

March 27, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S ANSWER TO NEW ENGLAND COALITION'S  
STATEMENT ON THE SCOPE OF NEC CONTENTION 3

In accordance with the Licensing Board's "Order (Supplemental Schedule)" dated March 14, 2006, the NRC Staff ("Staff") hereby responds to "New England Coalition's Statement on the Scope of New England Coalition Contention 3" ("Statement"), filed by New England Coalition ("NEC") on March 21, 2006.

In its Order, the Licensing Board, *inter alia*, directed NEC to submit a statement or brief concerning NEC Contention 3 (Large Transient Testing), "that specifies all of the large transient tests that it believes are necessary." Order at 2, ¶ B.1. Further, "if NEC asserts that large transient tests in addition to the main steam isolation valve closure test and the generator load rejection test are required, [NEC is to state] why those two tests do not bound NEC's safety concerns." *Id.*

In response to the Licensing Board's Order, NEC states its view that station blackout testing should also be required (NEC's Statement, at 2) – but it concurs with the views expressed by Counsel for Entergy Nuclear Vermont Yankee, L.L.C. and Entergy Nuclear Operations, Inc. ("ENVY") and Counsel for the Staff,<sup>1</sup> that only two large transient tests are the

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<sup>1</sup> See, e.g., letter from Jay E. Silberg, Esq. to the Licensing Board, dated February 3, 2006; Tr. 711-12, 813-14 (Silberg); Tr. 815-16 (Turk); Tr. 819 (inquiry by Judge Baratta).

subject of this contention: (a) main steam isolation valve closure, and (b) turbine generator load rejection. NEC states as follows:

Upon examination of the history and relevant documentation of Contention 3, and after discussion with NRC Staff and ENVY Counsel, New England Coalition is convinced that any additional type of Large Transient Testing beyond the main steam isolation valve closure test and the generator load rejection test is not within the scope of Contention 3 as admitted.

NEC Statement, at 2; emphasis added.<sup>2</sup>

The Staff shares NEC's view that only the main steam isolation valve closure test and the generator load rejection test are embraced within the scope of this contention, as filed by NEC and admitted by the Licensing Board. Accordingly, in its testimony on NEC Contention 3, the Staff will address the need only for these two tests to be performed.

Respectfully submitted,

**/RA/**

Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 27<sup>th</sup> day of March, 2006

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<sup>2</sup> This statement is consistent with NEC's previous statements in the telephone conference call of January 24, 2006. See Tr. 717-19 (Shadis). NEC's statement, that it currently believes station blackout testing should also be required (NEC's Statement, at 2), is irrelevant, inasmuch as that concern was not raised in NEC's Contention 3 – as NEC, itself, concedes. *Id.*

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF ANSWER TO NEW ENGLAND COALITION'S STATEMENT ON THE SCOPE OF NEC CONTENTION 3," in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (\*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (\*\*), this 27<sup>th</sup> day of March, 2006.

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**/RA/**

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