

February 10, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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February 10, 2005 (10:58am)

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

ENTERGY'S UNOPPOSED MOTION TO CHANGE DISCOVERY UPDATE PERIOD

Applicants Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively "Entergy") file this unopposed motion pursuant to 10 C.F.R. §§ 32.319(k), 2.321(c), and 2.323 requesting that the Atomic Safety and Licensing Board ("Board") extend the period required by 10 C.F.R. §2.336(d) for the parties to disclose new discovery information or documents from 14 to 30 days, until the issuance by the NRC Staff of the draft Safety Evaluation Report ("SER"), at which time the period for new disclosures would revert to the fourteen day update period provided in the rule.¹

As discussed at the telephone prehearing conference held by the Board and the parties on January 21, 2005 (Tr. 662-65), the purpose of making such a change is to reduce the number of times documents have to be reduced to electronic form, indexed and produced.² Such enlarge-

¹ The Department of Public Service has proposed that in addition to these changes, the date for supplementing disclosures would be shortened to less than 14 days at some point after issuance of the final SER. The parties are considering that proposal. Should the parties agree on such a change, it would be the subject of a separate unopposed motion. If the parties do not agree, DPS may file a separate motion requesting such a change.

² Entergy undertakes to produce the documents it discloses in electronic form, in compact disks accompanied by suitable indices. While this process results in a production of documents in a format that is convenient to the parties receiving the discovery, it is labor intensive and time consuming.

ment of the discovery update period would not adversely affect any party, in light of the schedule for the proceeding established in the Board's February 1, 2005 Initial Scheduling Order.

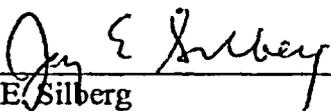
CERTIFICATION

Counsel for Entergy has contacted counsel for the Vermont Department of Public Service ("DPS"), the New England Coalition ("NEC") and the NRC Staff regarding this motion pursuant to 10 C.F.R. § 2.323(b). These parties have indicated that they will not oppose the instant motion. The DPS and NEC agreement does not necessarily include acceptance of all the reasons given for the proposed modification. The NRC Staff position is based upon the assumption that its obligation under 10 C.F.R. §2.336(d) will likewise be modified.

CONCLUSION

For all the above reasons, the Board should modify the discovery update period in the manner stated above.

Respectfully submitted,



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Dated: February 10, 2005

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