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UNITED STATES
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

June 19, 2007 (3:36pm)
OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)	
)	
Entergy Nuclear Vermont Yankee, LLC)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.)	ASLB No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

**NEW ENGLAND COALITION, INC.'S (NEC) MOTION TO WITHHOLD
DECISION OF ENTERGY'S MOTION FOR SUMMARY DISPOSITION OF
NEW ENGLAND COALITION CONTENTION 3 (STEAM DRYER)**

Pursuant to 10 C.F.R. §§ 2.323 and 2.710(c), and the Board's Initial Scheduling Order ¶ 6, New England Coalition, Inc. ("NEC") requests that the Board withhold decision of Entergy's Motion for Summary Disposition of New England Coalition Contention 3 (Steam Dryer)¹ until inspection reports, video tapes and any other materials documenting results of a May 2007 inspection of the Vermont Yankee steam dryer are made available to the parties, NEC has reviewed and assessed these materials, and NEC has filed its assessment with the Board as evidence supporting NEC's opposition to Entergy's Motion for Summary Disposition of NEC's Contention 3. NEC requests that the Board allow NEC until July 19, 2007 to complete and file with the Board its assessment of the inspection results.

The Vermont Yankee steam dryer was inspected in May 2007 for the first time since the plant commenced operation under EPU. See, NRC Staff's Answer in Support of Entergy's Motion for Summary Disposition of New England Coalition Contention 3

¹ Entergy filed this motion on April 19, 2007. NEC filed its opposition and the NRC Staff filed an Answer in Support on May 9, 2007. NEC filed a Response to the NRC Staff's Answer in Support on May 18, 2007.

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(Steam Dryer), Affidavit of Jonathan G. Rowley, Kaihwa R. Hsu and Thomas G. Scarbrough Concerning NEC Contention 3 at ¶ 3. On the date of this filing, June 19, 2007, Entergy produced some reports of this inspection to NEC: seventeen Steam Dryer Indication Notification Reports prepared by GE Nuclear Energy describing the results of the inspection, and Entergy's Engineering Report No. VY-RPT-07-00011 (Rev. 0, June 15, 2007). Entergy's Counsel has informed NEC's Counsel that the following additional materials are available for NEC's review on-site at the Vermont Yankee plant: two GE Nuclear evaluation reports that are proprietary to GE, and a large number of video tapes of the steam dryer recorded during the inspection. NEC is attempting to schedule an appointment to review these additional materials, and has proposed to do so on June 27, 2007, which is the earliest date on which NEC's consultants are available to travel to Brattleboro.

Where a party opposing summary judgment before the Board cannot present facts essential to justify the party's opposition, the presiding officer may deny the motion for summary judgment, order a continuance, or make another appropriate order. 10 C.F.R. § 2.710(c); Initial Scheduling Order ¶ 6. Entergy contends in support of its Motion for Summary Disposition of NEC's Contention 3 that "fatigue-induced cracking of the VY steam dryer is not occurring." Entergy Statement of Material Facts Regarding NEC Contention 3 On Which No Genuine Dispute Exists ¶ 7. The May 2007 inspection reports and video may contradict this contention. This new evidence of the post-EPU condition of the steam dryer is highly relevant to NEC's Contention 3 arguments concerning the validity of Entergy's stress load analyses and assumptions, and the

validity of its proposed steam dryer aging management plan based on these analyses and assumptions.

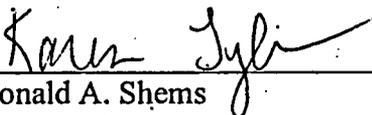
July 19, 2007 is a reasonable deadline for NEC to complete and file with the Board its assessment of the steam dryer inspection results, given the fact that NEC will not have access to all relevant materials until at least June 27, and in light of the concurrently pending deadlines for NEC's opposition to Entergy's Motion for Summary Disposition of NEC's Contention 4 (Flow-Accelerated Corrosion) (due June 25, extension to July 16 requested), and any new NEC Contention based on Entergy's reanalysis of environmentally assisted metal fatigue (due July 12). NEC's proposal would not delay the overall schedule for this proceeding, and would prejudice no other party. NEC is a small organization with limited resources. It should not be effectively prevented from participating in this proceeding by the imposition of unnecessarily tight deadlines.

NEC has consulted or attempted to consult with all the parties concerning this motion. Entergy is opposed. The State of Vermont is not opposed. The NRC Staff could not take a position before reviewing NEC's filing. The State of New Hampshire had not informed NEC of its position as of the date of this filing.

June 19, 2007

New England Coalition, Inc.

by:



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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

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Entergy Nuclear Vermont Yankee, LLC)
and Entergy Nuclear Operations, Inc.)

(Vermont Yankee Nuclear Power Station))

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) ASLBP No. 06-849-03-LR
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CERTIFICATE OF SERVICE

I, Clara Cavitt, hereby certify that copies of the NEW ENGLAND COALITION, INC.'S MOTION TO WITHHOLD DECISION OF ENTERGY'S MOTION FOR SUMMARY DISPOSITION OF NEW ENGLAND COALITION CONTENTION 3 (STEAM DRYER), in the above-captioned proceeding were served on the persons listed below, by U.S. Mail, first class, postage prepaid; by Fed Ex overnight to Judge Elleman; and, where indicated by an e-mail address below, by electronic mail, on the 19th day of June, 2007.

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