



Pillsbury
Winthrop
Shaw
Pittman_{LLP}

2300 N Street, N.W.
Washington, D.C. 20037-1128

Tel 202.663.8000
Fax 202.663.8007
www.pillsburylaw.com

February 3, 2006

Jay E. Silberg
202-663-8063
jay.silberg@pillsburylaw.com

Administrative Judge Alex S. Karlin, Chairman
Administrative Judge Anthony J. Baratta
Administrative Judge Lester S. Rubenstein
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, DC 20555-0001

DOCKETED
USNRC

February 4, 2006 (8:00am)

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-OLA**

Dear Chairman Karlin and Judges Baratta and Rubenstein:

This letter provides a report to the Board on two matters at to which the parties indicated agreement at the telephone prehearing conference on January 24, 2006. In light of that agreement, the Board directed the parties to prepare and submit suitable stipulations by February 3, 2006.

The first matter was the parties' agreement not to request that this proceeding be conducted under the procedures of Subpart G of 10 C.F.R. Part 2, but be conducted under Subpart L procedures. Such a stipulation has been prepared and agreed to by the parties. Executed copies by Applicants, the NRC Staff and the Department of Public Service are enclosed with this letter. The New England Coalition's representative informed us this afternoon that its executed stipulation is being mailed out tonight. We will provide it to the Board and the parties on Monday.

The second matter to which the parties indicated agreement at the prehearing conference was the scope of New England Coalition ("NEC") Contention 3, and specifically the identification of the Large Transients that NEC claims should be tested as a condition of approving Entergy's Extended Power Uprate ("EPU") application. At the prehearing conference, we stated that the large transient tests that are the subject of the contention have always been the Main Steam Isolation Valve ("MSIV") Closure Test and the Turbine Generator Load Rejection Test. Tr. 712-13. NEC's representative Mr.


Chairman Karlin and Judges Baratta and Rubenstein

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Shadis indicated his agreement with our position. Tr. 718-20. In further conversations with Mr. Shadis on February 1 and today, we were informed that NEC seeks more time to consider whether the "Large Transient Tests" subject to NEC Contention 3 should also include a station blackout test. Mr. Shadis stated that he would let us know NEC's position by next Wednesday. We will inform the Board as to whether the parties are in agreement upon hearing from NEC.

Sincerely,



Jay E. Silberg
Counsel for Entergy Nuclear Vermont
Yankee, LLC and Entergy Nuclear
Operations, Inc.

Enclosure

February 3, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

STIPULATION OF THE PARTIES WAIVING SUBPART G HEARING

This Stipulation is entered into between and among the Applicants, Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. ("Applicant"), the Vermont Department of Public Service ("DPS"), the New England Coalition ("NEC") and the U.S. Nuclear Regulatory Commission Staff ("Staff"), who are referred to collectively as the "parties."

WHEREAS, on December 16, 2004, the Atomic Safety and Licensing Board ("Board") issued its Memorandum and Order (Selection of Hearing Procedures and Ruling on State Statutory Claim), LBP-04-31, 60 NRC 686, 706, which concluded that the upcoming hearing in this proceeding would be conducted under the procedures of 10 C.F.R. Part 2, Subpart L rather than those of Subpart G;

WHEREAS, the Board also indicated that "[i]f however, at some later stage in this proceeding (e.g., when the identity of witnesses is known) a party submits a motion pursuant to 10 C.F.R. § 2.310(d), arguing that the credibility of an eyewitness as to a material past activity reasonably may be expected to be in issue, we may revisit the matter at that time." 60 NRC at 703, footnote omitted.

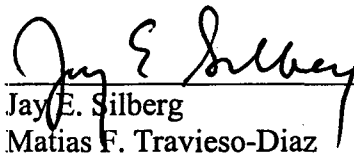
WHEREAS the parties do not intend to seek that the hearings in this proceeding be conducted under the procedures in 10 C.F.R. Part 2, Subpart G.

TEMPLATE = SECY-037

SECY-02

NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE AS FOLLOWS:

1. The parties agree and stipulate that they will not seek that the hearings in this proceeding, or any part of the proceeding, be conducted using the procedures in 10 C.F.R. Part 2, Subpart G.
2. Nothing in this stipulation shall be deemed to waive the right of any party to contest, by appeal to the Commission or otherwise, any part of the Board's rulings in LBP-04-31.
3. Nothing in this stipulation shall be deemed to curtail the right of any party to request by motion the application of the party cross-examination procedures in 10 C.F.R. § 2.1204, nor to require the granting of any such motion.



Jay E. Silberg
Matias F. Travieso-Diaz
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, DC 20037-1128
Counsel for Entergy Nuclear Vermont Yankee,
LLC and Entergy Nuclear Operations, Inc.


Sarah Hofmann
Special Counsel
Department of Public Service
112 State Street - Drawer 20
Montpelier, VT 05602-2601

Anthony Z. Roisman
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768

NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE AS FOLLOWS:

1. The parties agree and stipulate that they will not seek that the hearings in this proceeding, or any part of the proceeding, be conducted using the procedures in 10 C.F.R. Part 2, Subpart G.
2. Nothing in this stipulation shall be deemed to waive the right of any party to contest, by appeal, to the Commission or otherwise, any part of the Board's rulings in LBP-04-31.
3. Nothing in this stipulation shall be deemed to curtail the right of any party to request by motion the application of the party cross-examination procedures in 10 C.F.R. § 2.1204, nor to require the granting of any such motion.

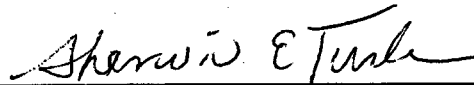
Jay E. Silberg
Matias F. Travieso-Diaz
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, DC 20037-1128
Counsel for Entergy Nuclear Vermont Yankee,
LLC and Entergy Nuclear Operations, Inc.



Sarah Hofmann
Special Counsel
Department of Public Service
112 State Street - Drawer 20
Montpelier, VT 05602-2601

Anthony Z. Roisman
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768

Raymond Shadis
New England Coalition
P.O. Box 98
Shadis Road
Edgecomb ME 04556



Sherwin E. Turk
Robert Weisman
Jason C. Zorn
Counsel for the NRC Staff
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dated: February 3, 2006

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)

ENTERGY NUCLEAR VERMONT)
YANKEE, LLC and ENTERGY)
NUCLEAR OPERATIONS, INC.)
(Vermont Yankee Nuclear Power Station))

) Docket No. 50-271

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "Stipulation of the Parties Waiving Subpart G Hearing" and the letter dated February 3, 2006 from Jay E. Silberg to the Atomic Safety and Licensing Board 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 3rd day of February, 2006.

*Administrative Judge
Alex S. Karlin, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ask2@nrc.gov

*Administrative Judge
Lester S. Rubenstein
4760 East Country Villa Drive
Tucson AZ 85718
lesrrr@comcast.net

*Administrative Judge
Dr. Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ajb5@nrc.gov

Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

***Secretary**
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov, hearingdocket@nrc.gov

Office of Commission Appellate
Adjudication
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

***Sarah Hofmann**
Special Counsel
Department of Public Service
112 State Street – Drawer 20
Montpelier, VT 05620-2601
Sarah.Hofmann@state.vt.us

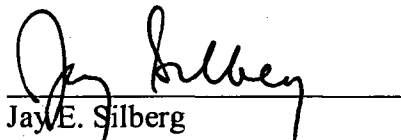
***Sherwin E. Turk, Esq.**
***Robert Weisman, Esq.**
***Jason C. Zorn, Esq.**
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
set@nrc.gov, rmw@nrc.gov, jcz@nrc.gov

***Anthony Z. Roisman**
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768
aroisman@nationallegalscholars.com

***Raymond Shadis**
New England Coalition
P.O. Box 98
Shadis Road
Edgecomb ME 04556
shadis@prexar.com

***Jonathan Rund**
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
jmr3@nrc.gov

***Jered Lindsay**
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
JLL5@nrc.gov


Jay E. Silberg