

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

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

May 8, 2009

ORDER

(Denying Motion for Leave to File Reply)

The motion of the New England Coalition (NEC) to file a reply to the answers of the NRC Staff and the Applicant to NEC's motion that the Board hold its decision on the proposed new contention in abeyance is denied.¹ It fails to satisfy the criteria of 10 C.F.R. § 2.323(c). Pursuant to Section II.5.A of our November 17, 2006 initial scheduling order, however, NEC is entitled to file a reply to the answers (yet to be filed) to NEC's proposed new contention.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 8, 2009

¹ New England Coalition's Request for Leave to Reply to NRC Staff and Entergy Answers To New England Coalition's Motion To Hold In Abeyance Action On It's Proposed Contention Until Issuance of NRC Staff Supplemental Safety Evaluation Report (May 7, 2009). Although dated May 7, 2009, it appears that the motion was filed on May 8, 2009.

² Copies of this order were sent this date by Internet e-mail transmission to counsel for (1) Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc.; (2) the Department of Public Service of the State of Vermont and the New England Coalition of Brattleboro, Vermont; (3) the NRC Staff; and (4) the State of New Hampshire and the Commonwealth of Massachusetts.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (DENYING MOTION FOR LEAVE TO FILE REPLY) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 8th day of May 2009