

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

DOCKETED 07/08/08
SERVED 07/08/08

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Richard E. Wardwell
Dr. William H. Reed

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

July 8, 2008

ORDER

(Denying Vermont's Motion for Modification of the Scheduling Order)

For the reasons stated in the NRC Staff's response,¹ the Board denies the June 27, 2008, motion by the Vermont Department of Public Service to modify the Board's initial scheduling order.²

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³
/RA/

Alex S. Karlin
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 8, 2008

¹ NRC Staff's Response to Vermont Department of Public Service's Motion to Modify the Schedule (July 2, 2008).

² Licensing Board Order (Initial Scheduling Order) (Nov. 17, 2006) (unpublished).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 NRC Staff; and (4) the State of New Hampshire and the Commonwealth of Massachusetts.

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 (DENYING VERMONT'S MOTION FOR MODIFICATION OF THE SCHEDULING ORDER) 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
William H. Reed
Atomic Safety and Licensing Board Panel
1819 Edgewood Lane
Charlottesville, VA 22902

Lloyd B. Subin, Esq.
David E. Roth, Esq.
Mary C. Baty, Esq.
Jessica A. Bielecki, Esq.
Brian Newell, Paralegal
Office of the General Counsel O15D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Susan L. Utall, Esq.
Office of the General Counsel O15D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Docket No. 50-271-LR
LB ORDER (DENYING VERMONT'S MOTION FOR MODIFICATION OF THE SCHEDULING
ORDER)

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
Assistant Attorney General
Environmental Protection Division
Office of the Attorney General
One Ashburton Place, 18th Floor
Boston, MA 02108

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.
Blake J. Nelson, 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

Robert L. Stewart
New England Coalition
229 Kibbee Ext.
Brookfield, Vermont 05036

Alan A. Pemberton, Esq.
Derron J. Blakely, Esq.
Covington & Burling LLP
Counsel for Electric Power Research Institute
(EPRI)
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401

Docket No. 50-271-LR
LB ORDER (DENYING VERMONT'S MOTION FOR MODIFICATION OF THE SCHEDULING
ORDER)

Ronald A. Shems, Esq.
Karen Tyler, Esq.
Andrew Raubvogel, Esq.
Shems Dunkiel Kassel & Saunders, PLLC
91 College Street
Burlington, VT 05401

[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 8th day of July 2008