

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 11783

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 06/14/06

SERVED 06/15/06

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Richard F. Cole
Nicholas G. Trikouros

In the Matter of:

ENTERGY NUCLEAR GENERATION
COMPANY AND ENTERGY NUCLEAR
OPERATIONS, INC.
(Pilgrim Nuclear Power Station)

Docket No. 50-293-LR

ASLBP No. 06-848-02-LR

June 14, 2006

ORDER

(Regarding Schedule and Guidance for Proceedings)

1. This proceeding involves the application of Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (Entergy) to renew the operating license for its Pilgrim Nuclear Power Station for an additional twenty-year period commencing in 2012. In response to a March 27, 2006, notice of opportunity for hearing on the proposed license renewal, Petitioners Pilgrim Watch and the Massachusetts Attorney General (Massachusetts AG) filed, on May 25 and 26, respectively, requests for hearing and petitions to intervene in accordance with 10 C.F.R. § 2.309. On June 6 the Acting Secretary of the Commission referred the hearing request and intervention petition to the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel for appropriate action in accordance with 10 C.F.R. § 2.346(l), and on June 7 this Licensing Board was established to preside over the proceeding. Responses to the petitions are due on June 19 and 20, and replies from Petitioners Pilgrim Watch and Massachusetts AG are due on June 26 and 27, respectively, under 10 C.F.R. § 2.309(h).

2. Oral Argument on Petitions. The Licensing Board has determined that oral argument on the petitions filed in this proceeding is appropriate, and will hear such argument on July 11

and 12, 2006, in a location and with further relevant information to be announced. The participants may jointly suggest a hearing location agreeable to all participants, provided any such suggestion is provided on or before 10:00 a.m., Tuesday, June 20.

3. If it is impossible for any participant to appear at oral argument as scheduled, that participant shall notify the Licensing Board and all other participants of this no later than 4:00 p.m., Friday, June 16, by e-mail to all recipients of the e-mail transmission of this Order, and to any others who may need to be added to the service list. In the event of any such notification, all participants shall assure that a representative with authority to set schedules is available for a telephone conference call at 10:00 a.m., Tuesday, June 20, to discuss the reasons for any request to reschedule, and alternative dates for oral argument. Further information on any such conference call will be provided as necessary.

4. Counsel Notices of Appearance. Counsel for all participants who have not yet done so shall file notices of appearance pursuant to 10 C.F.R. § 2.314(b).

5. Service of Pleadings and Other Submissions. For each pleading or other submission filed in this proceeding, in addition to submitting an original and two conforming copies to the Office of the Secretary and serving a copy on every other participant in accordance with 10 C.F.R. § 2.305, a participant should serve conforming copies on the members of the Licensing Board by one of the following methods:

a. E-Mail. To complete service on the members of the Licensing Board by e-mail transmission, a participant should (a) send the filing (which should include the certificate of service) as a file attached to an e-mail message directed to each of the Licensing Board members (Internet IDs: AMY@NRC.GOV, RFC1@NRC.GOV, NGT@NRC.GOV); and (b) send paper conforming copies that same date to the Licensing Board members by regular first-class mail, at the following address:

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

For regular mail service, the NRC staff may use the NRC internal mail system (Mail Stop T-3F23) in lieu of first class mail.

Any attachments or exhibits to a pleading that cannot be transmitted by e-mail should be sent to the Licensing Board members by facsimile transmission or other means that will ensure receipt by the due date, with paper conforming copies mailed that same day.

b. Facsimile Transmission. To complete service on the members of the Licensing Board by facsimile transmission, a participant should (a) fax one copy to the attention of the members of the Licensing Board members at 301/415-5599 (verification (301/415-7393); and (b) send paper conforming copies that same date by regular mail at the address listed above.

c. Overnight or Hand Delivery. To complete service on Licensing Board members via overnight (e.g., express mail, Federal Express, etc.) or hand delivery, the Board's Washington address above may not be used; a participant must assure that the Licensing Board members are served by any such method at the following address:

Atomic Safety and Licensing Board Panel
Third Floor, Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

d. Timeliness of Service. For service on the Licensing board to be timely, any submission served by hand delivery must be received by 4:30 p.m. on the due date, and service by facsimile transmission or e-mail must be accomplished no later than 11:59 p.m. on the due date.

d. Service on Other Participants. Whichever of the methods outlined above is used for service on the Licensing Board, the participant serving the pleading should make service on all other participants and the Office of the Secretary by the same or a comparable method.

6. Motions. All motions and responses shall comply with 10 C.F.R. § 2.323; include the certification regarding good faith efforts to resolve matters at issue that is specified in § 2.323(b); and, except upon a showing of good cause, apprise the Board of whether and when any other participant intends to oppose or otherwise respond to the motion. For any motion for extension of time, the movant shall serve the motion on the Licensing Board so that it is received at least three (3) business days before the due date for the pleading or other submission for which an extension is sought; and, in addition, state in the motion, specifically and in detail, the reasons the extension is viewed to be necessary.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 14, 2006¹

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR OPERATIONS, INC.) Docket No. 50-293-LR
)
)
(Pilgrim Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING SCHEDULE AND GUIDANCE FOR PROCEEDINGS) 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
Richard F. Cole
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dianne Curran, Esq.
Harmon Curran, Spielberg & Eisenberg, L.L.P.
1726 M. Street N. W., Suite 600
Washington, D.C. 20036

Docket No. 50-293-LR
LB ORDER (REGARDING SCHEDULE AND GUIDANCE
FOR PROCEEDINGS)

Matthew Brock, Assistant Attorney General
Environmental Protection Division
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Terence A. Burke, Esq.
Entergy Nuclear
1340 Echelon Parkway
Mail Stop M-ECH-62
Jackson, MS 39213

Molly H. Bartlett, Esq.
52 Crooked Lane
Duxbury, MA 02332

David R. Lewis, Esq.
Pillsbury, Winthrop, Shaw, Pittman, LLP
2300 N Street, N.W.
Washington, DC 20037-1128

Mary E. Lampert
Director of Pilgrim Watch
148 Washington Street
Duxbury, MA 02332

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 15th day of June 2006