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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

'88 MAY 17 10:35

Before Administrative Judges

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Charles Bechhoefer, Chairman
Glenn O. Bright
Dr. James H. Carpenter

SERVED MAY 17 1988

In the Matter of
VERMONT YANKEE NUCLEAR
POWER CORPORATION
(Vermont Yankee Nuclear
Power Station)

Docket No. 50-271-OLA-2
(Testing Requirements for
ECCS and SLC Systems)
(ASLBP No. 88-567-04-OLA)
May 16, 1988

MEMORANDUM AND ORDER
(Further Extension of Time)

1. On May 6, 1988, the NRC Staff filed a motion for a further extension of time, from May 6, 1988 to May 20, 1988, within which to respond to the intervention petitions of the State of Vermont and the Commonwealth of Massachusetts. (The Staff previously telephoned a member of this Board on May 5, 1988 to inform us of the request.) The Staff is seeking this extension as a result of its negotiating with the petitioners concerning settlement of their claims. The Staff advises that the State and Applicant/Licensee have no objection to the motion and that it has been unable to reach counsel for the Commonwealth by telephone. Confirming informal advice provided the Staff by telephone, the Staff's motion is granted.

2. In granting the Staff's request, we wish to note first that the Commission encourages the settlement of contested proceedings (10

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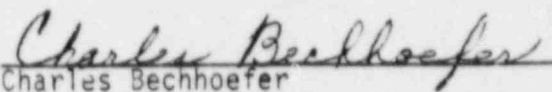
C.F.R. § 2.759) and that the Staff's efforts in this regard are appropriate. We also note that we have previously granted the Staff three extensions of time for this purpose (through Orders dated March 17, 1988, March 23, 1988 and April 11, 1988, respectively). Finally, the Staff's several requests for extensions of time have referred to various meetings with representatives of the State of Vermont but have not mentioned any meetings with representatives of the Commonwealth of Massachusetts. Indeed, for each requested extension of time (including this one), the Staff advised that it had not been able to contact the Commonwealth's representative by telephone.

Although settlement of proceedings is to be encouraged, settlement of this proceeding would have to involve not only the State of Vermont but also the Commonwealth of Massachusetts. We assume that the Staff is seeking settlement both with Vermont and Massachusetts. If the Staff should seek further extensions of time, however, we would expect to be advised concerning the status of negotiations with both petitioners.

We also note that we have not yet reached the point in this proceeding where proposed contentions would be filed. That point has been delayed as a result of the extensions of time granted the Staff. If settlement negotiations do not prove fruitful in the near future, it may be preferable to have the petitioners spell out their proposed contentions, either in preparation for adjudication or as a predicate to additional settlement negotiations.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
Licensing Board


Charles Bechhoefer
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 16th day of May, 1988.