

June 14, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

DOCKETED
USNRC

June 14, 2006 (11:05am)

In the Matter of)
)
)
ENTERGY NUCLEAR VERMONT)
YANKEE, LLC and ENTERGY)
NUCLEAR OPERATIONS, INC.)
(Vermont Yankee Nuclear Power Station))
)

Docket No. 50-271

ASLBP No. 04-832-02-OLA
(Operating License Amendment)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

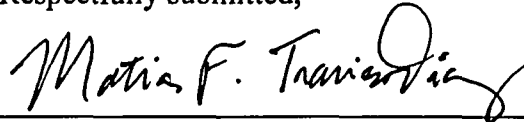
**ENTERGY'S NOTICE OF INTENT NOT TO SUBMIT A REBUTTAL
STATEMENT OF POSITION ON
NEW ENGLAND COALITION RESTATED CONTENTION 4**

Pursuant to 10 C.F.R. § 2.1207(a)(2) and the Atomic Safety and Licensing Board's ("Board") Revised Scheduling Order dated April 13, 2006 ("Revised Scheduling Order"),¹ Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively "Entergy") hereby state that that they do not intend to submit a Rebuttal Statement of Position with respect to New England Coalition("NEC")'s Restated Contention 4, since in NEC's May 17, 2006 "New England Coalition's Statement of Position" ("Statement of Position") NEC stated that "New England Coalition now respectfully resubmits and includes by reference Dr. Ross Landsman's September 19, 2005 Declaration ... Supporting New England Coalition's Alternate Cooling System, as Prefiled Written Testimony, in lieu of new testimony." Statement of Position at 6. Nor does the Statement of Position itself contain any substantive information or argument concerning NEC Restated Contention 4. Entergy believes that, in its May 17, 2006 Initial Statement of Posi-

¹ As directed by the Board, "[t] he written response should be in the nature of a response brief that identifies the legal and factual weaknesses in an opponent's position, identifies rebuttal witnesses and evidence, and specifies the precise purpose of rebuttal witnesses and evidence. Revised Scheduling Order at 3.

tion on NEC Restated Contention 4 and the supporting Testimony of George S. Thomas, Paul D. Baughman, Norman A. Roux, Robert D. Fulkerson and Philip T. Westover on Restated NEC Contention 4 of the same date and exhibits thereto, it has sufficiently addressed the positions taken by Dr. Landsman in his September 19, 2005 Declaration.

Respectfully submitted,



Jay E. Silberg

Matias F. Travieso-Diaz

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Dated: June 14, 2006

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| NUCLEAR OPERATIONS, INC. |) | ASLBP No. 04-832-02-OLA |
| (Vermont Yankee Nuclear Power Station) |) | (Operating License Amendment) |
| |) | |

CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Notice of Intent not to Submit a Rebuttal Statement of Position on New England Coalition Restated Contention 4" 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 14th day of June, 2006.

*Administrative Judge
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