

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 10730

DOCKETED 11/14/05
ATOMIC SAFETY AND LICENSING BOARD PANEL
SERVED 11/14/05

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

November 14, 2005

MEMORANDUM
(Notice of Need for More Time)

With the September 16, 2005, filing of Petitioners' Combined Reply to NRC Staff and Nuclear Management Company [NMC] Answers, Licensing Board decisions granting or denying the Petitioners' hearing request and ruling on their remaining contentions were originally due to be issued on October 31, 2005, under 10 C.F.R. § 2.309(I). After the filing of the Reply, however, on September 26 both NMC and the NRC Staff filed Motions to Strike the Reply, a Combined Response to which was filed by Petitioners on October 6. In addition, oral argument on Petitioners' contentions, which was originally scheduled for September 13 and 14, was rescheduled based on the unavailability of Petitioners' counsel on these dates due to several previously-scheduled jury trials in September, and based further on the unavailability of Staff counsel due to the Jewish holidays in October, as well as Board member schedules in September and October. Oral argument on contentions and the motions to strike was as a result ultimately held on November 3-4, 2005. Thereafter, on November 8, the Board received a letter from Staff counsel, withdrawing one of its central arguments regarding one of the Petitioners' contentions.

In light of the preceding circumstances, the Board was unable to meet the original October 31 date for decision, but anticipates, also taking into account scheduled Licensing Board Panel activities and holidays in November and December, issuing decisions on the contentions during December, 2005, or early January, 2006.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 14, 2005¹

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

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM (NOTICE OF NEED FOR MORE TIME) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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LB MEMORANDUM (NOTICE OF NEED FOR MORE TIME)

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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

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