

RAS 12356

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

DOCKETED 10/12/06

SERVED 10/12/06

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

October 12, 2006

ORDER

(Granting Extension of Time to File
Proposed Corrections to Transcript and
Proposed Findings of Fact and Conclusions of Law)

On September 13 and 14, 2006, the Board conducted the evidentiary hearing in this proceeding. Pursuant to our instructions, the parties were obliged to submit proposed corrections to the transcript within twenty (20) days of the close of the evidentiary hearing,¹ and to submit proposed findings of fact and conclusions of law, citing specifically to the relevant pages in the transcript, within thirty (30) days of the close of the evidentiary hearing. Tr. at 1609.² Tr. at 1609-10. These instructions were founded, inter alia, on the assumption that a copy of the transcript would become publicly available to the parties, and in particular to the New England Coalition (NEC), on the NRC's Agencywide Documents Access and Management System (ADAMS) well before the twenty- and thirty-day deadlines would expire.

¹ See 10 C.F.R. § 2.327(d).

² Licensing Board Order (Revised Scheduling Order) at 5 (Apr. 13, 2006) (unpublished).

At the close of the evidentiary hearing, NEC requested that a redacted version of the transcript of the proprietary portion of the hearing be made available. Tr. at 1611. Pursuant to that request, on September 27, 2006 the Board ordered Entergy Nuclear Vermont Yankee, L.L.C. and Entergy Nuclear Operations, Inc. (collectively, Entergy) to submit its proposed redacted version of the transcript of the proprietary portion of the evidentiary hearing, and, on October 4, 2006, Entergy did so.³ The Board has decided to accept Entergy's proposed redactions and, simultaneously with this order, we are issuing an order making the redacted version of the transcript available to NEC and the public.

Meanwhile, on October 6, 2006, NEC moved for a two-week extension of the time to file proposed findings of fact and conclusions of law.⁴ NEC noted that there appeared to be a delay in making transcripts publicly available on ADAMS. Id. at 1-2. NEC also noted that although it had been unsuccessful in attempting to consult with Entergy, the NRC Staff does not oppose the motion, provided that the extension for filing is granted to all parties. Id. at 3. Entergy then filed a response indicating that it does not oppose the motion, again provided that the extension of time is granted to all parties.⁵

Upon investigation, the Board determined that the transcript of the public portions of the September 13 and 14, 2006 evidentiary hearing is not yet available on ADAMS. It is our understanding that this transcript will be available on ADAMS on or before October 16, 2006.

³ Licensing Board Order (Redaction of Transcript of Proprietary Session) (Sept. 27, 2006) (unpublished).

⁴ New England Coalition's Motion for Extension of Time to File Proposed Findings of Fact, and Conclusions of Law Following Evidentiary Hearing (Oct. 6, 2006).

⁵ Entergy's Response to New England Coalition's Motion for Extension of Time to File Proposed Findings of Fact and Conclusions of Law Following Evidentiary Hearing (Oct. 10, 2006).

In these circumstances the Board concludes it is necessary to extend the deadlines herein as follows. First, NEC is granted until October 30, 2006, to file proposed corrections to the transcript. Second, all parties are now instructed to file their proposed findings of fact and conclusions of law, specifically citing to the testimony, exhibits and transcript, on or before November 7, 2006.⁶

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁷

/RA/

Alex S. Karlin
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 12, 2006

⁶ As the Board may not have issued the corrections to the transcripts (both public sessions and proprietary session) by November 7, 2006, the parties may use the uncorrected version of the transcript when citing thereto in the proposed findings of fact and conclusions of law.

⁷ 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 (GRANTING EXTENSION OF TIME TO FILE PROPOSED CORRECTIONS TO TRANSCRIPT AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW) 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 (GRANTING EXTENSION OF TIME TO FILE
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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of October 2006