

June 16, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD

June 19, 2006 (7:35am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of

Docket No. 50-271-LR

ENTERGY NUCLEAR OPERATIONS, INC.

ASLBP No. 06-849-03-LR

(Vermont Yankee Nuclear Power Station)

**VERMONT DEPARTMENT OF PUBLIC SERVICE MOTION  
FOR EXTENSION OF TIME AND ALTERNATIVE DATES FOR ORAL ARGUMENT  
AND JOINT MOTION WITH NEC FOR EXTENSION OF TIME FOR THE NRC  
STAFF AND NEC FILING DATES ON THE NEC PETITION TO INTERVENE**

Pursuant to 10 C.F.R. §§ 2.323 and 2.309(h), the Vermont Department of Public Service (“Vermont”), moves for a modification of the schedule for filing Answers and Replies to Vermont Department of Public Service Notice of Intention to Participate And Petition to Intervene (“Petition”) as contained in 10 C.F.R. §§ 2.309(h)(1) and (2). Specifically, Vermont moves that Entergy and the NRC Staff file their respective Answers to Vermont’s Petition on June 22, 2006, and Vermont files its Reply to the Answers on June 30, 2006.

Additionally, the New England Coalition (“NEC”) and NRC Staff have agreed to follow this same schedule as to the Answer and Reply regarding the NEC Petition to Intervene.

Accordingly, Vermont and NEC move to extend the filing dates for the NRC Staff Answer and NEC Reply regarding the NEC intervention petition to June 22 and June 30, 2006, respectively.

Finally, some of the parties are not available for oral argument on the tentatively set dates

of July 25 and July 26, 2006. The parties (Entergy, NEC, Commonwealth of Massachusetts, and Vermont) have conferred with each other as required by the ASLB's order of June 13, 2006, and all are available for oral argument on August 3 and 4.

### **Motion for Extension of Time**

Vermont filed its Petition electronically on Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (hereinafter collectively referred to as "Entergy") and the NRC Staff on May 26, 2006<sup>1</sup>. A hard copy was mailed via U.S. Mail postage prepaid on that same day. According to 10 C.F.R. § 2.309(h)(1), the applicant/licensee and the NRC Staff may file an Answer to the Petition within twenty-five (25) days after service. This would mean that the Answers would be due on June 21, 2006, and Vermont's Reply would be due on June 28, 2006. The ASLB has the authority to specify different dates than those contained in the regulations. 10 C.F.R. § 2.309(h). Vermont moves that the Answers of Entergy and the NRC Staff to Vermont's Petition be filed no later than June 22, 2006, and that Vermont file its Reply to the Answers no later than June 30, 2006.

Good cause exists for the modification. Vermont is represented by Mr. Anthony Roisman and undersigned counsel. Although Vermont is represented by dual counsel, Vermont relies heavily on Mr. Roisman's experience in nuclear matters before the Nuclear Regulatory

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<sup>1</sup>Although electronically sent before 5:00 PM, apparently the filing with the NRC actually was received after 5:00 PM, and according to 10 C.F.R. § 2.306, the recipients response date is extended by one day.

Commission. Mr. Roisman is on long-planned vacation, out of the state, from June 15 to June 26, 2006. Vermont would be placed in a difficult position, and hampered in preparing its Reply, if it were not able to utilize Mr. Roisman's skills in preparing a Reply due one day after his vacation.

The filing dates for the NRC Answer to the NEC intervention petition and NEC's Reply are June 20 and June 27, 2006, respectively. Good cause exists to similarly extend these filing dates because counsel for NEC is unavailable June 21 through June 23, 2006 and uniform schedules would reduce duplicative efforts, streamline the process and allow for better coordination. Given that the dates for the Entergy Answer is due June 26, 2006, and the NEC Reply is due July 3, 2006, no other party will be prejudiced by the brief extension. Therefore, NEC and Vermont jointly request that the NRC and NEC filing dates be similarly extended to June 22 and June 30, 2006.

Additionally, counsel for Vermont has consulted with the other parties (Entergy, NRC Staff, NEC, and the Commonwealth of Massachusetts) and no one objects to this modification. Although counsel for Vermont exchanged phone messages with the representative for the Town of Marlboro, we were never able to have a substantive conversation prior to this filing. See certificate of counsel attached to this Motion. In fact, Vermont agreed with Entergy and NRC Staff that instead of merely pushing out Vermont's Reply date that Entergy and the NRC Staff could have the benefit of an extra day as well as long as the Vermont Reply date was no earlier than June 30, 2006. No one will be prejudiced by this proposed extension, and the case will not suffer any appreciable delay due to this few days of extension.

### Oral Argument

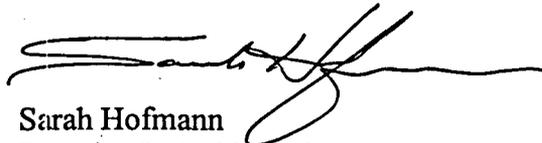
On June 13, 2006, the ASLB issued an Order tentatively scheduling oral argument in this proceeding for July 25 and 26, 2006. That order instructed the parties that if they were unable to partake in the July 25 and 26, oral argument, then participants should contact the other parties and identify at least three other consecutive two-day periods during the weeks of July 24, July 31, and August 7, 2006 for which all the participants will be available and so inform the Board.

More than one party had a conflict with the tentative dates of July 25 and 26, 2006. The potential participants consulted and were able to identify one consecutive two-day periods where all participants would be available. Those dates are August 3 and 4, 2006. Entergy, Vermont, the NRC Staff, NEC, and the Commonwealth of Massachusetts are all available on August 3 and 4, 2006.

### Conclusion

Vermont requests that the extensions of time requested herein be approved, and that the oral argument in this docket be scheduled for August 3 and 4 instead of the tentatively scheduled dates of July 25 and 26, 2006.

Respectfully submitted,



Sarah Hofmann  
Director for Public Advocacy  
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For the firm  
Attorneys for NEC

Dated this 16<sup>th</sup> day of June, 2006.

**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

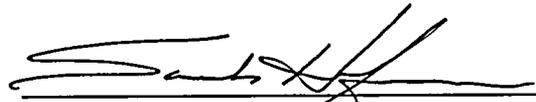
<b>In the Matter of</b>	)	
	)	<b>Docket No. 50-271</b>
<b>ENTERGY NUCLEAR VERMONT</b>	)	
<b>YANKEE LLC AND ENTERGY NUCLEAR</b>	)	<b>ASLBP No. 06-849-03-LR</b>
<b>OPERATIONS, INC.</b>	)	
<b>(Vermont Yankee Nuclear Power Station)</b>	)	

**CERTIFICATE OF COUNSEL**

Pursuant to 10 C.F.R. § 2.323(b) the undersigned counsel certifies that she has communicated with counsel for Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (hereinafter collectively referred to as "Entergy"), David Lewis; the NRC Staff, Mitzi Young; the Commonwealth of Massachusetts, Diane Curran; and counsel for New England Coalition ("NEC"), Ronald Shems, and states the following to be true and correct as follows:

1. On June 15, 2006, by a series of electronic mail and telephone calls, I communicated with the participants listed above and asked them if they could agree to a slight schedule shift allowing Entergy and the NRC Staff to file Answer to Vermont's Petition to Intervene on June 22, 2006, and Vermont would Reply on June 30, 2006. No party had any objection to this schedule.
2. On June 15 and 16, after a series of electronic mail, the participants listed above agreed that all could be available for oral argument on August 3 and 4.
3. I was not able to make contact with the Town of Marlboro representative.

I declare under penalty of perjury that the foregoing is true and correct.



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Sarah Hofmann  
Director for Public Advocacy  
Vermont Department of Public Service

Executed on June 16, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENTERGY NUCLEAR VERMONT	)	Docket No. 50-271-LR
YANKEE LLC AND ENTERGY NUCLEAR	)	ASLBP No. 06-849-03-LR
OPERATIONS, INC.	)	
(Vermont Yankee Nuclear Power Station)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the Vermont Department of Public Service Motion For Extension of Time and Alternative Dates for Oral Argument and Joint Motion with NEC for Extension of Time for the NRC Staff and NEC Filing Dates on the NEC Petition to Intervene and Certificate of Counsel, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 16<sup>th</sup> day of June, 2006.

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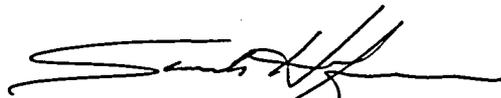
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Respectfully submitted,



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