

From: Neil Sheehan *NS*  
To: INTERNET: CLorie@Reformer.Com  
Date: 9/3/04 3:51PM  
Subject: Re: questions about VY

Carolyn,

1. When does the NRC respond to the petitionors?

A.) NRC procedural rules require that any responses to the intervention petitions be filed by the NRC staff and the applicant (Entergy) within 25 days after service of the petitions.

2. If there will be a hearing, when will it be and will both parties, if accepted, participate in one or where there be two?

A.) If both petitioners (the State of Vermont and the New England Coalition) are admitted as parties, there will be a single proceeding. The timing of the hearing is difficult to predict, but further schedules (which will be available to the public) will be set by the Atomic Safety & Licensing Board (ASLB) if a hearing is granted. The ASLB conducts hearings for the Commission and performs such other regulatory functions as the Commission authorizes. The Commission (the Presidentially appointed panel that leads the agency) will decide whether a hearing is warranted.

3. How long do hearings generally last? And are they held in D.C?

A.) Depending upon how many contentions are admitted and their complexity, a hearing can last from one day to several weeks. The location of a hearing is determined by the ASLB. It may be in Vermont (in the vicinity of the plant) or at NRC Headquarters in Rockville, Md., depending on many factors.

4. Have there been interventions in other uprates?

A.) To date, there has not been a contested power uprate proceeding.

5. Has a state ever tried to intervene before? If so, which?

A.) States are frequently participants in contested proceedings before the NRC. For example, the State of Utah intervened in a proceeding involving an application for an independent spent fuel storage facility to be located in Utah. Utah was admitted as a full party to the proceeding with several contentions.

6. If a hearing is denied, is there an appeal process?

A.) If a petitioner's hearing request is wholly denied (that is, no contentions are admitted), then a petitioner may file an appeal with the full Commission. The Commission's decision, if unfavorable to the petitioner, may be appealed to the U.S. Court of Appeals.

Have a nice holiday weekend,  
Neil  
NRC Public Affairs

>>> "Carolyn Lorie" <clorie@reformer.com> 09/03/04 11:54AM >>>  
Neil,

I am writing a "Where things Stand" article on VY and would be appreciative if you could answer the following questions:

1. When does the NRC respond to the petitionors?

*CSS*

2. If there will be a hearing, when will it be and will both parties, if accepted, participate in one or where there be two?

3. How long do hearings generally last? And are they held in D.C?

4. Have there been interventions in other uprates?

5. Has a state ever tried to intervene before? If so, which?

6. If a hearing is denied, is there an appeal process?

Thanks, Neil. Have a great weekend.

Carolyn

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**From:** Neil Sheehan

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