

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman
Dr. Gary S. Arnold
Dr. Craig M. White

In the Matter of
PSEG POWER, LLC AND PSEG
NUCLEAR, LLC
(Early Site Permit Application)

Docket No. 52-043-ESP

ASLBP No. 15-943-01-ESP-BD01

March 10, 2016

MEMORANDUM AND ORDER
(Concerning Evidentiary Hearing Procedures)

On March 7, 2016, the Board held a prehearing conference by telephone, in which PSEG and the NRC Staff participated. The Board made the following determinations:

1. The Board does not find it necessary to conduct a site visit.
2. At the evidentiary hearing, counsel for PSEG and counsel for the NRC Staff will be given an opportunity to make opening statements, not to exceed fifteen minutes each. At the request of counsel, the Board will consider permitting brief closing statements.
3. Except as provided in paragraph four, each party shall ensure that at least one witness who has submitted prefiled testimony is available to answer the Board's questions on any aspect of each of the fourteen topics identified in the Board's January 27, 2016 and February 8, 2016 orders.¹ If a party seeks to have an individual testify at the evidentiary hearing who has not submitted prefiled written testimony, that party should so move at the hearing.
4. At least five days prior to the evidentiary hearing, the Board will endeavor, if

¹ See Licensing Board Order (Identifying Areas for Prefiled Testimony) (Jan. 27, 2016) at 2–3 (unpublished); Licensing Board Order (Identifying Additional Areas for Prefiled Testimony) (Feb. 8, 2016) at 2–3 (unpublished).

practicable, to issue an order identifying those topics, if any, on which it will not require oral testimony. Witnesses whose prefiled testimony was limited solely to such topics need not appear at the evidentiary hearing.

5. Consistent with the Board's role in this uncontested proceeding—that is, to consider the sufficiency of the NRC Staff's review of PSEG's ESP application and "not to undertake [our] own fact-finding activities"²—the parties shall not be required to submit proposed findings of fact and conclusions of law.

6. Any visual aids presented or referenced by the parties or counsel should be docketed exhibits or introduced as exhibits.

7. Any corrections to prefiled testimony should be docketed for the record with an explanation of any material differences.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 10, 2016

² Exelon Generation Co., LLC (Early Site Permit for Clinton ESP Site), CLI-05-17, 62 NRC 5, 44 (2005).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Concerning Evidentiary Hearing Procedures)** have been served upon the following persons by Electronic Information Exchange or by electronic mail.

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[Original signed by Herald M. Speiser]
Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 10th day of March, 2016