

January 25, 2007 (7:50am)

UNITED STATES
NUCLEAR REGULATORY COMMISSIONOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFFBefore the Atomic Safety and Licensing Board*In the matter of*ENTERGY NUCLEAR VERMONT YANKEE, LLC
and ENTERGY NUCLEAR OPERATIONS, INC.Docket No. 50-271-LR
ASLB No.06-849-03-LR

(Vermont Yankee Nuclear Power Station)

**NEW ENGLAND COALITION, INC.'S (NEC) OPPOSITION TO ENTERGY'S
MOTION TO STAY NEC'S MOTION TO COMPEL, AND OBJECTION
TO BOARD ORDER GRANTING SUCH MOTION**

Pursuant to 10 C.F.R. § 2.323(c), New England Coalition, Inc. (NEC) opposes the motion of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. ("Entergy") to stay proceedings related to NEC's January 16, 2007 Motion to Compel. NEC seeks disclosure of documents and data relevant to NEC's Contention 1. NEC further objects to the Board's Order of January 23, 2007, granting Entergy's Motion to Stay before the deadline for NEC's opposition to this motion,¹ and without considering NEC's opposition and common-sense approach to this issue.

It is possible, if not likely, that the Commission will not decide Entergy's interlocutory appeal of NEC's Contention 1 until several months from now. It is also possible, and NEC anticipates, that the Commission (or the Court of Appeals) will uphold Contention 1's admission. Without a change in the schedule that either stays *all* proceedings, or sets Contention 1 on a separate and significantly delayed schedule, this Stay is highly prejudicial to NEC. Entergy is inappropriately withholding hundreds of documents and a large amount of data. Time for NEC to review and evaluate this

¹ Entergy filed its Motion to Stay on January 18, 2007. Pursuant to 10 C.F.R. § 2.323(c), the deadline for NEC's opposition to this motion was January 29, 2007. NEC's counsel did not receive notice that the Board had established a different deadline for NEC's opposition.

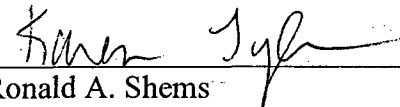
enormous amount of information prior to the deadlines for (1) summary disposition, (2) final witness lists, (3) statements of position, etc. is now unfairly curtailed.²

In sum, this stay is likely to require either two sets of hearings – a wasteful and unnecessary endeavor -- or a complete stay of proceedings. Neither alternative makes sense. NEC suggests (and offered to Entergy during mutual efforts to resolve this issue) that proceedings on Contention 1 be stayed *after* Entergy's production of all non-privileged documents. NEC can then engage experts as necessary to assess this information and commence preparation with minimal, if any, disruption to the established schedule in the event that Contention 1's admission is upheld.

January 24, 2007

New England Coalition

by:



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² Moreover, based on Entergy's practice to date, NEC may find it necessary to file additional motions to compel concerning Entergy's supplemental disclosures between now and issuance of the Commission's decision. Entergy has produced hundreds of pages of privilege logs with each of its supplemental disclosures.

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NUCLEAR REGULATORY COMMISSION**

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In the Matter of)	
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Entergy Nuclear Vermont Yankee, LLC)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.)	ASLBP No. 06-849-03-LR
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(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I, Clara Cavitt, hereby certify that copies of the NEW ENGLAND COALITION, INC'S OPPOSITION TO ENTERGY'S MOTION TO STAY NEC'S MOTION TO COMPEL, AND OBJECTION TO BOARD ORDER GRANTING SUCH MOTION in the above-captioned proceeding were served on the persons listed below, by U.S. Mail, first class, postage prepaid; by Fed Ex overnight to Judge Elleman; and, where indicated by an e-mail address below, by electronic mail, on the 24th day of January, 2007.

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