

**RAS 9332**

**DOCKETED 02/14/05**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**SERVED 02/14/05**

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 14, 2005

Order

(Granting Motion to Change Discovery Update Period)

On February 10, 2005, Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc. (collectively, Entergy) filed an unopposed motion requesting that the Board extend the deadline set in 10 C.F.R. § 2.336(d), which requires that a party disclose new discovery information or documents within 14 days. Entergy asks that the update period be modified to 30 days until the draft Safety Evaluation Report (SER) is issued. Entergy has certified that neither the Department of Public Service of the State of Vermont, the New England Coalition, nor the NRC Staff oppose the motion.

Upon consideration of the request, pursuant to 10 C.F.R. §§ 2.319(k) and 2.321(c), the Board hereby grants Entergy's motion. Until the NRC Staff issues the draft SER, the continuing obligation of the Staff and the parties<sup>1</sup> under 10 C.F.R. § 2.336(d) to update their respective

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<sup>1</sup> The NRC Staff has elected to participate in this proceeding as a party. See Letter from Brooke D. Poole, Counsel for NRC Staff, to Administrative Judges (Dec. 28, 2004), ADAMS Accession No. ML043630492.

disclosures is modified so that information or documents subsequently developed or obtained must be disclosed within thirty (30) days. After the draft SER is issued the continuing obligation of each party to disclose information or documents will revert to the fourteen (14) day update period provided in 10 C.F.R. § 2.336(d).

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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Alex S. Karlin, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 14, 2005

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

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 MOTION TO CHANGE DISCOVERY UPDATE PERIOD) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 50-271-OLA  
LB ORDER (GRANTING MOTION TO CHANGE  
DISCOVERY UPDATE PERIOD)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 14<sup>th</sup> day of February 2005