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February 3, 2006

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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	)	
NUCLEAR OPERATIONS, INC.	)	ASLBP No. 04-832-02-OLA
(Vermont Yankee Nuclear Power Station)	)	(Operating License Amendment)
	)	

**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.

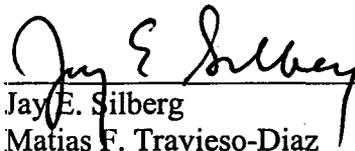
WHEREAS the parties do not intend to seek that the hearings in this proceeding be conducted under the procedures in 10 C.F.R. Part 2, Subpart G.

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.



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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.

---

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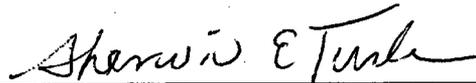
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Dated: February 3, 2006

**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 3<sup>rd</sup> day of February, 2006.

\*Administrative Judge  
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**\*Secretary**  
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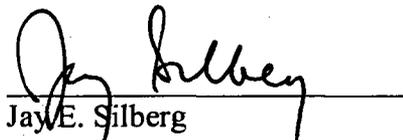
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