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

DOCKETED 09/27/06

SERVED 09/27/06

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

September 27, 2006

ORDER

(Redaction of Transcript of Proprietary Session)

The evidentiary hearing in this proceeding was held on September 13, and 14, 2006. A closed session was held on the afternoon of September 14, during which the Board questioned the Applicant's witnesses regarding certain proprietary documents that were submitted as part of the prefiled testimony. Party representatives who signed confidentiality and non-disclosure agreements were permitted to attend this closed session. In addition, pursuant to an unopposed request from the Department of Public Service of the State of Vermont, an attorney for the State who had signed the non-disclosure agreement was permitted to attend the proprietary session. Representatives of the New England Coalition (NEC) declined to sign such agreements and were not permitted to attend.

At the conclusion of the entire evidentiary hearing, NEC's pro se representative requested the production of a redacted version of the transcript for the closed session. Tr. at 1611. The Board took this request under consideration at that time. Tr. at 1612.

The closed session dealt with proprietary information offered in evidence by Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (collectively, Entergy). NRC policy requires a “balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the basis for and effects of licensing . . . actions.” 10 C.F.R. § 2.390(b)(2).

The Board directs Entergy to submit a copy of the transcript of the closed session, Tr. at 1579-1607, marked with any redactions that Entergy believes are necessary to protect the information that Entergy claims to be proprietary. Entergy may also submit a brief, not exceeding five pages, explaining why Entergy believes the redactions to the transcript are necessary and appropriate. The proposed redactions and brief shall be submitted on or before October 4, 2006. The brief shall be served on all parties hereto, but the proposed redacted version of the transcript need only be served on the parties that have filed the non-disclosure agreement. Subject to the same conditions, the NRC Staff may also file a proposed redacted version of the transcript and brief on or before October 4, 2006.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Alex S. Karlin
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 27, 2006

¹ Copies of this order were sent this date by Internet e-mail transmission to representatives for (1) licensees Entergy Nuclear Vermont Yankee L.L.C., and Entergy Nuclear Operations, Inc.; (2) intervenor New England Coalition of Brattleboro, Vermont; and (3) the NRC Staff.

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NUCLEAR REGULATORY COMMISSION

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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 (REDACTION OF TRANSCRIPT OF PROPRIETARY SESSION) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-271-OLA
LB ORDER (REDACTION OF TRANSCRIPT OF PROPRIETARY
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 27th day of September 2006