

DOCKETED
US-ARC

'99 APR -1 P2:22

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

OFFICE OF THE
RULE MAKING STAFF
ADJUDICATIVE STAFF

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Thomas S. Elleman
Thomas D. Murphy

SERIALIZED APR - 1 1999

In the Matter of

YANKEE ATOMIC ELECTRIC COMPANY
(Yankee Nuclear Power Station)

License Termination Plan

Docket No. 50-029-LA-R

ASLBP No. 99-754-01-LA-R

April 1, 1999

MEMORANDUM AND ORDER
(Telephone Conference, 3/31/99)

On March 31, 1999, the Atomic Safety and Licensing Board conducted a transcribed telephone conference for the purpose of establishing schedules for the proceeding. Such a call had been referenced in the Prehearing Conference Order that had accepted certain of the Intervenor's contentions in this proceeding. In addition, YAEC on March 29, 1999 had filed an "Objection to and Motion of Yankee Atomic Electric Company for Reconsideration of a Portion of Prehearing Conference Order" (Reconsideration Motion) in which it sought reconsideration of one of the four contentions that we had admitted, and we set schedules for responding to that motion.

SECY-039

DSO2

20182

Participating in the call, in addition to the three Administrative Judges, were Thomas Dignan, Esq. and Robert Gad, Esq., for YAEC (Licensee); Jonathan M. Block, Esq., for NECNP (Intervenor); Ms. Deborah Katz, for CAN (Intervenor); Samuel Lovejoy, Esq., for the FRCOG (interested governmental entity); Ann Hodgdon, Esq., Marian Zobler, Esq., accompanied by C. L. Pittiglio, M. Fairtile, and M. Masnik, for the NRC Staff; Lee S. Dewey, Esq., Counsel for the ASLBP; and (pursuant to a special request, which we had granted) Mr. Richie Davis, a reporter for the Greenfield Recorder.

1. Responses by Intervenors and the NRC Staff to the Reconsideration Motion are to be in our hands by close of business Friday, April 9, 1999.

2. Informal discovery may commence immediately, and formal discovery will extend from April 9, 1999 through Friday, June 11, 1999. Discovery is only available with respect to contentions admitted by the Board. 10 C.F.R. § 2.740(b)(1).

3. The Staff's Environmental Assessment is scheduled to be issued within the next few days, and the Safety Evaluation Report some time thereafter. To the extent that these documents may generate new contentions, discovery on those contentions will be set by a later order of this Board.

4. The Licensee expressly sought an opportunity to file Motions for Summary Disposition. At the present time,

and consistent with the guidance in the Commission's recent Statement of Policy on Conduct of Adjudicatory Proceedings, CLI-98-12, 48 NRC 18 (July 28, 1998), the Board does not contemplate entertaining such motions. See 48 NRC at 20-21. The Board advised that, following the completion of discovery, and taking into account various developments in the proceeding, we would consider a motion by YAEC to authorize such filings.

5. Prepared testimony is to be filed by Friday, September 10, 1999.


6. Based on the availability of various parties' representatives, the hearing is tentatively scheduled for the last week in September, 1999 (September 27--October 1, 1999).

7. The Board continues to encourage settlement of the issues in dispute that we have identified.

* * *

It is so ORDERED.

For the Atomic Safety and
Licensing Board



Charles Bechhoefer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 1, 1999

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

YANKEE ATOMIC ELECTRIC COMPANY

(Yankee Nuclear Power Station)

Docket No.(s) 50-029-LA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB M&O (TELECON, 3/31/99) have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Charles Bechhoefer, Chairman
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas D. Murphy
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Thomas S. Elleman
704 Davidson Street
Raleigh, NC 27609

Ann P. Hodgdon, Esq.
Marian L. Zabler, Esq.
Office of the General Counsel
Mail Stop - 0-15 B18
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Diane Curran, Esq.
Harmon, Curran, Spielberg
& Eisenberg, L.L.P.
1726 M Street, NW, Suite 600
Washington, DC 20036

Thomas Dignan, Esq.
Ropes and Gray
One International Place
Boston, MA 02110

Jonathan M. Block, Esq.
Main Street
P.O. Box 566
Putney, VT 05346

Docket No.(s)50-029-LA
LB M&O (TELECON, 3/31/99)

James L. Perkins, President
New England Coalition on
Nuclear Pollution, Inc.
P.O. Box 545
Brattleboro, VT 05302

Adam Laipson
Franklin Regional Council
of Governments
425 Main St.
Greenfield, MA 01301

Samuel H. Lovejoy, Chairman, FRPB
Franklin Regional Council
of Governments
425 Main St.
Greenfield, MA 01301

Deborah B. Katz, President
Citizens Awareness Network, Inc.
P.O. Box 3023
Charlemont, MA 01339

Dated at Rockville, Md. this
1 day of April 1999

Adrian T. Byrdson
Office of the Secretary of the Commission