

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

June 26, 2006
DOCKETED
USNRC

July 5, 2006 (11:41am)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

Docket No. 50-271-OLA

ASLBP No. 04-832-02-OLA

**NEW ENGLAND COALITION'S
MOTIONS IN LIMINE**

In accordance with the Atomic Safety and Licensing Board's ("Board") Order of April 13, 2006, New England Coalition herein respectfully files the following motions at the onset of consideration of testimony and evidence to be relied on at hearing.

I. THE MOTIONS

A. New England Coalition respectfully moves exclusion of the testimony of Entergy Nuclear Vermont Yankee's witness, Mr. Craig Nichols, in all areas pertaining to New England Coalition Contention 3 except for those questions having to do with electrical engineering or nuclear power plant technical personnel management.

According to Curriculum Vitae filed with Entergy's Initial Written Statement of Position on May 17, 2006, Mr. Nichols appears to be qualified as an expert in electrical engineering in as much as he holds a Bse degree in electrical engineering. And according to the same source, He is evidently qualified to speak as an expert on the management of nuclear power plant technical personnel because of his long experience and large responsibilities in that arena, including overall management of the Entergy Nuclear Vermont Yankee ("ENVY") extended power uprate

("EPU". Nothing in Mr. Nichols' indicates more than entry-level education, training, or experience in thermal-hydraulics("T-H"), strength of materials, T-H code design or any of the other highly specialized disciplines necessary to determine appropriate substitution for full transient testing. Therefore New England Coalition respectfully moves that all such testimony be stricken or , in the alternative, be accorded only the weight of non-expert, witness-of-events, testimony.

B. New England Coalition respectfully moves that the Board order, as a matter of fairness, that Entergy provide to New England, as promptly as practicable, non-proprietary versions of all documents upon which Entergy intends to rely at hearing. In the Board and parties conference call of June 20, 2006 (transcript not yet posted), Entergy complained that such production would be burdensome at this late date. However, Entergy's display is simply willful and unsupported by fact or reason. Entergy has known of its obligation from at least the beginning of early 2005 at the onset of document production and this apprehension suffered only a brief hiatus from the conference call of May 23, 2006 when New England Coalition sincerely thought and let it be known that it could sign protective agreements until June 2, 2006 when New England Coalition informed the parties that, for good reason, it could not sign. Therefore, reinstitution of this fair and reasonable requirement carries with it the scheduling pressure of only 12 days. Surely, much more than the person-hour required to screen this material has been freed up by the exit of the Vermont Public Service Board from this case and from Entergy's workload. In the alternative, should the motion for the requested order be denied, New England Coalition respectfully requests that the Board review the documents that Entergy has listed as proprietary in order to determine the authenticity of the proprietary claims and the relative difficulty or ease with which such proprietary material might be expurgated.

C. New England Coalition respectfully Moves the Board to consider extending the schedule for filing additional supporting information until August 1, 2006. The Coalition reasons that the original schedule was with two intervenors and the withdrawal of one a more lenient schedule may be adopted without any new or added burden. Further, with the recent statements of position and supplemental filings, the parties are now better positioned to understand each other's positions and provide more responsive material to assist the Board in building a very sound record.

II. Conclusion

New England Coalition respectfully requests an opportunity to Reply to any Responses that may be forthcoming regarding the above motions in limine. Further, New England Coalition respectfully suggests that the Board consider providing an opportunity for oral argument as a reasonable expeditious substitute for both written Response and Reply.

Respectfully submitted,



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Dated at Brattleboro, Vermont
this 26th day of June, 2006

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

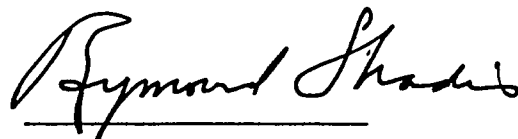
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)	
(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NEW ENGLAND COALITION'S MOTIONS IN LIMINE 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 26th day of June 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
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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)

June 26, 2006

Docket No. 50-271

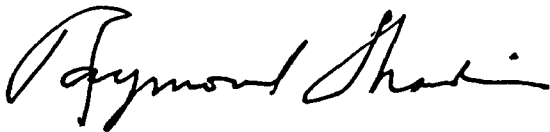
ASLBP No. 04-832-02-OLA

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

Dear Rulemaking and Adjudications Staff,

Please find for filing in the above captioned matter one original and two copies of
NEW ENGLAND COALITION'S MOTIONS IN LIMINE

Thank you for your kind assistance in making this filing,



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