

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 07/03/07**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board

**SERVED 07/03/07**

G. Paul Bollwerk, III, Chairman  
Dr. Richard F. Cole  
Lester S. Rubenstein

In the Matter of

PPL SUSQUEHANNA LLC

(Susquehanna Steam Electric Station, Units  
1 and 2)

Docket Nos. 50-387-OLA and 50-388-OLA

ASLBP No. 07-854-01-OLA-BD01

July 3, 2007

MEMORANDUM

(Initial Prehearing Conference Items)

In connection with the initial prehearing conference scheduled for July 10, 2007,<sup>1</sup> in their arguments regarding the standing of petitioner Eric Joseph Epstein, the participants may wish to address the applicability, if any, of the Commission's recent decision in Consumers Energy Co. (Big Rock Point ISFSI), CLI-07-21, 65 NRC \_\_\_\_ (June 28, 2007) (ADAMS Accession No. ML071790530).

Also, relative to petitioner Epstein's June 12, 2007 reply to the answers of applicant PPL Susquehanna LLC (PPL) and the NRC staff to his intervention petition, the Licensing Board is aware that the majority decision in the Licensing Board case cited by Mr. Epstein in footnote seventeen has been reversed by the Commission. See Eric Joseph Epstein's Reply to [PPL] and the NRC Staff's Responses to Eric Joseph Epstein's Petition for Leave to Intervene,

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<sup>1</sup> By an e-mail sent June 28, 2007, Licensing Board Panel judicial law clerk Debra Wolf contacted all the participants regarding the administrative details associated with participating in this teleconference and indicated that any participant questions concerning conference logistics should be directed to her attention.

Request for Hearings and Contentions (June 12, 2007) at 8 n.17 (citing Entergy Nuclear Vermont Yankee, LLC, and Energy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), LBP-06-20, 64 NRC 131, 180-81 (2006), rev'd, CLI-07-16, 65 NRC \_\_ (Apr. 11, 2007) (ADAMS Accession No. ML071010217)).

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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G. Paul Bollwerk, III  
CHAIRMAN

Rockville, Maryland

July 3, 2007

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<sup>2</sup> Copies of this memorandum were sent this date by Internet e-mail transmission to (1) counsel for applicant PPL and the staff; and (2) petitioner Eric Joseph Epstein.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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PPL SUSQUEHANNA LLC ) Docket Nos. 50-387/388-OLA  
)  
)  
(Susquehanna Steam Electric Station, )  
Units 1 and 2)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (INITIAL PREHEARING CONFERENCE ITEMS) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 50-387/388-OLA  
LB MEMORANDUM AND ORDER  
(INITIAL PREHEARING CONFERENCE ITEMS)

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[Original signed by R. L. Giitter]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 3<sup>rd</sup> day of July 2007