

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
ENERGY NUCLEAR VERMONT YANKEE,
L.L.C.,
and
ENERGY NUCLEAR OPERATIONS, INC.

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-LR

ASLBP No. 06-849-03-LR

July 12, 2010

ORDER

(Setting Schedule for Remand Filings)

On July 8, 2010, the Commission remanded this matter to the Board for the purpose of allowing the New England Coalition, Inc. (NEC) and the Department of Public Services of the State of Vermont (Vermont) the opportunity to submit a revised Contention 2.¹ The Commission added that the proceeding will remain open during the pendency of the remand and that “NEC and Vermont are free to submit a motion to reopen the record pursuant to 10 C.F.R. §2.326, should they seek to address any genuinely new issues related to the license renewal application that previously could not have been raised.” Id. at 10 n.37.

¹ Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), CLI-10-17, 72 NRC, slip op. at 2 and 51-56 (July 8, 2010)

Pursuant to the Commission's ruling, the Board sets the following schedule:

1. Revised Contention 2: If NEC or Vermont seeks to submit a revised Contention 2, it shall do so on or before August 20, 2010. Pursuant to 10 C.F.R. § 2.309(h), answers shall be filed within twenty-five (25) days after the service of the revised contention and replies shall be filed seven (7) days after service of the answers.
2. Motion to Reopen: If any party seeks to file a motion to reopen, it shall be filed on or before August 20, 2010. Any such motion shall separately address each of the criteria specified in 10 C.F.R. § 2.326 and shall be accompanied by the specified affidavit(s).
 - a. If the motion to reopen relates to a contention not previously in controversy, then the motion shall be accompanied by such new contention together with a filing supporting the admissibility of the new contention under 10 C.F.R. § 2.309(f)(1) and 2.309(c).² Answers to the motion and contentions shall be filed within twenty-five (25) days of service of the motion and shall respond to all elements of the motion and the proposed new contention. Replies shall be filed within seven (7) days of the service of the answers.
 - b. If the motion to reopen does not proffer a new contention, then answers shall be filed within ten (10) days of service of the motion, and replies shall be filed within seven (7) days of the service of the answer.

² The regulation specifies that new contentions filed in association with a motion to reopen must satisfy the requirements for "nontimely" contentions under 10 C.F.R. § 2.309(c). See. 10 C.F.R. § 2.326(d).

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OPERATIONS, INC.)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (SETTING SCHEDULE FOR REMAND FILINGS) have been served upon the following persons by U.S. mail, first class, or through NRC internal mail.

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DOCKET NO. 50-271-LR
ORDER (SETTING SCHEDULE FOR REMAND FILINGS)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of July 2009