

January 18, 2007

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

January 18, 2007 (4:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)
)
Entergy Nuclear Vermont Yankee, LLC)
and Entergy Nuclear Operations, Inc.)
)
(Vermont Yankee Nuclear Power Station))

Docket No. 50-271-LR
ASLBP No. 06-849-03-LR

**ENTERGY’S MOTION TO STAY FURTHER PROCEEDINGS ON NEW ENGLAND
COALITION’S MOTION TO COMPEL**

On January 16, 2007, New England Coalition, Inc. (“NEC”) filed its “Motion to Compel” (“NEC’s Motion”) seeking that the Atomic Safety and Licensing Board (“Board”) compel the production of certain documents withheld from disclosure on privilege grounds by Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (“Entergy”) in this proceeding. Responses to NEC’s Motion are due on January 31, 2007.¹

All the documents subject to NEC’s Motion relate to NEC Contention 1, which alleges that Entergy’s Environmental Report failed to sufficiently assess the environmental impacts of increased thermal discharges into the Connecticut River over the twenty-year license extension period. Entergy has sought interlocutory Commission review of the Board’s decision to admit this contention for litigation and the review has been granted. CLI-07-01 (January 11, 2007). The parties are required to submit briefs supporting their positions on the admissibility of NEC’s

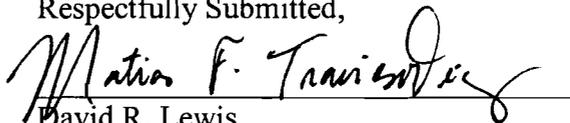
¹ NEC’s Motion is supported by fifteen exhibits, Exhibits 1 through 15. NEC’s Motion at 1. These exhibits were not served electronic but by mail. Therefore, responses to the motion are due fifteen days after service. 10 C.F.R. § 2.306.

Contention 1 within 14 days of the Commission's order, and submit reply briefs within 7 days thereafter. Id. at 2.

Given the ongoing Commission review of the admissibility of NEC's Contention 1 and the likelihood of a Commission ruling on the issue in the near future, Entergy submits that it would be a misallocation of the parties' resources and those of the Board to address NEC's Motion at the present time. Accordingly, we request that the Board stay further proceedings relating to NEC's Motion (including the parties filing responses to the motion, and the Board ruling on the motion) until 10 days after the Commission has ruled on the admissibility of NEC Contention 1.² In the meantime, Entergy will continue to produce discoverable documents relevant to NEC's Contention 1.

In accordance with 10 C.F.R. § 2.323(b), Entergy has contacted NEC and made sincere attempts to resolve the issue raised by this motion, and those attempts have been unsuccessful.

Respectfully Submitted,



David R. Lewis

Matias F. Travieso-Diaz

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January 18, 2007

² Such a stay would allow Entergy to consider the possibility of providing redacted versions of some of the documents whose production NEC seeks. For example, Category 4 of the documents covered by NEC's Motion seeks production of "articles" on "research regarding fisheries." NEC's Motion at 1. Those articles are protected by work product privilege because they contain marginal notations by non-testifying consultants or are materials downloaded from the Internet highlighting the search strategy of the attorney or consultant, and thus reflecting their mental impressions and legal theories. Entergy may provide redacted versions of the articles with the privileged notations removed.

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(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of “Entergy’s Motion to Stay Further Proceedings on New England Coalition’s Motion to Compel” dated January 18, 2007, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, or with respect to Judge Elleman by overnight mail, and where indicated by an asterisk by electronic mail, this 18th day of January, 2007.

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