, in addition to addressing the matters previously described, dates for oral argument will be scheduled. All parties are advised to hold open the following dates for such argument: October 3-7 and 11-14, and November 3-4 and 7-8.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 6, 2005¹

¹Copies of this Order were sent this date by Internet e-mail to all counsel or representatives for participants.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING REQUESTS TO RESCHEDULE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Nicholas G. Trikourous
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Darani M. Reddick, Esq.
Susan L. Uttal, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Terry J. Lodge, Esq.
316 N. Michigan St., Ste. 520
Toledo, OH 43624-1627

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LB ORDER (REGARDING REQUESTS TO
RESCHEDULE)

Jonathan Rogoff, Esq.
General Counsel
Nuclear Management Company, LLC
700 First Street
Hudson, WI 54016

David R. Lewis, Esq.
Paul A. Gaukler, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1128

[Original signed by Rebecca L. Giitter]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 6th day of September 2005