

RAS 11725

DOCKETED  
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  
Post Office Box 98  
Edgecomb, Maine 04556  
207-882-7801  
[shadis@prexar.com](mailto:shadis@prexar.com)

# *New England Coalition*

VT NH ME MA RI CT NY  
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 Hopenfled 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", with a long horizontal flourish extending to the right.

Raymond Shadis  
*Pro se* Representative  
New England Coalition  
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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)	)	Docket No. 50-271-OLA
LLC and ENTERGY NUCLEAR	)	
OPERATIONS, INC.	)	ASLBP No. 04-832-02-OLA
	)	
(Vermont Yankee Nuclear Power Station)	)	

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.

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

<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: <a href="mailto:MXC7@nrc.gov">MXC7@nrc.gov</a></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: <a href="mailto:jay.silberg@pillsburylaw.com">jay.silberg@pillsburylaw.com</a>  <a href="mailto:matias.travieso-diaz@pillsburylaw.com">matias.travieso-diaz@pillsburylaw.com</a></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: <a href="mailto:tburke@entergy.com">tburke@entergy.com</a></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  <a href="mailto:set@nrc.gov">set@nrc.gov</a>, <a href="mailto:jcz@nrc.gov">jcz@nrc.gov</a></p>



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