

September 26, 2005

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

October 4, 2005 (11:27am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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

Docket No. 50-271
ASLBP No. 04-832-02-OLA
(Operating License Amendment)

**ENERGY'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO RESPOND
TO NEW ENGLAND COALITION'S REQUEST FOR LEAVE TO FILE A NEW
CONTENTION**

Pursuant to 10 C.F.R. §2.323, Applicants Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively "Entergy") hereby file this motion seeking that the Atomic Safety and Licensing Board ("Board") enlarge by two days the allowable time for Entergy to respond to New England Coalition's Request for Leave to File a New Contention ("NEC Request") so that Entergy's response is due twenty-seven days after the filing of NEC's Request instead of the twenty-five days provided by 10 C.F.R. §2.309(h)(1). Thus, since the NEC Request was filed on September 21, 2005, Entergy requests that it be allowed to file its response to it on or before October 19, 2005.¹

The basis for Entergy's motion is as follows. NEC filed its Request electronically on September 21, 2005. The e-mail never reached Entergy's counsel, perhaps because of a problem with the e-mail addresses used by NEC. It was only two days later, in the late afternoon of

¹ In accordance with 10 C.F.R. §2.309(h)(1), Entergy's response to NEC's proposed new contention would be due 25 days after its submittal, that is on Monday, October 17, 2005.

September 23, 2005, that Entergy's counsel was advised by counsel for the NRC Staff that the Request had been filed. At that point, NRC Staff counsel forwarded a copy of the NEC Request and accompanying documents to Entergy's counsel. Thus, Entergy lost two days of the time period allowed by the Rules of Practice to prepare a response to the new contention proffered by NEC. This motion seeks that the full period to respond to NEC's proposed new contention be restored by adding two days to the period provided by the Rules.

Pursuant to 10 C.F.R. §2.323(b), Entergy has consulted with counsel for NEC and the NRC Staff and been advised that those parties do not object to Entergy being granted the relief sought herein.

CONCLUSION

For the reasons stated above, Entergy requests that the Board grant it until October 19, 2005 to respond to the NEC Request.

Respectfully submitted,



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Dated: September 26, 2005

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Unopposed Motion for Enlargement of Time To Respond to New England Coalition's Request for Leave to File a New Contention" were served on the persons listed below by deposit in the U.S. mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 26th day of September, 2005.

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