

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 10450

DOCKETED 09/14/05

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 09/14/05

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 14, 2005

ORDER

(Regarding Matters Addressed at September 12 Telephone Conference)

A telephone conference was held on September 12, 2005. in this proceeding involving the application of Nuclear Management Company, LLC (Nuclear Management or NMC) to renew the operating license for its Palisades Nuclear Plant for an additional twenty-year period commencing in 2011. The following matters were addressed at this conference:

1. Oral argument will be held November 3 and 4, 2005, in South Haven, Michigan, at a location to be announced, and will focus on the admissibility of the Petitioners' contentions. The parties were encouraged to pay close attention, in preparing their arguments, to the contention requirements of 10 C.F.R. § 2.309 and related case law, and to the case law cited in the August 31, 2005, Scheduling Order issued in this proceeding. See Transcript 7-8. If Petitioners wish to have any person other than their counsel speak for them in any portion of the oral argument, a request to such effect should be made in the Petitioners' Reply, due September 16, 2005. Tr. 15.

2. The Board will hear limited appearance statements by persons who are not parties (but including persons who are affiliated with or represented by parties), pursuant to 10 C.F.R. § 2.315, on the evening of Thursday, November 3, 2005, from 5:30 to 7:30 p.m. local time at the same location as oral argument. Each speaker will be permitted approximately 5 minutes

time. Tr. 8-9. In addition, although signs and posters will not be permitted during oral argument, signs and other displays not larger than 18" square will be permitted during the limited appearance statement public hearing in accordance with the attached statement of security procedures. See Tr. 10-12; 66 Fed. Reg. 31719 (June 12, 2001).

3. If the Petitioners wish to make a motion to vary from the preceding security procedures, it shall be filed no later than Monday, September 19, 2005. Tr. 12-13.

4. Nuclear Management agreed to provide each judge and party with a CD copy of the application at issue, and will in addition provide a paper copy to Judge Young for the Board. In addition, all parties will, in their electronic filings, include both PDF and WordPerfect or other text versions. Tr. 4-5, 16-17.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 14, 2005¹

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

PROCEDURES FOR PROVIDING SECURITY SUPPORT FOR NRC PUBLIC MEETINGS/HEARINGS

(As published in the Federal Register -Vol.66, No. 113; June 12, 2001, Notices))

These procedure will be used by NRC Headquarters and regional staff and are applicable to public hearings/meetings held at NRC Headquarters buildings, other NRC space in the Washington, D. C. area and or regional locations to include space leased for the occasion.

In order to balance the orderly conduct of government business with the right of free speech, the following procedures regarding attendance at NRC public meetings and hearings have been established:

Visitors (other than properly identified Congressional, press and government personnel) may be subject to personnel screening such as passing through metal detectors and visitors' briefcases, packages, etc., may be subject to inspection.

Signs, banners, posters and displays will be prohibited from all NRC adjudicatory proceedings (Commission and Atomic Safety and Licensing Board Panel hearings) because they are disruptive to the conduct of the adjudicatory process. Signs, banners, posters and displays not larger than 18" square will be permitted at all other NRC proceedings, but cannot be waved, held over one's head or generally moved about while in the meeting room. Signs, banners, posters and displays larger than 18" will not be permitted in the meeting room because they are disruptive both to the participants and to the audience. Additionally, signs, banners, posters and displays affixed to any sticks, poles or other similar devices will not be permitted in the meeting room.

The presiding official will note any disruptive behavior on the record and warn the person to cease such behavior. If the person does not cease the behavior, the presiding official will call a brief recess to restore order or ask one of the security personnel on hand to remove the person.

For Further Information contact:

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING MATTERS ADDRESSED AT SEPTEMBER 12 TELEPHONE CONFERENCE) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-255-LR
LB ORDER (REGARDING MATTERS ADDRESSED AT
SEPTEMBER 12 TELEPHONE CONFERENCE)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 14th day of September 2005