

6352

DOCKETED  
USNRC

'88 MAY 18 P4:58

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
NRC

In the Matter of	)	
	)	Docket No. 50-271-OLA-3
VERMONT YANKEE NUCLEAR	)	(Surveillance Requirements
POWER CORPORATION	)	for Logic System Functional
	)	Testing)
(Vermont Yankee Nuclear Power	)	ASLBP No. 88-568-05-OLA
Station)	)	May 6, 1988

NRC STAFF MOTION FOR FURTHER EXTENSION OF TIME IN WHICH TO RESPOND TO STATE OF VERMONT'S PETITION TO INTERVENE

I. INTRODUCTION

On January 26, 1988, the Nuclear Regulatory Commission published in the Federal Register a notice of opportunity for prior hearing on a proposed amendment to the Vermont Yankee Nuclear Power Station's license to revise surveillance frequency requirements for logic system functional testing and calibration from once every six months to once per operating cycle and to require more detailed testing than required by current Technical Specifications. 53 Fed. Reg. 2115.

On February 25, 1988, the State of Vermont filed a "Petition of the State of Vermont for Leave to Intervene."

II. THE MOTION

The NRC staff has been pursuing a settlement agreement with the State of Vermont in the hope of resolving its concerns without the need for a hearing.

8805260057 880506  
PDR ADOCK 05000271  
G PDR

D507

On March 15, 1988, the Staff sought and was granted a one-week extension of time until March 23, 1988, in which to file its response to Vermont's petition. See, Memorandum and Order, March 21, 1988. In a Memorandum and Order dated March 24, 1988, the Licensing Board confirmed a further extension of time to respond to the State of Vermont's petition until April 6, 1988. On April 6, 1988, the Staff filed a motion for further extension until May 6, 1988, which was granted by the Licensing Board on April 7, 1988.

The parties have continued to make substantial progress toward a settlement. Technical discussions have narrowed the issues and the Staff has prepared and issued documents that it hopes will resolve the few issues that remain. The Director of Nuclear Reactor Regulation, Dr. Thomas E. Murley, met with Vermont's Governor, the Honorable Madeleine Kunin, on May 3, 1988, to discuss Vermont's concerns.

Wherefore, the Staff moves the Licensing Board to extend the time for the filing of the Staff's response to the petition of the State of Vermont by fourteen days from May 6 until May 20, 1988. <sup>1/</sup>

---

<sup>1/</sup> The Staff has filed a similar motion for further extension of time in another proceeding before another licensing board. That proceeding on OLA-2 concerns ECCS and SLCS testing.

Staff counsel telephoned Judge Paris on May 5, 1988, to indicate that the Staff would be filing the instant motion. Judge Paris indicated that the motion would be granted.

Counsel for the State and the Licensee have indicated to Staff counsel that they do not object to the granting of this motion.

Respectfully submitted,

*Ann P. Hodgdon / B.H.V.*

Ann P. Hodgdon  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 6th day of May, 1988

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

MAY 18 P5:00

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	Docket No. 50-271-OLA-3
VERMONT YANKEE NUCLEAR	)	(Surveillance Requirements
POWER CORPORATION	)	for Logic System Functional
	)	Testing)
(Vermont Yankee Nuclear Power	)	ASLBP No. 88-568-05-OLA
Station)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION FOR FURTHER EXTENSION OF TIME IN WHICH TO RESPOND TO STATE OF VERMONT'S PETITION TO INTERVENE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 6th day of May, 1988:

Helen F. Hoyt, Chairperson  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Oscar H. Paris  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Frederick J. Shon  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

R. K. Gad, III  
Ropes & Gray  
225 Franklin Street  
Boston, Mass 02110

David J. Mullett, Esq.  
Special Assistant Attorney General  
Vermont Depart. of Public Service  
120 State Street  
Montpelier, VT 05602

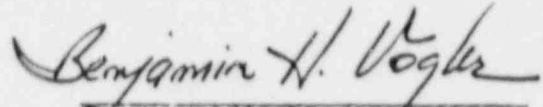
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Atomic Safety and Licensing Appeal  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*

Jay Gutierrez  
Regional Counsel  
USNRC, Region I  
475 Allendale Road  
King of Prussia, PA 19406\*

Adjudicatory File  
Atomic Safety and Licensing Board  
Panel Docket  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555\*



Benjamin H. Vogler  
Senior Supervisory Trial Attorney