

June 14, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

June 14, 2006 (2:40pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)
)
Entergy Nuclear Vermont Yankee, LLC)
and Entergy Nuclear Operations, Inc.)
)
(Vermont Yankee Nuclear Power Station))

Docket No. 50-271-LR
ASLBP No. 06-849-03-LR

ENTERGY'S ANSWER TO
THE TOWN OF MARLBORO'S REQUEST FOR HEARING

I. INTRODUCTION

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (hereinafter collectively referred to as "Entergy") hereby answer the "Request for Hearing in Entergy Vermont Yankee License Extension Proceeding" dated April 27, 2006,¹ by the Town of Marlboro. Entergy respectfully submits that the Town's hearing request should be denied, because the Town has not listed any contentions, as is required by 10 C.F.R. § 2.309(a) and (f), and by the notice of opportunity for hearing in this proceeding (71 Fed. Reg. 15,220, 15,221 (Mar. 27, 2006)). The Town's hearing request should also be denied because the Town's only stated concern is with the size of the emergency planning zone, which is beyond the scope of this proceeding. Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3), CLI-05-24, 62 N.R.C. 551, 560-61 (2005); Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3), CLI-04-36, 60 N.R.C. 631, 640 (2004); Florida Power &

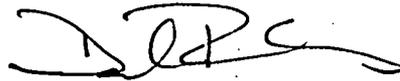
¹ The Town's hearing request was postmarked May 15, 2006. For purposes of computing the date on which an answer is due, Entergy therefore treats the Town's hearing request as having been served by mail on May 15.

Light Co. (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI-01-17, 54 N.R.C. 3, 9, 10 (2001) (because emergency-planning issues are already the focus of ongoing regulatory processes, they do not fall within the NRC's safety review at the license renewal stage).

Where, as here, a hearing request includes no admissible contention, it should be denied.

10 C.F.R. § 2,209(a).

Respectfully Submitted,



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Dated: June 14, 2006

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Answer to the Town of Marlboro's Request for Hearing" dated June 14, 2006, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, or with respect to Judge Elleman by overnight mail, and where indicated by an asterisk by electronic mail, this 14th day of June, 2006.

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