

RAS 12396

October 6, 2006  
DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

October 17, 2006 (11:36am)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of )  
)  
ENTERGY NUCLEAR VERMONT YANKEE, )  
LLC and ENTERGY NUCLEAR )  
OPERATIONS, INC. )  
)  
(Vermont Yankee Nuclear Power Station) )

Docket No. 50-271-OLA

ASLBP No. 04-832-02-OLA

NEW ENGLAND COALITION'S MOTION FOR EXTENSION OF TIME  
TO FILE PROPOSED FINDINGS OF FACT, AND CONCLUSIONS OF LAW  
FOLLOWING EVIDENTIARY HEARING

INTRODUCTION

Pursuant to 10 C.F.R. § 2.323, New England Coalition hereby requests (1) two week extension of time, until October 30, 2006, in which to comply with the Atomic Safety and Licensing Board's "Initial Scheduling Order of February 1, 2005 Order requiring that 30 days after close of oral hearing, parties file proposed findings of fact and conclusions of law on contentions. In support of this request, the New England Coalition states as follows:

1. New England Coalition is seeking this extension so as to have time to incorporate references to the final hearing transcript- once it is made public and published in the electronic hearing docket or in ADAMS.

Prior to hearing, New England Coalition contacted Neal Gross Court Reporters to order a transcript, but found it be prohibitively expensive.

Assured that the transcript would be published 10-14 days after the hearing, New England Coalition focused preparation of its brief on the written testimony and applicable law while waiting publication of the transcript.

As of this Friday morning, October 6, 2006, more than three weeks after hearing, the transcript has yet to be published for public access and just one week remains before the filing deadline.

2. On September 27, 2006, the Board, in response to a request from New England Coalition, ordered Entergy, the applicant, and NRC Staff to produce by October 4, 2006, (a) proposed redacted version(s) of transcripts of the closed session portion of the evidentiary hearings (Tr. at 1579-1607) that dealt with proprietary information. On October 4, 2006 Entergy timely filed its proposed redactions. However, the Board has yet to rule on the acceptability of the proposed redacted version of this portion of the transcript and the approved redacted version has yet to be provided or published. New England Coalition therefore cannot ascertain what information contained therein may be germane to its case and should be referenced in its Proposed Findings of Fact and Conclusions of Law.

3. New England Coalition has commenced preparation of its Proposed Findings of Fact and Conclusions of Law, but has found that due to an unusual delay in the production of publicly available transcripts of the evidentiary hearings (both non-proprietary and proprietary sessions) a reasonable extension of time is needed to permit the completion of its filing.

4. In addition, the undersigned pro se representative has been required, in his position as Technical Advisor to the New England Coalition, to address other time-sensitive matters, including pressing matters involved in other NRC and State of Vermont adjudicatory proceedings regarding the interests of New England Coalition with respect to this licensee.

5. For all of the above reasons, New England Coalition is unable to complete its Proposed Findings of Fact and Conclusions of Law without the allowance of additional time.


6. Accordingly, New England Coalition has determined that, pending prompt publication of the transcripts (including transcripts with redacted proprietary information) it requires an additional period of approximately two weeks or until , October30, 2006, in which to file its Proposed Findings of Fact and Conclusions of Law following evidentiary hearing in the above captioned matter. New England Coalition respectfully submits that respectfully submits that the filing of its Proposed Findings of

Fact and Conclusions of Law on October 30<sup>th</sup> will not cause harm to any other party or undue delay in the conclusion of this proceeding.

6. New England Coalition's *pro se* representative has discussed this request with Counsel for the Applicant and Counsel for the NRC Staff. Counsel for the Applicant stated that he will need to consult his client regarding this request but has not thus far indicated whether the Applicant opposes or supports this request. Counsel for the NRC Staff stated that they do not oppose this request provided that the due date for filing of Proposed Findings of Fact and Conclusions of Law be similarly extended for all parties.

WHEREFORE, the New England Coalition respectfully requests that the due date for filing Proposed Findings of Fact and Conclusions of Law by all parties be modified, pending the anticipated publication of the subject transcripts during the week of October 8<sup>th</sup>, to allow the filing on October 30, 2006.

Respectfully submitted,



Raymond Shadis  
New England Coalition

Dated at Edgecomb, Maine  
this 6<sup>th</sup> day of October 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

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

Docket No. 50-271OLA

ASLBP No. 04-832-02-OLA

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class; or by e-mail as indicated by a double asterisk (\*\*), this 6<sup>th</sup> day of October, 2006.

<p>Alex S. Karlin, Chair** Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: ask2@nrc.gov</p>	<p>Dr. Anthony J. Baratta** Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: ajb5@nrc.gov</p>
<p>Lester S. Rubenstein** Administrative Judge Atomic Safety and Licensing Board Panel 4760 East Country Villa Drive Tucson, AZ 85718 E-mail: lesrrr@comcast.net</p>	<p>Office of the Secretary** ATTN: Rulemaking and Adjudications Staff Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: HEARINGDOCKET@nrc.gov</p>
<p>Office of Commission Appellate Adjudication* Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001</p>	<p>John M. Fulton, Esq. Assistant General Counsel Entergy Nuclear Operations, Inc. 440 Hamilton Avenue White Plains, NY 10601</p>

<p><b>Marcia Carpentier, Esq.**</b> Law Clerk Atomic Safety and Licensing Board Panel Mail Stop: T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 (E-mail: <a href="mailto:MXC7@nrc.gov">MXC7@nrc.gov</a>)</p>	<p><b>Raymond Shadis**</b> Staff Technical Advisor New England Coalition P.O. Box 98 Edgecomb, ME 04556 E-mail: <a href="mailto:shadis@prexar.com">shadis@prexar.com</a>, <a href="mailto:shadis@ime.net">shadis@ime.net</a></p>
	<p><b>Sherwin E. Turk, Esq.**</b> Richard Ennis, NRR, US NRC Office of the General Counsel Mail Stop O-15 D21 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 <a href="mailto:set@nrc.gov">set@nrc.gov</a>, <a href="mailto:jcz@nrc.gov">jcz@nrc.gov</a></p>



**Raymond Shadis**  
*Pro Se* Representative  
New England Coalition

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

*In the matter of*

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

October 6, 2006

Docket No. 50-271

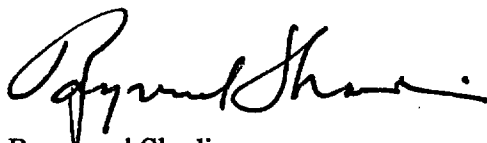
ASLBP No. 04-832-02-OLA

Office of the Secretary  
ATTN: Rulemaking and Adjudications Staff  
Mail Stop: O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Rulemaking and Adjudications Staff,

Please find for filing in the above captioned matter one original and two copies of  
**NEW ENGLAND COALITION'S MOTION FOR EXTENSION OF TIME TO FILE  
PROPOSED FINDINGS OF FACT, AND CONCLUSIONS OF LAW FOLLOWING  
EVIDENTIARY HEARING.**

Thank you for your kind assistance in making this filing,



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New England Coalition  
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