

**RAS 11636**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 05/10/06**

ATOMIC SAFETY AND LICENSING BOARD

**SERVED 05/10/06**

Before Administrative Judges:

Alex S. Karlin, Chairman  
Dr. Anthony J. Baratta  
Lester S. Rubenstein

In the Matter of

ENTERGY NUCLEAR VERMONT YANKEE,  
L.L.C.  
and  
ENTERGY NUCLEAR OPERATIONS, INC.  
  
(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-OLA

ASLBP No. 04-832-02-OLA

May 10, 2006

ORDER

(Granting Joint Motion to Suspend Certain Filing and Discovery Obligations  
and Setting Certain Deadlines)

The Board grants the May 8, 2006 joint motion of Entergy Nuclear Vermont Yankee, LLC, Entergy Nuclear Operations Inc., the Department of Public Service of the State of Vermont (State), and the NRC Staff to suspend all discovery obligations and the requirement that the parties file, on or before May 17, 2006, initial written statements of position and written testimony with supporting affidavits, relating to the State's two admitted contentions. The suspension shall remain in effect pending Board action on the State's May 9, 2006, Amended Notice of Withdrawal and Request for Dismissal of the Contentions of the Vermont Department of Public Service (Amended Notice).

Any comments supporting or objecting to the Amended Notice and/or the proposed settlement, should be submitted to the Board, in writing, on or before May 22, 2006. Such

submissions shall focus on the “public interest” as specified in 10 C.F.R. § 2.338(I). No answers, replies, or public hearing on the withdrawal or the settlement are contemplated.<sup>1</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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Alex S. Karlin, Chairman  
Administrative Judge

Rockville, Maryland

May 10, 2006

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<sup>1</sup> In some cases, Boards have conducted a public hearing to discuss the proposed settlement. See Texas Utilities Electric Co. (Comanche Peak Steam Electric Station, Units 1 and 2), CLI-92-1, 35 NRC 1, 9 (1992). This is not contemplated here. If, however, the New England Coalition files a motion related to the State’s contentions (as it has intimated it might do, Tr. at 922), then it shall do so by May 22, 2006, and the parties shall have seven days within which to answer.

<sup>2</sup> Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) licensees Entergy Nuclear Vermont Yankee, L.L.C.; (2) intervenors Vermont Department of Public Service Department and New England Coalition of Brattleboro; and (3) the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

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ENTERGY NUCLEAR VERMONT YANKEE L.L.C. ) Docket No. 50-271-OLA  
and ENTERGY NUCLEAR OPERATIONS, INC. )  
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(Vermont Yankee Nuclear Power Station) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING JOINT MOTION TO SUSPEND CERTAIN FILING AND DISCOVERY OBLIGATIONS AND SETTING CERTAIN DEADLINES) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-271-OLA  
LB ORDER (GRANTING JOINT MOTION TO SUSPEND  
CERTAIN FILING AND DISCOVERY OBLIGATIONS AND  
SETTING CERTAIN DEADLINES)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 10<sup>th</sup> day of May 2006