

February 15, 2005

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))	

JOINT UNOPPOSED MOTION TO FILE AN ANSWER TO ENTERGY'S
MOTION PURSUANT TO 10 C.F.R. § 2.1205(b)

On February 11, 2005, applicant Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively, "Entergy") filed a "Motion to Dismiss as Moot, or in the Alternative, for Summary Disposition" of Vermont Department of Public Service ("DPS") Contention 6.¹ Entergy filed the Motion pursuant to 10 C.F.R. § 2.323 and the Licensing Board's February 1, 2005 Order. Motion at 1. In the alternative, Entergy seeks summary disposition of the contention on the grounds that no genuine issue as to any material fact exists and Entergy is entitled to a decision as a matter of law. *Id.*

Pursuant to 10 C.F.R. § 2.323(c), in general motions practice, an answer is due within 10 days after service of a motion. Under the rules governing summary disposition motions, however, an answer is due within 20 days after service of the motion. 10 C.F.R. § 2.1205(b). The Staff and DPS herein request to file their answers to the Motion pursuant to Section 2.1205(b), no later than Thursday, March 3, 2005.

¹ See "Entergy's Motion to Dismiss as Moot, or in the Alternative, for Summary Disposition of Department of Public Service Contention 6," dated February 11, 2005 ("Motion").

Pursuant to 10 C.F.R. § 2.323(b), counsel for the Staff and DPS conferred with counsel for Entergy, who did not object to this motion. Further, DPS has authorized the Staff to represent its position in this motion.

Respectfully submitted,

/RA/

Brooke D. Poole
Counsel for NRC Staff

Dated at Rockville, Maryland
this 15th day of February, 2005

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CERTIFICATE OF SERVICE

I hereby certify that copies of "JOINT UNOPPOSED MOTION TO FILE AN ANSWER TO ENTERGY'S MOTION PURSUANT TO 10 C.F.R. § 2.1205(b)" in the captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (**), this 15th day of February, 2005.

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Respectfully submitted,

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