

June 5, 2006 (4:08pm)

UNITED STATES
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the matter of

ENTERGY NUCLEAR VERMONT YANKEE, LLC)	No. DPR-28
and ENTERGY NUCLEAR OPERATIONS, INC.)	Docket NO. 50-271
Vermont Yankee Nuclear Power Station)	
License Renewal Application)	

**NEW ENGLAND COALITION'S NOTICE OF ADOPTION OF CONTENTIONS,
OR IN THE ALTERNATIVE, MOTION TO ADOPT CONTENTIONS**

The New England Coalition (NEC) hereby gives notice pursuant to 10 C.F.R. § 2.309(f)(3) that it is hereby adopting the contentions filed by (1) the State of Vermont, and (2) the Commonwealth of Massachusetts. Alternatively, NEC moves pursuant to 10 C.F.R. § 2.323 to adopt such contentions.¹

1. NEC adopts the Contentions filed by the State of Vermont on May 26, 2006 in this proceeding (Contentions) and has consulted with the State of Vermont pursuant to 10 C.F.R. § 2.309(f)(3) through its counsel, Sarah Hofmann. The State of Vermont concurs in this arrangement provided that Vermont shall be the representative for its Contentions.

¹ 10 C.F.R. § 2.309(f)(3) provides:

If two or more requestors/petitioners seek to co-sponsor a contention, the requestors/petitioners shall jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention. If a requestor/petitioner seeks to adopt the contention of another sponsoring requestor/petitioner, the requestor/petitioner who seeks to adopt the contention must either agree that the sponsoring requestor/petitioner shall act as the representative with respect to that contention, or jointly designate with the sponsoring requestor/petitioner a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

This provision appears to allow a party seeking to adopt a contention to do so simply upon agreement with the sponsoring petitioner as to the representative rather than by motion.

2. NEC adopts the Contention filed by the Commonwealth of Massachusetts on May 26, 2006 in this proceeding (Contention or Contentions), and has consulted with the Commonwealth pursuant to 10 C.F.R. § 2.309(f)(3) through its counsel, Assistant Attorney General Matthew Brock. The Commonwealth of Massachusetts concurs in this arrangement, provided that the Commonwealth shall be the representative for its Contention.
3. NEC understands that the State of Vermont will adopt NEC's contentions. NEC has consulted with the State of Vermont, through its counsel, Sarah Hofmann. NEC concurs in this arrangement, provided that NEC shall be the representative for its Contentions.
4. NEC has standing to adopt and pursue the State of Vermont's and the Commonwealth of Massachusetts' Contentions. The standing declarations submitted in support of NEC's Contentions amply demonstrate standing for NEC's adoption of these Contentions. Further, NEC has the resources and expertise to pursue these Contentions in the event that a designated representative cannot.

WHEREFORE, NEC respectfully gives notice of, or alternatively moves to adopt the Contentions filed by the State of Vermont and the Commonwealth of Massachusetts.

June 5, 2006

New England Coalition, Inc.

by:



Ronald A. Shems
Karen Tyler (on the memorandum)
SHEMS DUNKIEL KASSEL & SAUNDERS PLLC
For the firm

Attorneys for NEC

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the matter of

ENTERGY NUCLEAR VERMONT YANKEE, LLC)
and ENTERGY NUCLEAR OPERATIONS, INC.)
Vermont Yankee Nuclear Power Station)
License Renewal Application)

No. DPR-28
Docket NO. 50-271

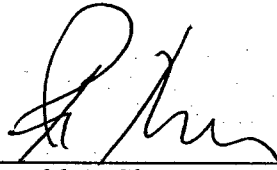
NEW ENGLAND COALITION'S CERTIFICATION OF COUNSEL

Undersigned counsel for the New England Coalition (NEC), pursuant to 10 C.F.R. § 2.323(b), hereby certifies that he has consulted with Sarah Hofmann, counsel for the State of Vermont, Department of Public Service and Assistant Attorney General Matthew Brock, counsel for the Commonwealth of Massachusetts and that all representations made in *New England Coalition's Notice of Adoption of Contentions, or in the Alternative, Motion to Adopt Contentions* (attached) are true and accurate.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C.

§ 1746.

June 5, 2006



Ronald A. Shems
SHEMS DUNKIEL KASSEL & SAUNDERS PLLC

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2006, a copy of New England Coalition's Notice of Adoption of Contentions, or in the Alternative, Motion to Adopt Contentions, regarding the matter of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Vermont Yankee Nuclear Power Station License Renewal Application, No. 50-271 was sent by First Class U.S. Mail, postage prepaid, to:

Office of the Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudications Staff
(also by e-mail)

Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(also by e-mail)

Mr. Terrence A. Burke
Entergy Nuclear
1340 Echelon Parkway, MS M-ECN-62
Jackson, MS 39213

Sarah Hofmann, Esq.
Vermont Department of Public Service
Chittenden Bank Building
112 State Street – Drawer 20
Montpelier, VT 05620-2601

Victoria J. Brown, Esq.
Gary L. Franklin, Esq.
Eggleston & Cramer, Ltd.
150 South Champlain Street
P.O. Box 1489
Burlington, VT 05402-1489

Raymond Shadis
New England Coalition
Shadis Road
P.O. Box 98
Edgecomb, ME 04556

David L. Deen
Connecticut River Watershed Council
P.O. Box 206
Saxtons River, VT 05154

Interested Persons:

Arnold Gunderson
376 Appletree Point Road
Burlington, VT 05401

Secretary, New England Coalition
P.O. Box 545
Brattleboro, VT 05302

David Mears, Esq.
Vermont Law School
Chelsea Street, P.O. Box 96
Environmental Law Clinic
So. Royalton, VT 05068-0096

By:



Ronald A. Shems
SHEMS DUNKIEL KASSEL & SAUNDERS PLLC
For the firm
Attorneys for New England Coalition, Inc.

SHEMS DUNKIEL KASSEL & SAUNDERS PLLC

RONALD A. SHEMS

BRIAN S. DUNKIEL*

JOHN B. KASSEL

MARK A. SAUNDERS

GEOFFREY H. HAND
KAREN L. TYLER
ASSOCIATE ATTORNEYS

ANDREW N. RAUBVOGEL
EILEEN I. ELLIOTT
OF COUNSEL

June 5, 2006

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudications Staff

Via E-mail and First Class Mail

Re: *In the matter of* ENTERGY NUCLEAR VERMONT YANKEE, LLC and ENTERGY
NUCLEAR OPERATIONS, INC., Vermont Yankee Nuclear Power Station License
Renewal Application, Docket No. 50-271

Dear Sir or Madam:

Please find enclosed for filing in the above-stated matter New England Coalition's Notice of Adoption of Contentions, or in the Alternative, Motion to Adopt Contentions.

Thank you for your attention to this matter.

Sincerely,



Ronald A. Shems

Enclosures

cc: see attached Certificate of Service