

RAS 11405

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

*In the matter of*

ENTERGY NUCLEAR VERMONT YANKEE, LLC  
and ENTERGY NUCLEAR OPERATIONS, INC.  
(Vermont Yankee Nuclear Power Station)

March 13, 2006

Docket No. 50-271

ASLBP No. 04-832-02-OLA

Office of the Secretary  
ATTN: Rulemaking and Adjudications Staff  
Mail Stop: O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

DOCKETED  
USNRC

March 23, 2006 (1:14pm))

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Dear Rulemaking and Adjudications Staff,

Please find for filing in the above captioned matter one original and two copies of New England Coalition's Letter Providing Dates of Availability for Hearing and responding to the Board's (Scheduling Conference) Order of March 10, 2006.

Thank you for your kind assistance in making this filing,



Raymond Shadis  
Pro se Representative  
New England Coalition  
Post Office Box 98  
Edgecomb, Maine 04556  
207-882-7801  
[shadis@prexar.com](mailto:shadis@prexar.com)

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SECY-02

# *New England Coalition*

VT . NH . ME . MA . RI . CT . NY .  
POST OFFICE BOX 545, BRATTLEBORO, VERMONT 05302

*on Nuclear Pollution*

March 13, 2006

Alex S. Karlin, Chairman,  
Lester S. Rubenstein, Administrative Judge  
Dr. Anthony J. Baratta  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Docket No. 50-271-OLA (Extended Power Uprate) \_Scheduling Conference

Dear Administrative Judges:

In conformance with the Board's Order issued during a Scheduling Conference on March 10, 2006, this letter is to provide a detailed schedule of New England Coalition's availability for hearings on Contentions, NEC 3 and NEC 4.

On March 10, 2006 at 11 AM, this ASLB Panel held a Scheduling Conference together with the parties to discuss, among other matters, setting a hearing schedule.

NRC Staff had, on March 9, 2006, in consultation with the Entergy and the Vermont Department of public Service, prepared and served a calendar showing the dates \ (July through October) when Staff, VDPS and Entergy would and would not be available.

New England Coalition provided the following E-mail message to all parties on March 10, at 8:40 AM. (See message attached),

I [Raymond Shadis, New England Coalition's *pro se* Representative] have previous commitments, including both contractual commitments, appearances in legal venues, and foreign travel throughout July and August. **Therefore, I will not be available during July and August.** The sole exception is a commitment to New England Coalition to provide assistance in petitioning for leave to intervene in Entergy Nuclear Vermont Yankee's License Extension Application, even that assistance may be curtailed should a July-August schedule conflict, such as a pre hearing conference, in that time frame, arise. New England Coalition is prepared to go forward in September- with all dates open- at the convenience of the Board and the parties.

1. This is the only scheduled vacation time for New England Coalition's *pro se* representative. It has been long anticipated, planned for, and overdue. (See letter attached, D. Sidebotham, President, New England Coalition).

2. Reasonably, New England Coalition did not anticipate that the hearing schedule would extend into Spring of 2006; much less Summer.

3. Having no indication or forewarning at the onset of this proceeding in 2004 that hearings might be held as late as July and August 2006, New England Coalition's pro se representative made plans and commitments for July and August as follows:

Memorial Day – Labor Day – Manage (as available and on-call) – Shadis Art Gallery- Law Offices of P. V. Shadis. There also exists a contractual commitment to complete structural renovations – Main complex- Law Offices of P.V. Shadis, Olde Route One and Mills Road, Newcastle, Maine.

- June 21- July 30 and July 3 – Planned Travel- Family Time- Ancestral Home place – Alietus, Lithuania
- July 6-31 – Planned Travel – Family Time w/ Daughter (Medieval historian, Professor, Ohio University) and family- Teaching semester in Europe, i.e., Germany (Leipzig) and Italy. This planned trip may be curtailed or extended as circumstances dictate. It is nonetheless planned and part of family plans for Mr. Shadis' accumulated vacation time.
- August 4 – and August 7-August 10 – Family Reunion – Middle Fork River, W.Va. (Includes travel time).
- August 13/14 – Family and Community Time - Grand Maine Reunion- Shadis Family Farm – Edgecomb, Maine - Sunday (13) and Monday (14) clean up.
- August 25- and August 28-29 – Scheduled Travel – Down East Maine, Nova Scotia and Prince Edward Island.
- August 30-31 and September 5-6 – Planned and Scheduled Family Time - (labor day weekend and travel) to visit family and friends.


4. Based on the unavailability of pro se representative for this timeframe, plans and commitments for availability of expert witnesses in this timeframe have not been determined.

5. As previously stated, at this time Mr. Shadis is available, without constraint of previous engagements, to represent New England Coalition in any proceeding scheduled for September and August.

6. New England Coalition excluded from consideration those dates in which the NRC Staff indicated it was not available for NEC contentions or not available at all. Those dates are July 3, 7-24, and August 14-25.

7. While it may be perceived in passing that New England Coalition is unavailable more than other parties in the July – October time-frame considered, on closer examination, it is not inordinately so. By rough count, New England Coalition is unavailable 48 days in the 4 month period under consideration, but available for a solid block of from September 6 through October 31<sup>st</sup>. VDPS is unavailable for 36 days and Entergy is unavailable for 20 days, plus 17 days on Contention NEC 3, for a total 37 days in the same time frame. NRC Staff is unavailable for 42 days.

New England Coalition regrets any confusion that may have resulted during the pre-hearing conference from attempting to reconcile the various availability dates without the above specifics. New England Coalition is prepared, should the Board require it, to provide further details upon request.



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Cc: Service List

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March 13, 2006

Alex S. Karlin, Chairman,  
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Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Docket No. 50-271-OLA (Extended Power Uprate

Dear Administrative Judges:

It has come to my attention that questions have arisen concerning the scheduling of hearings regarding New England Coalition contentions admitted in the above captioned proceeding. I understand that in particular the Atomic Safety and Licensing Board is considering the availability of New England Coalition's pro se representative, Raymond Shadis, for hearings in July and August.

Please be advised that New England Coalition has pressed Mr. Shadis to take the accumulated vacation time of six to eight weeks that he is owed this summer as he is due to retire, in part for reasons of health, from full-time employment with the Coalition in November. Mr. Shadis last took a vacation (two weeks) in June of 2003. At that, it was a working vacation as he continued preparation for technical hearings on the Vermont Yankee extended power uprate before the Vermont Public Service Board ("VPSB") where he represented the Coalition.

Mr. Shadis is currently represents the Coalition in two VPSB dockets and is assisting in a third. He is also representing the Coalition on a Vermont Yankee thermal discharge issue now before the Vermont Agency of Natural Resources. We do not anticipate hearings in any of these dockets during July and August, but a certain workload may be expected nonetheless. In addition, Entergy has now filed an application for License Extension. New England Coalition will file a Petition for Leave to Intervene and whether preliminary hearings come in July or August; or not, we deem Mr. Shadis' advice and assistance to be essential to representing our interests.

Given the legal and advocacy workload, only partially described above, and Mr. Shadis' length of service without adequate relief, New England Coalition

believes it essential to the health and well-being of our pro se representative, that he now enjoy, with as little interruption as possible, the healing and restorative time of vacation that he is due.

While New England Coalition remains concerned that safety issues raised in our contentions are adjudicated as soon as possible, we are also concerned that scheduling go forward in a manner that is fair and takes into account our scheduling and human resource limitations.

Thank you for your attention,

A handwritten signature in cursive script, reading "Diana Sidebotham".

*Signed in the original*

Diana Sidebotham  
President, New England Coalition

+UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

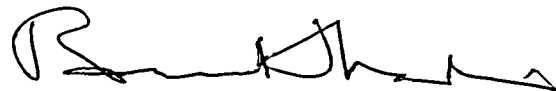
In the Matter of	)	
	)	
ENTERGY NUCLEAR VERMONT YANKEE)	)	Docket No. 50-271-OLA
LLC and ENTERGY NUCLEAR	)	
OPERATIONS, INC.	)	ASLBP No. 04-832-02-OLA
	)	
(Vermont Yankee Nuclear Power Station)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of New England Coalition's Letter Providing Dates of Availability for Hearing and responding to the Board's (Scheduling Conference) Order of March 10, 2006 in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class and by e-mail as indicated by a double asterisk (\*\*), this 13<sup>th</sup> day of March 2006

Alex S. Karlin, Chair** Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: ask2@nrc.gov	Dr. Anthony J. Baratta** Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: ajb5@nrc.gov
Lester S. Rubenstein** Administrative Judge Atomic Safety and Licensing Board Panel 4760 East Country Villa Drive Tucson, AZ 85718 E-mail: lesrrr@comcast.net	Office of the Secretary** ATTN: Rulemaking and Adjudications Staff Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: HEARINGDOCKET@nrc.gov
Office of Commission Appellate Adjudication Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	John M. Fulton, Esq. Assistant General Counsel Entergy Nuclear Operations, Inc. 440 Hamilton Avenue White Plains, NY 10601
Jay E. Silberg, Esq.**	Sarah Hofmann, Esq.**

<p>Matias Travieso-Diaz, Esq.**  Pillsbury Winthrop Shaw Pittman, LLP  2300 N St., NW  Washington, DC 20037-1128  E-mail: <a href="mailto:jay.silberg@pillsburylaw.com">jay.silberg@pillsburylaw.com</a>  <a href="mailto:matias.travieso-diaz@pillsburylaw.com">matias.travieso-diaz@pillsburylaw.com</a>  <a href="mailto:douglas.rosinski@pillsburylaw.com">douglas.rosinski@pillsburylaw.com</a></p>	<p>Special Counsel  Department of Public Service  112 State Street - Drawer 20  Montpelier, VT 05620-2601  E-mail: <a href="mailto:sarah.hofmann@state.vt.us">sarah.hofmann@state.vt.us</a></p>
<p>Anthony Z. Roisman, Esq.**  National Legal Scholars Law Firm  84 East Thetford Rd.  Lyne, NH 03768  E-mail: <a href="mailto:aroisman@nationallegalscholars.com">aroisman@nationallegalscholars.com</a></p>	
<p>Jonathan M. Rund, Esq.**  Law Clerk  Atomic Safety and Licensing Board Panel  Mail Stop: T-3F23  U.S. Nuclear Regulatory Commission  Washington, DC 20555-0001  (E-mail: <a href="mailto:jmr3@nrc.gov">jmr3@nrc.gov</a>)</p>	<p>Sherwin E. Turk, Esq.**  Jason C. Zom, Esq.**  Office of the General Counsel  Mail Stop O-15 D21  U.S. Nuclear Regulatory Commission  Washington, DC 20555-0001  <a href="mailto:set@nrc.gov">set@nrc.gov</a>, <a href="mailto:jcz@nrc.gov">jcz@nrc.gov</a></p>



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