

RAS 11725

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USNRC

UNITED STATES
NUCLEAR REGULATORY COMMISSION

June 6, 2006 (3:29pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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)

June 1, 2006

Docket No. 50-271

ASLBP No. 04-832-02-OLA

Office of the Secretary
ATTN: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Rulemaking and Adjudications Staff,

Please find for filing in the above captioned matter one original and two copies of
New England Coalition's Letter to the ASLB Panel Regarding Confidentiality

Thank you for your kind assistance in making this filing,



Raymond Shadis
Pro se Representative
New England Coalition
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New England Coalition

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POST OFFICE BOX 545, BRATTLEBORO, VERMONT 05302

June 1, 2006

Administrative Judge Alex S. Karlin, Chairman
Administrative Judge Alex S. Karlin, 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

In the Matter of Entergy Nuclear Vermont Yankee LLC and
Entergy Nuclear Operations, Inc (Vermont Yankee Nuclear Power Station)
Docket No. 50-271-OLA (Extended Power Uprate)

Dear Chairman Karlin and Judges Baratta and Rubenstein,

In response to instructions received from the Board during the May 20, Scheduling Conference Call I have contacted New England Coalition witnesses, Dr. Joram Hopenfeld and Dr. Ross Landsman regarding signature of proprietary information protection agreements for the subject matter of New England Coalition Contentions Three and Four in the above captioned matter.

Both witnesses have declined to sign.

Neither of them wishes to increase his vulnerability to the potential of nuclear industry complaints nor to have to defend against them. Both of them stated that it was their opinion that Entergy and NRC staff should and could represent their case before the board and the public without resort to invoking proprietary information.

Although, during the conference call, I expressed New England Coalition's willingness to sign confidentiality agreements in order to facilitate the hearing process, it would now be unworkable and impractical for the Coalition's pro se representative to access proprietary information in the absence of the Coalition's witnesses.

Further, upon reconsideration, New England Coalition, recalling an unwarranted legal assault by Entergy upon its attorney in a Vermont Public Service Board case for allegedly leaking proprietary information, causes New England Coalition to agree with the opinion and position of its witnesses.

New England Coalition will not be signing any proprietary information confidentiality agreements in this docket.

New England Coalition sincerely regrets any resulting confusion, concern, or burden upon the Board or the parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Shadis". The signature is fluid and cursive, with a long horizontal stroke at the end.

Raymond Shadis
Pro se Representative
New England Coalition
Post Office Box 98
Edgecomb, Maine 04556
207-882-7801
Shadis@prexar.com

Cc: Service List
Certificate of Service Attached

**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-OLA ASLBP No. 04-832-02-OLA
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NEW ENGLAND COALITION'S LETTER TO THE ASLBP REGARDING CONFIDENTIALITY OF PROPRIETARY INFORMATION," 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 1st day of June, 2006.

Alex S. Karlin, Chair** Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: ask2@nrc.gov	Dr. Anthony J. Baratta** Administrative Judge Atomic Safety and Licensing Board Panel Mail Stop T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: ajb5@nrc.gov
Lester S. Rubenstein** Administrative Judge Atomic Safety and Licensing Board Panel 4760 East Country Villa Drive Tucson, AZ 85718 E-mail: lesrrr@comcast.net	Office of the Secretary** ATTN: Rulemaking and Adjudications Staff Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: HEARINGDOCKET@nrc.gov
Office of Commission Appellate Adjudication* Mail Stop: O-16C1 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001	Jonathan M. Rund, Esq.** Law Clerk Atomic Safety and Licensing Board Panel Mail Stop: T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: jmr3@nrc.gov

<p>Marcia Carpentier, Esq.** Law Clerk Atomic Safety and Licensing Board Panel Mail Stop: T-3F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 E-mail: MXC7@nrc.gov</p>	<p>Jay E. Silberg, Esq.** Matias Travieso-Diaz, Esq.** Pillsbury Winthrop Shaw Pittman, LLP 2300 N St., NW Washington, DC 20037-1128 E-mail: jay.silberg@pillsburylaw.com matias.travieso-diaz@pillsburylaw.com</p>
<p>John M. Fulton, Esq. Assistant General Counsel Entergy Nuclear Operations, Inc. 440 Hamilton Avenue White Plains, NY 10601</p> <p>Terence A. Burke Associate General Counsel Entergy Services, Inc. 1340 Echelon parkway Jackson, MS 39213 E-mail: tburke@entergy.com</p>	<p>Sherwin E. Turk, Esq.** Jason C. Zorn, Esq.** Office of the General Counsel Mail Stop O-15 D21 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 set@nrc.gov, jcz@nrc.gov</p>



Raymond Shadis
Pro Se representative
New England Coalition