

March 27, 2006

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

March 27, 2006 (4:36pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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)	)	
	)	

**ENTERGY'S RESPONSE TO NEW ENGLAND COALITION'S STATEMENT  
ON THE SCOPE OF NEW ENGLAND COALITION CONTENTION 3**

Pursuant to the Atomic Safety and Licensing Board's ("Board") Order (Supplemental Schedule) dated March 14, 2006 ("Order") and its subsequent Order (Granting Motion for Enlargement of Time Related to NEC Contention 4 and Granting Enlargement of Time, Subject to Sanction, Related to NEC Contention 3) and subsequent Memorandum, both dated March 23, 2006, Applicants Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively "Entergy") hereby respond to the New England Coalition's ("NEC") Statement on the Scope of New England Coalition Contention 3 ("NEC Statement") dated March 20, 2006 (but actually served on the parties and the Board on March 21, 2006). In its Statement, NEC asserts that it "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." *Id.*<sup>1</sup> As a result, Applicants see no need to reply to NEC's irrelevant discussion that it "has considered whether a full-transient test involving station blackout should be required" and that it "believes that it should and has considered whether a requirement for full-

<sup>1</sup> As admitted by the Board, NEC Contention 3 reads: "The license amendment should not be approved unless Large Transient Testing is a condition of the Extended Power Uprate." Memorandum and Order, LBP-04-28, 60 NRC 548, 580 (2004).

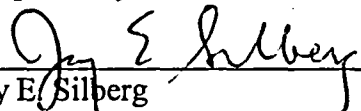
transient testing involving station blackout could be drawn from Contention 3." NEC Statement at 1-2.

Affirmatively stated, NEC agrees that the only two Large Transients Tests ("LTTs") within the scope of NEC Contention 3 are the Main Steam Isolation Valve ("MSIV") Closure Test and the Generator Load Rejection Test. That has of course been Entergy's position since this contention was first submitted and was also the clearly the intent of the Board when ruling on the proposed contention. The Board admitted NEC Contention 3 because "the request to be relieved from LTT is part of the EPU application," therefore "this contention is within the scope of the proceeding." Memorandum and Order, LBP-04-28, 60 NRC 548, 572 (2004).

Indeed, Entergy's request to be relieved from LTT was contained in an attachment to its extended power uprate ("EPU") Application, in which Entergy took exception to two tests, the MSIV Closure Test and the Turbine Generator Load Rejection Test: "Therefore, on a plant-specific basis, Vermont Yankee Nuclear Power Station (VYNPS) is taking exception to the large transient tests; MSIV closure and turbine generator load rejection." Att. 7 to EPU Application, "Justification for Exception to Large Transient Testing" (September 2003), BVY 03-80 at 1. Entergy's exemption request frames the issues in controversy in this contention.

Therefore, the scope of NEC Contention 3 is and has always been clearly defined, and is limited to the above referenced two tests.

Respectfully submitted,

  
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Dated: March 27, 2006

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NUCLEAR OPERATIONS, INC.	)	ASLBP No. 04-832-02-OLA
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Response to New England Coalition's Statement on the Scope of New England Coalition Contention 3" 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 27<sup>th</sup> day of March, 2006.

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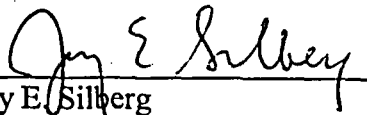
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