

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 13793

ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 06/21/07

SERVED 06/21/07

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 21, 2007

ORDER

(Granting NEC Motion for Extension of Time)

On June 5, 2007, Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (collectively, Entergy) filed a motion for summary disposition of the New England Coalition's (NEC's) Contention 4.¹ According to the provisions of 10 C.F.R. § 2.1205(b), answers to such a motion would ordinarily be due twenty days after the motion is filed, in this case on June 25, 2007. On June 18, 2007, NEC filed a motion to extend this deadline to July 16, 2007.² In the motion, NEC noted the volume of disclosed material concerning this contention and the difficulty NEC's expert is having in reviewing a large number of documents that have been provided in non-searchable formats. *Id.* at 1. On June 19, 2007, the Board issued an order directing other parties to file answers to this motion by June 20,

¹ Entergy's Motion for Summary Disposition of [NEC's] Contention 4 (Flow Accelerated Corrosion) (June 5, 2007). 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, 192-96 (2006) (admitting NEC Contention 4).

² [NEC] Motion to Extend Time for NEC's Opposition to Entergy's Motion for Summary Disposition of [NEC's] Contention 4 (Flow Accelerated Corrosion) (June 18, 2007).

2007.³ Entergy filed an answer opposing the motion.⁴ The NRC Staff filed an answer opposing the motion or, alternately, requesting the same extension of time to file its answer.⁵

The Board hereby grants NEC's motion for an extension of time, and sets a deadline of July 16, 2007, for NEC's answer to Entergy's motion for summary disposition. NEC has shown good cause for such an extension, as required by 10 C.F.R. § 2.307(a), and has filed its motion in accordance with the instructions in our Initial Scheduling Order in this case.⁶

The Board denies the NRC Staff's request for the same extension of time, on the ground that the Staff has not shown any independent reason for requiring such an extension.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁷

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 21, 2007

³ Licensing Board Order (Setting Deadline for Answers to NEC Motion to Extend Time) (June 19, 2007) (unpublished).

⁴ Entergy's Response in Opposition to [NEC's] Motion to Extend Time (June 20, 2007).

⁵ NRC Staff Answer to [NEC's] Request for More Time to Reply to Motion for Summary Disposition of [NEC] Contention 4 (June 20, 2007).

⁶ Licensing Board Order (Initial Scheduling Order) (Nov. 17, 2006) at 9 (unpublished).

⁷ 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.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR VERMONT YANKEE, LLC,)
)
and)
)
ENTERGY NUCLEAR OPERATIONS, INC.) Docket No. 50-271-LR
)
(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING NEC MOTION FOR EXTENSION OF TIME) 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 (GRANTING NEC MOTION FOR EXTENSION
OF TIME)

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 21st day of June 2007