

**RAS 12051**

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

**DOCKETED 08/01/06**

**SERVED 08/01/06**

Before Administrative Judges:

Lawrence G. McDade, Chairman  
Nicholas G. Trikouros  
Dr. Richard E. Wardwell

In the Matter of

SYSTEM ENERGY RESOURCES, INC.

(Early Site Permit for Grand Gulf ESP Site)

Docket No. 52-009-ESP

ASLBP No. 04-823-03-ESP

August 1, 2006

ORDER  
(Establishing Tentative Case Schedule)

The Board hereby establishes the following tentative schedule for the Mandatory Hearing Proceeding relating to System Energy Resources, Inc. (SERI) proposed Grand Gulf early site permit (ESP). We stress, however, that this schedule is necessarily tentative.

As we pointed out in our Order of May 31, 2006, the Board has not yet determined what form the Mandatory Hearing in this proceeding will take.<sup>1</sup> We had anticipated that after we received and reviewed the materials specified in our April 19 Order that we would be able to choose the most efficient format within which to proceed, and at that time we would issue an order setting the schedule for this proceeding. However, in its Order of July 26, 2006, the Commission directed us to establish a schedule that would allow the Board to issue its decision in this proceeding by November 30, 2006. CLI-06-20, 63 NRC \_\_ (slip op. at 15) (July 26, 2006).

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<sup>1</sup> As the Commission pointed out “[t]he word ‘hearing’ can refer to any of a number of events, including trial-type evidentiary hearings, ‘paper hearings,’ paper hearings accompanied by oral arguments, [or] hearings employing a mixture of procedural rules.” CLI-05-17, 62 NRC 5, 42-43 (2005) (footnotes omitted). The Commission did “not dictate any particular procedure in the current case[.]” Id. at 43.

Accordingly, pursuant to the Commission's directive, we set out the following schedule which, to the degree that it varies from any earlier deadlines established by this Board, supercedes those earlier deadlines:

August 7, 2006	—	NRC Staff will submit to the Board ACRS documents <sup>2</sup>
August 11, 2006	—	NRC Staff will submit to the Board Proposed Findings of Fact and Conclusions of Law
August 25, 2006	—	SERI will submit comments on the NRC Staff's Proposed Findings of Fact and Conclusions of Law
August 28, 2006	—	Limited Appearance Session, Port Gibson, Mississippi
August 29, 2006	—	Grand Gulf ESP Site Visit by the Board
September 13, 2006	—	The Board will issue written questions to the NRC Staff relating to the Grand Gulf Safety Evaluation Report (SER)
September 29, 2006	—	The NRC Staff will submit written answers to the Board's September 13 questions relating to the Grand Gulf SER
October 3, 2006	—	The Board will issue written questions to the NRC Staff relating to the Environmental Impact Statement (EIS)
October 16, 2006	—	The NRC Staff will submit written answers to the Board's October 3 questions relating to the Grand Gulf EIS
October 19, 2006	—	Prehearing Conference to discuss issues relating to hearing procedures and testimony
October 27, 2006	—	The Board will issue an Order setting out specific hearing issues
November 9, 2006	—	The NRC Staff will submit written direct testimony relevant to the hearing issues specified by the Board
November 13, 2006	—	Prehearing Conference to further discuss hearing issues and testimony
November 15-16, 2006	—	Hearing

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<sup>2</sup> Consistent with the Commission's Order dated July 26, 2006, we direct that no later than August 7, 2006, the NRC Staff produce to the Board an index describing all documents that it submitted to the ACRS and also to produce an index of and copies of all documents that the Staff received from the ACRS relating to the Grand Gulf ESP application.

As the Board continues with its examination of this matter we may well identify areas where we need additional information in order to complete our substantive review of the NRC Staff's work on safety and environmental matters, or we may determine that we have allocated too much time for a particular stage of the proceeding. Accordingly, as noted above, this schedule is necessarily tentative and may well be superceded by subsequent orders.<sup>3</sup>

As repeatedly recognized by the Commission in its various memoranda and orders relating to the Mandatory Hearing process, we are all (the Applicant, the NRC Staff, the Board and the Commission) trying to develop procedures that will insure efficient and meaningful Mandatory Hearings. This process is complicated by the fact that these are "essentially new process[es] where the agency lacks recent experience."<sup>4</sup> Accordingly, as we all proceed through this Mandatory Hearing experience, flexibility and a spirit of cooperation will be required if we are to complete this proceeding within the time frame expected by the Commission.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>5</sup>

/RA/

Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 1, 2006

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<sup>3</sup> As noted in our earlier Orders, until our preliminary review of the record is complete, we will not know whether oral or written testimony or exhibits will be necessary in order for the Board to meaningfully evaluate the NRC Staff's review of SERI's ESP Application.

<sup>4</sup> CLI-06-20, 63 NRC at \_\_ (slip op. at 8) (July 26, 2006).

<sup>5</sup> Copies of this Order were sent this date by Internet e-mail transmission to counsel for (1) applicant SERI; and (2) the NRC Staff.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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SYSTEM ENERGY RESOURCES, INC. ) Docket No. 52-009-ESP  
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(Early Site Permit for Grand Gulf ESP Site) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (ESTABLISHING TENTATIVE CASE SCHEDULE) 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  
Lawrence G. McDade, Chair  
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

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

Robert M. Weisman, Esq.  
Patrick A. Moulding, Esq.  
Office of the General Counsel  
Mail Stop - O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Diane Curran, Esq.  
Harmon, Curran, Spielberg  
& Eisenberg, L.L.P.  
1726 M Street, NW, Suite 600  
Washington, DC 20036

Docket No. 52-009-ESP  
LB ORDER (ESTABLISHING TENTATIVE CASE SCHEDULE)

Kathryn M. Sutton, Esq.  
Paul M. Bessette, Esq.  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

[Original signed by Adria T. Byrdsong]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 1<sup>st</sup> day of August 2006