

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

Michael M. Gibson, Chair
Nicholas G. Trikouros
Dr. Gary S. Arnold

In the Matter of

ENERGY HARBOR NUCLEAR CORP.

(Perry Nuclear Power Plant, Unit 1)

Docket No. 50-440-LR

ASLBP No. 24-982-01-LR-BD01

January 4, 2024

MEMORANDUM AND ORDER
(Scheduling Initial Prehearing Conference)

This Licensing Board will hold an initial prehearing conference in this license renewal proceeding on Tuesday, January 30, 2024 beginning at 1:30 p.m. Eastern Standard Time (EST) to hear oral argument on the issues presented in the hearing request of Ohio Nuclear-Free Network (ONFN) and Beyond Nuclear (BN). Below are details on information technology and administrative matters relevant to the conduct of the conference.

A. Information Technology Matters

The oral argument will be conducted virtually using the Cisco WebEx web conferencing platform. The Board's law clerk, Noel Johnson, will contact the participants' counsel by e-mail to (1) schedule a test session conducted by the Licensing Board Panel's Information Technology staff to identify and mitigate any technical issues in advance of the conference and (2) provide information about accessing the conference.

The Board will issue a separate order the week before the oral argument with a listen-only telephone number for members of the public and other interested persons.

B. Administrative Matters

The oral argument's primary purpose is to allow the Board to ask questions and obtain answers concerning the admissibility of the petitioners' three proffered contentions under 10 C.F.R. § 2.309(f)(1). The Board will hear from counsel for ONFN and BN, counsel for Energy Harbor, and counsel for the Nuclear Regulatory Commission Staff.

Because the argument is not an evidentiary hearing, the participants should not attempt to introduce evidence during the argument. Consequently, material that has not already been cited in the participants' pleadings before the Board should not be used.

On or before noon EST on Wednesday, January 10, 2024, each of the three participants should provide the Board's law clerk, Noel Johnson, with an e-mail specifying the name or names of counsel who will be making a presentation on behalf of that participant.

Although the participants' counsel will be appearing remotely, the Board encourages all those taking part in the oral argument to conduct themselves as if in a hearing room setting, including seeking to minimize outside noise and interruptions while the conference is ongoing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 4, 2024

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENERGY HARBOR NUCLEAR CORP.) Docket No. 50-440-LR
)
(Perry Nuclear Power Plant, Unit 1))
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail.resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Michael M. Gibson, Chair, Administrative Judge
Nicholas G. Trikouros, Administrative Judge
Dr. Gary Arnold, Administrative Judge
Noel M. Johnson, Law Clerk
Emily Newman, Law Clerk
E-mail: Michael.Gibson@nrc.gov
Nicholas.Trikouros@nrc.gov
Gary.Arnold@nrc.gov
Noel.Johnson@nrc.gov
Emily.Newman@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-14A44
Washington, DC 20555-0001
David E. Roth, Esq.
Reuben I. Siegman, Esq.
Mary F. Woods, Esq.
Susan H. Vrahoretis, Esq.
Brian P. Newell, Paralegal
Georgiann E. Hampton, Paralegal
Caitlin R. Byrd, Paralegal
E-mail: David.Roth@nrc.gov
Reuben.Siegman@nrc.gov
Mary.Woods@nrc.gov
Susan.Vrahoretis@nrc.gov
Brian.Newell@nrc.gov
Georgiann.Hampton@nrc.gov
Caitlin.Byrd@nrc.gov

Counsel for Energy Harbor Nuclear Corp.
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave., N.W.
Washington, DC 20004
Scott Clausen, Esq.
Ryan K. Lighty, Esq.
Timothy Matthews, Esq.
Molly Mattison, Esq.
E-mail: Paul.Bessette@morganlewis.com
Ryan.Lighty@morganlewis.com
Scott.Clausen@morganlewis.com
Molly.Mattison@morganlewis.com

Perry Nuclear Power Plant, Docket No. 50-440-LR

MEMORANDUM AND ORDER (Scheduling Initial Prehearing Conference)

Counsel for the Ohio Nuclear-Free Network
and Beyond Nuclear

Terry J. Lodge

316 North Michigan Street, Suite 520

Toledo, OH 43604

E-mail: tjlodge50@yahoo.com

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 4th day of January 2024.