

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

RAS 13783

DOCKETED 06/18/07

SERVED 06/18/07

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

June 18, 2007

ORDER

(Setting Deadline for any Motion to Dismiss NEC Contention 2 as Moot)

On June 12, 2007, this Board held a pre-hearing conference call with the parties to discuss case management issues. At that time, counsel for Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (collectively, Entergy) informed the Board that its contractors had performed a fatigue analysis of reactor components in order to address possible shortcomings alleged by the New England Coalition (NEC) in its Contention 2, and that Entergy expected to use the fatigue analysis report as the basis of a motion to dismiss the contention as moot.¹ Entergy's counsel stated that it did not consider any such motion to be covered by the July 15, 2007, deadline for motions for summary disposition established in our

¹ Tr. at 568-69. See also Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station) LBP-06-20, 64 NRC 131, 183-87 (2006) (admitting NEC Contention 2).

Initial Scheduling Order of November 17, 2006.²

Meanwhile, counsel for NEC requested 30 days from the date of the conference call to review the current draft of the fatigue analysis and to submit any additional contentions based on this new information. Tr. at 585. The other parties did not oppose this request, and the Board granted it. At that time, the Board also mentioned the possibility of establishing a deadline for any motion to dismiss NEC Contention 2 as moot. Id.

Subsequently, the Board has discussed this matter and determined that a 30-day time limit would also be appropriate for any motion to dismiss NEC Contention 2 as moot. Accordingly, any such motion to dismiss shall be filed no later than 30 days from the June 12, 2007, conference call.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 18, 2007

² Licensing Board Order (Initial Scheduling Order) (Nov. 17, 2006) at 7 (unpublished).

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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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SETTING DEADLINE FOR ANY MOTION TO DISMISS NEC CONTENTION 2 AS MOOT) 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.
David E. Roth, Esq.
Mary C. Baty, 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 (SETTING DEADLINE FOR ANY MOTION
TO DISMISS NEC CONTENTION 2 AS MOOT)

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.
Elina Teplinsky, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1128

Peter C. L. Roth, Esq.
Senior Assistant Attorney General
State of New Hampshire
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 18th day of June 2007