

RAS 11361

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 03/14/06

ATOMIC SAFETY AND LICENSING BOARD

SERVED 03/14/06

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Anthony J. Baratta
Lester S. Rubenstein

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-OLA

ASLBP No. 04-832-02-OLA

March 14, 2006

ORDER
(Supplemental Schedule)

During the prehearing conference of March 10, 2006 in this matter, the Board ordered the parties to brief certain issues and established various deadlines for these (and other) activities. The following is the schedule set during the conference.

A. Briefing on the legal scope of New England Coalition (NEC) Contention 4.¹

1. March 17, 2006: NEC Contention 4 alleges that certain deficiencies in the license application render the application “not in conformance with the plant specific original licensing basis and/or 10 C.F.R. Part 50, paragraph I(a), and/or 10 C.F.R. Part 100, Appendix A.” On March 17, 2006, NEC shall submit a statement or brief, not to exceed ten pages, that identifies which of these three legal standards are allegedly not satisfied with regard to each of the deficiencies

¹ If NEC, Entergy, and the NRC Staff are in agreement, a joint stipulation may be submitted, in lieu of briefing this issue.

asserted by NEC. This statement or brief should also specify with more particularity, which provisions of the legal standards are allegedly not satisfied, e.g., which part of Appendix A of Part 100 or which part of the plant specific licensing basis are not met. On that same date, in addition to any other method, this brief shall be served electronically on all parties.

2. March 24, 2006: Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc. (collectively, Entergy) and the NRC Staff shall file answers, which shall not exceed ten pages. On that same date, in addition to any other method, the answers shall be served electronically on all parties.
3. March 31, 2006: NEC may file a reply, which shall not exceed five pages.

B. Briefing schedule on the proper scope of NEC Contention 3.

1. March 20, 2006: NEC Contention 3 alleges that "The license amendment should not be approved unless Large Transient Testing is a condition of the Extended Power Uprate." On March 20, 2006, NEC shall submit a statement or brief, not to exceed ten pages, that specifies all of the large transient tests that it believes are necessary, and, if NEC asserts that large transient tests in addition to the main steam isolation valve closure test and the generator load rejection test are required, why those two tests do not bound NEC's safety concerns. On that same date, in addition to any other method, this brief shall be served electronically on all parties.
2. March 27, 2006: Entergy and the NRC Staff may file answers, which shall not exceed ten pages.

- C. The parties shall reserve the week of June 25, 2006 for limited appearance statements and the weeks of September 10, 2006 and October 15, 2006 for the evidentiary hearing.
- D. The Board will hold the next prehearing conference call on Thursday, April 20, 2006 at

11 A.M. EDT. On or before Monday, April 17, 2006, each of the parties shall contact Karen S. Valloch at 301-415-7405 to advise the Board of how many lines that party requires for the conference call and to obtain the telephone number and pass code for the conference call.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

Alex S. Karlin, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 14, 2006

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

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
ENTERGY NUCLEAR VERMONT YANKEE L.L.C.) Docket No. 50-271-OLA
and ENTERGY NUCLEAR OPERATIONS, INC.)
)
)
)
(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

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

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Alex S. Karlin, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Lester S. Rubenstein
4270 E Country Villa Drive
Tucson, AZ 85718

Robert M. Weisman, Esq.
Sherwin E. Turk, Esq.
Steven C. Hamrick, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Raymond Shadis
New England Coalition
P.O. Box 98
Edgecomb, ME 04556

Docket No. 50-271-OLA
LB ORDER (SUPPLEMENTAL SCHEDULE)

John M. Fulton, Esq.
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Anthony Z. Roisman, Esq.
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768

Jonathan M. Rund, Esq.
Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Sarah Hofmann, Esq.
Special Counsel
Department of Public Service
112 State Street - Drawer 20
Montpelier, VT 05620-2601

Jay E. Silberg, Esq.
Matias F. Travieso-Diaz, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW
Washington, DC 20037-1128

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of March 2006