

RAS 12104

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

DOCKETED 08/11/06

SERVED 08/11/06

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Richard E. Wardwell
Dr. Thomas S. Elleman

In the Matter of

ENTERGY NUCLEAR VERMONT YANKEE,
LLC, and
ENTERGY NUCLEAR OPERATIONS, INC.

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-LR

ASLBP No. 06-849-03-LR

August 11, 2006

ORDER

(Striking Entergy's Letter to the Board and Attached Materials)

Pursuant to 10 C.F.R. § 2.319(d), the Board strikes the July 28, 2006, letter from counsel for Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (collectively, Entergy), and the attached documents, from the record of this proceeding as irrelevant and immaterial. The letter described the contents of the two attached documents and alleged that these materials were relevant to the New England Coalition's (NEC's) first and second contentions in this proceeding, which NEC filed on May 26, 2006, as part of its Petition for Leave to Intervene.¹ Entergy's filing sought no action from the Board.

Counsel for NEC filed a letter objecting to this submission on Saturday, July 29, 2006. At oral argument on August 1, 2006, the Board struck Entergy's filing from the record. Tr. at 61. This order confirms that ruling.

¹ [NEC] Petition for Leave to Intervene, Request for Hearing, and Contentions (May 26, 2006) at 10-17.

The Board also finds it appropriate to advise the parties, at the outset of this proceeding, that the record should not be cluttered with “for your information” letters, documents, general observations, and conclusions of counsel. Filings in this proceeding should be formal, with the caption of the case and with attached documents or affidavits to support any factual statements or allegations. Communication with this Board via letter or e-mail is generally inappropriate, except for minor procedural questions or corrections. Further, parties are encouraged to limit their formal submissions to those that are required or allowed under our rules of practice or orders or that request some action or relief from the Board. Rules relating to ex parte communications and separation of functions should be strictly observed. See 10 C.F.R. §§ 2.347 and 2.348.

As the filing is stricken, no additional responsive filings are necessary or appropriate.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

Alex S. Karlin
ADMINISTRATIVE JUDGE

Rockville, Maryland

August 11, 2006

² Copies of this order were sent this date by Internet e-mail transmission to counsel or a representative for (1) applicants Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc.; (2) petitioners Town of Marlboro, Vermont, the Massachusetts Attorney General, the State of Vermont Department of Public Service, and the New England Coalition; and (3) the NRC staff.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (STRIKING ENTERGY'S LETTER TO THE BOARD AND ATTACHED MATERIALS) 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
Alex S. Karlin, Chair
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

Administrative Judge
Thomas S. Elleman
Atomic Safety and Licensing Board Panel
5207 Creedmoor Rd., #101
Raleigh, NC 27612

Mitzi A. Young, Esq.
Steven C. Hamrick, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Ronald A. Shems, Esq.
Karen Tyler, Esq.
Shems Dunkiel Kassel & Saunders, PLLC
91 College Street
Burlington, VT 05401

Docket No. 50-271-LR
LB ORDER (STRIKING ENTERGY'S LETTER TO THE BOARD
AND ATTACHED MATERIALS)

Sarah Hofmann, Esq.
Director for Public Advocacy
Department of Public Service
112 State Street - Drawer 20
Montpelier, VT 05620-2601

Anthony Z. Roisman, Esq.
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768

Matthew Brock, Esq.
Assistant Attorney General
Office of the Massachusetts Attorney General
Environmental Protection Division
One Ashburton Place, Room 1813
Boston, MA 02108-1598

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

Callie B. Newton, Chair
Gail MacArthur
Lucy Gratwick
Town of Marlboro
SelectBoard
P.O. Box 518
Marlboro, VT 05344

Dan MacArthur, Director
Town of Marlboro
Emergency Management
P.O. Box 30
Marlboro, VT 05344

David R. Lewis, Esq.
Matias F. Travieso-Diaz, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1128

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of August 2006