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

DOCKETED 01/23/07

SERVED 01/23/07

Before Administrative Judges:

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

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-LR

ASLBP No. 06-849-03-LR

January 23, 2007

ORDER

(Granting Entergy Motion to Stay Further Proceedings Related to NEC Motion to Compel)

On January 18, 2007, Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (collectively, Entergy) filed a motion to stay further proceedings related to a motion filed by the New England Coalition (NEC) on January 16, 2007.¹ NEC's motion sought to compel clarification of the privilege logs and production of certain documents related to NEC Contention 1 for which Entergy claimed the work-product privilege.²

Entergy argues for a stay of further proceedings on this motion on the ground that the Commission has taken sua sponte review of the Board's decision to admit NEC Contention 1. Entergy Motion at 1; see also Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), CLI-07-01, 65 NRC __ (2007).

¹ Entergy's Motion to Stay Further Proceedings on New England Coalition's Motion to Compel (Jan. 18, 2007) [Entergy Motion].

² New England Coalition, Inc.'s Motion to Compel (Jan. 16, 2007).

Entergy argues that, given the likelihood that the Commission will rule on NEC Contention 1 soon, "it would be a misallocation of the parties' resources and those of the Board to address NEC's Motion at the present time." Entergy Motion at 2.

The Board grants Entergy's motion to stay further proceedings related to NEC's motion to compel, with the following provisions. As specified in the motion, the parties will continue to make all disclosures, including those related to NEC Contention 1. If the Commission ultimately upholds the admission of NEC Contention 1, then the parties shall submit answers to NEC's motion to compel no more than ten (10) days after the date of the Commission's order. If the Commission reverses the admission of NEC Contention 1, then NEC's motion to compel is moot and no further proceedings related to it are required. If the Commission remands the matter to the Board, then we will provide the parties with further instruction at that time.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 23, 2007

³ Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) licensees Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc.; (2) intervenors Vermont Department of Public Service and New England Coalition of Brattleboro, Vermont; (3) the Staff and (4) the State of New Hampshire.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING ENTERGY MOTION TO STAY FURTHER PROCEEDINGS RELATED TO NEC MOTION TO COMPEL) 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.
David E. Roth, 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
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PROCEEDINGS RELATED TO NEC MOTION TO COMPEL)

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

Jennifer J. Patterson, Esq.
Office of the New Hampshire
Attorney General
33 Capitol Street
Concord, NH 03301

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 23rd day of January 2007