

June 26, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
ENTERGY NUCLEAR VERMONT YANKEE, LLC)	Docket No. 50-271-LR
AND ENTERGY NUCLEAR OPERATIONS, INC.)	
)	ASLBP No. 06-849-03-LR
(Vermont Yankee Nuclear Power Station))	

NRC STAFF ANSWER TO NEC MOTION TO DEFER
DECISION ON ENTERGY'S MOTION FOR SUMMARY
DISPOSITION OF NEC CONTENTION 3 (STEAM DRYER)

INTRODUCTION

Pursuant to 10 C.F.R. §§ 2.323(c) and the schedule set by the Board, Transcript of Pre-Hearing Conference (June 12, 2007) (Tr. at 559), the NRC Staff ("Staff") herein answers "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)" ("Motion") filed by NEC on June 19, 2007. For the reasons set forth below, the Staff does not object NEC's request.

DISCUSSION

Pursuant to § 2.710(c), if party a cannot for a stated reason present facts by affidavit essential to justify its opposition to a motion for summary disposition, the presiding officer may refuse the application for summary disposition, postpone a decision to permit affidavits to be obtained, or make another appropriate order. See also Initial Scheduling Order (Nov. 17, 2006) (unpublished) at 7. The results of Vermont Yankee's steam dryer inspections became available on June 19, 2007, after answers to "Entergy's Motion for Summary Disposition of New England Coalition's Contention 3 (Steam Dryer)" ("SD Motion") (April 19, 2007), were due. See Motion at 1-2. NEC

represents that the steam dryer inspection results constitute new evidence of the post-extended power uprate condition of the steam dryer and therefore are relevant to its contention that Entergy's license renewal application does not include an adequate plan to monitor and manage the aging of the steam dryer during the period of extended operation. *See Id.* at 2.

In light of the NEC's representations that steam dryer inspection results are relevant to its contention and NEC's experts cannot review such results until June 27, 2007, and in view of Board's recent "Order Granting NEC Motion for Extension of Time" (June 21, 2007) (unpublished), the Staff does not object to NEC's request that the Board defer its decision on Entergy's SD Motion until after NEC submits its assessment of steam dryer inspection results on July 19, 2007.

CONCLUSION

For the reasons set forth above, the Staff does not object to NEC's Motion.

Respectfully submitted,

/RA/

Mary C. Baty
Counsel for NRC Staff

Dated at Rockville, Maryland
this 26th day of June, 2007

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF ANSWER TO NEC MOTION TO DEFER DECISION ON ENTERGY'S MOTION FOR SUMMARY DISPOSITION OF NEC CONTENTION 3 (STEAM DRYER)" in the above-captioned proceeding have been served on the following by electronic mail with copies by deposit in the NRC's internal mail system or, as indicated by an asterisk, by electronic mail, with copies by U.S. mail, first class, this 26th day of June, 2007.

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