

**RAS 9242**

UNITED STATES OF AMERICA . . . .  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 02/01/05**

**SERVED 02/02/05**

ATOMIC SAFETY AND LICENSING BOARD

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

February 1, 2005

ORDER

(Granting Entergy's Unopposed Motion to Stay  
Discovery on State Contention 6)

Before the Licensing Board is the January 28, 2005 motion of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively, Entergy) to stay discovery related to Contention 6 of the Department of Public Service of the State of Vermont (State).<sup>1</sup> Entergy proposes that the stay remain in effect until the Board rules upon Entergy's forthcoming motion to dismiss the contention as moot, or in the alternative, for summary disposition.<sup>2</sup> Entergy certifies that neither the State, nor the NRC staff, oppose this stay request.

Upon consideration of the request, and in light of the fact that the parties are in agreement, the Board grants Entergy's motion to stay discovery on State Contention 6. In that connection, Entergy has until February 15, 2005 to file its motion to dismiss State Contention 6,

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<sup>1</sup> Entergy's Unopposed Motion to Stay Discovery on Department of Public Service Contention 6 (Jan. 28, 2005) (Entergy Stay Motion).

<sup>2</sup> In its motion to suspend discovery, Entergy stated that it "expects to file" the motion to dismiss State Contention 6 as moot or in the alternative, for summary disposition, "next week." Entergy Stay Motion at 1.

or in the alternative, for summary disposition. If such a motion is timely-filed, discovery will remain suspended until the Board makes its determination related to Entergy's dispositive motion. Should Entergy not move for dismissal of State Contention 6 within the allotted time frame, this stay will be immediately lifted.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

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Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

February 1, 2005

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<sup>3</sup> 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)	)	
	)	
(Operating License Amendment)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING ENTERGY'S UNOPPOSED MOTION TO STAY DISCOVERY ON STATE CONTENTION 6) 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

Brooke D. Poole, Esq.  
Robert M. Weisman, Esq.  
Marisa C. Higgins, 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 (GRANTING ENTERGY'S UNOPPOSED  
MOTION TO STAY DISCOVERY ON STATE  
CONTENTION 6)

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. Block, Esq.  
94 Main Street  
P.O. Box 566  
Putney, VT 05346-0566

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.  
Douglas J. Rosinski, Esq.  
Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037-1128

[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 2<sup>nd</sup> day of February 2005