

July 20, 2006 (12::43pm)

UNITED STATES  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In Re: Entergy Nuclear Vermont Yankee )  
LLC and Entergy Nuclear )  
Operations, Inc. )  
(Vermont Yankee Nuclear Power Station))

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

VERMONT DEPARTMENT OF PUBLIC SERVICE  
REPLY TO ENTERGY'S MOTION TO STRIKE  
PORTIONS OF DEPARTMENT OF PUBLIC SERVICE'S REPLY

INTRODUCTION

On June 30, 2006, the Vermont Department of Public Service ("Vermont") filed its Reply to Answers of Applicant and NRC Staff to Notice of Intention to Participate and Petition to Intervene ("Vermont's Reply"). On July 10, 2006, Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively referred to as "Entergy") filed a Motion to Strike Portions of the Department of Public Service's Reply. In accordance with 10 C.F.R. § 2.323(c), Vermont responds to the Motion to Strike.

In brief, Entergy claims that Vermont has impermissibly submitted new information in its Reply that raises new issues and adds bases, while not having filed leave to amend its contentions. Vermont respectfully requests that the Atomic Safety and Licensing Board deny Entergy's Motion to Strike for three reasons: 1) the factual presentations contained in Vermont's Reply are not new contentions so there was no need to file for leave to amend its contentions or meet standards for a late filing; 2) the factual presentations contained in the Reply are directly in response to information put forth by Entergy and the NRC Staff in their Answers - a contention should not be allowed to be defeated by Entergy or the NRC Staff being allowed to argue the merits, and then Intervenors are not allowed to respond with facts; 3) it would be contrary to the

public good to have the Board decide a question of nuclear safety significance by ignoring probative information at this stage of the proceedings when Entergy has ample opportunity to respond to the probative information presented by Vermont at oral argument over 30 days following the filing of Vermont's Reply.

### BACKGROUND

Entergy submitted its application ("Application"), dated January 25, 2006, requesting renewal of Operating License DPR-28 for the Vermont Yankee Nuclear Power Station. Entergy prepared its Application over an extended period of time. That Application consisted of hundreds of pages of technical information and appendices.

On March 27, 2006, the Nuclear Regulatory Commission ("NRC") published a Notice of Acceptance for Docketing of the Application and Notice of Opportunity for Hearing ("Notice") regarding Entergy's application. 71 Fed. Reg. 15,220 (March 27, 2006). The Notice allowed any person whose interests may be affected by the Application to file a request for hearing and petition for leave to intervene 60 days to respond.

On May 26, 2006, Vermont filed a Notice of Intention to Participate and Petition to Intervene. Vermont set out in detail its contentions, the bases for each contention, and supporting evidence for all. Additionally, Vermont provided sufficient information to show that a genuine dispute exists with Entergy on a material issue of law or fact. 10 C.F.R. §2.309(f).

On June 22, 2006, Entergy filed its Answer to Vermont Department of Public Service Notice of Intention to Participate and Intervene ("Entergy's Answer") opposing Vermont's Petition. In Entergy's Answer, Entergy attempted to defeat the Vermont contentions in part by

arguing the merits.

On June 30, 2006, Vermont filed its Reply<sup>1</sup>. Vermont in its Reply defended the adequacy of its contentions and bases as originally filed by rebutting the factual assertions in Entergy's and the NRC Staff's Answers. To rebut the factual assertions, Vermont presented additional supporting evidence to its contentions, but did not request that either its contentions or its bases be modified.

On July 10, 2006, Entergy filed its Motion to Strike claiming that Vermont raised new issues and added bases that require Vermont to file for leave to amend its contentions.

### ARGUMENT

**A. Vermont has appropriately used the reply brief to respond to arguments made by the Entergy or NRC Staff.**

10 C.F.R. § 2.309(h)(2) allows for the filing of a Reply by the Petitioner. The regulations do not specify what can be included in a reply. However, the Statement of Consideration published with the final rule does provide that the "reply should be narrowly focused on the legal or logical arguments presented in the applicant/licensee or NRC staff answer." That is precisely what Vermont has done in this instance. We have responded specifically to the arguments in the Answers of Entergy and the NRC Staff. Surely the rules are not written in such a way as to allow the applicant and the NRC Staff to argue the factual merits of an issue in the Answer, but gives the Petitioner no opportunity to respond. If anything, the argument on the merits highlights the fact that a "genuine dispute exists with the applicant on a

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<sup>1</sup>On July 6, 2006, Vermont submitted a Corrected Copy of its Reply. The page numbers referenced herein refer to the Corrected Reply ("Reply").

material issue of law or fact” as per 10 C.F.R. § 2.309(f)(vi).

Entergy’s reliance on In the Matter of Louisiana Energy Services, LP (National Enrichment Facility), CLI-04-25, 60 N.R.C. 223 (2004), 2004 WL 2049725 (“LES”) is misplaced. In the LES case, it is true that the licensing board rejected four contentions filed by the State of New Mexico Environment Department and the New Mexico Attorney General (“Attorney General”), but the facts were much different in LES than presented in this docket. In LES, the reply briefs presented what “effectively amount to *entirely new contentions.*” Id. at 224, (emphasis added). Both petitioners in that case acknowledged that their petitions were not adequate in some respects. Each was granted an extension of time in which to file reply briefs. However, ultimately the licensing board ruled and the Commission affirmed that the petitioners had inappropriately used the reply briefs to “present for the first time various new claims in support of their contentions. In Commission practice, and in litigation practice generally, new arguments may not be raised for the first time in a reply brief.” Id. at 225.

There is no question in the instant docket, that Vermont did not present claims for the first time in its Reply. The Reply is a logical response to the challenge of its expert in the Answers of Entergy and the NRC Staff. For example, Vermont provides a heat transfer calculation in its Reply. Reply at 15-16. Entergy criticizes the inclusion of that calculation and moves to strike the calculation. Motion to Strike at 10 and 14.

In Vermont’s Petition, it is abundantly clear that the elevated temperature of the primary containment is an integral part of the contention. The supporting evidence includes detailed material on the temperature of the concrete of the containment, including a statement by its expert witness. Petition at 10-12. In its Answer the NRC Staff faults Vermont for being too

speculative and conclusory. NRC Staff Answer at 11-12. Entergy likewise asserts that Vermont claims the concrete surface behind the steel shell will closely match the drywell ambient temperature but provides no support for the assertion. Entergy Answer at 13-14. The material Entergy moves to strike, is a direct refutation of both the NRC Staff's and Entergy's criticisms.

Vermont asserts in a logical response to both these charges, the following:

Mr. Sherman's statement is correct and a sufficient basis to demonstrate the existence of a genuine dispute on a material issue of law or fact, and so it should be considered. Provision of actual heat transfer calculations are a level of detail that should be reserved for the evidence of the hearing and not an initial petition. Nevertheless, Mr. Sherman has prepared a calculation to demonstrate the accuracy of his statement at ¶8 of his Declaration for Petition.

The sample heat transfer calculation is for a representative cross section at El. 280 ft through the drywell to assess the temperature on the face of the concrete outside the steel drywell. *Marks' Standard Handbook for Mechanical Engineers*, Eighth Edition, 1978, McGraw Hill, pp. 4-59 to 4-70 (Transmission of Heat by Conduction and Convection) is used for the calculation. Data for the calculation was taken from Entergy's *License Renewal Application, Amendment No. 2*, dated May 15, 2006 (Vermont Reply Exhibit 1). This submittal identifies that, above the transition zone from spherical to cylindrical portions, the drywell is separated from reinforced concrete by a two-inch gap. The gap below this transition is filled with sand. In addition, the Amendment refers to the nominal plate thickness of the drywell as 2.5 inches.

The calculation assumes a steel plate of 2.5 inches, a sand-filled gap of 2 inches, and a concrete thickness of 6 feet, with drywell temperature at 165°F, the maximum value from UFSAR Section 5.2.3.2, and a reactor building temperature of 100°F. It was assumed that the drywell (near the drywell shell) and the reactor building were at their respective temperatures long enough such that the steel surface inside the drywell and the concrete surface temperature in the reactor building were at these respective temperatures. The following thermal conductivities, in units of btu/hr/ft<sup>2</sup>/°F/ft, were taken from the *Marks Handbook*: steel plate - 26.2, dry sand - 0.188, concrete - 1.05.

At equilibrium, the results of this temperature gradient are:

Temperature at steel surface in the drywell -	165°F
Temperature at the steel/sand interface -	164.9°F
Temperature at the inside concrete face -	156.2°F

In this calculation, approximately 8 inches of thickness of the concrete remains over 150°F. This calculation confirms Mr. Sherman's statement that "the concrete surface behind the steel shell will closely match the drywell ambient temperature."

The foregoing has demonstrated that Vermont Contention 1 has an adequate and sufficient basis, and a genuine dispute exists concerning a material issue. Contention 1 should be admitted.

Vermont Reply at 15-16.

Entergy moves to strike this material as outside the scope of a reply. However, this material is right on point with Vermont's Petition and in response to Entergy's and the Staff's Answers. It legitimately amplifies the statement of its expert witness presented in the original petition and declaration. See LES at 224. Additionally, the factual assertions in Vermont's Reply are necessitated by Entergy and the Staff's use of Answers to attempt to defeat the contention by arguing the merits, rather than acknowledging that a factual dispute exists that should be resolved in a hearing not in the initial pleadings. Vermont could not have anticipated that Entergy would require Vermont to do a calculation that Entergy must have already known would exceed the limits. In order for Vermont to counter this tactic, Vermont presented information in its Reply that focused on the matters raised in the Answers. In the Matter of Nuclear Management Company, LLC (Palisades), LBP-06-10, 63 N.R.C. \_\_\_\_ slip at 9 (2006). Specifically, Vermont did the calculation and included it in its Reply.

In each instance of Entergy moving to strike material in the Vermont Reply<sup>2</sup>, there is a corresponding place in the original petition on the same issue and a responsive focus to the matters raised in the Answers. The material Entergy wished to strike from Vermont's Contention

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<sup>2</sup>Although the arguments in this Reply to Entergy's Motion to Strike are focused on Vermont's Reply, they equally apply to Mr. Sherman's Declaration as the material in Vermont's Reply are mirrored in Mr. Sherman's Declaration.

1, is used as an example in the preceding discussion. In Vermont's Reply regarding Contention

2, Entergy would like to strike the following material:

The fact that groundwater has been recently discovered and the paradigm for design has shifted is seen in the U.S Nuclear Waste Technical Review Board's (NWTRB's) *Report to the U.S. Congress and Secretary of Energy*, January 1, 2005 to February 28, 2006 ("NWTRB Report"). The executive summary contains the following:

Two potentially significant natural barriers at Yucca Mountain—the unsaturated zone beneath the repository horizon and the saturated zone—can isolate radionuclides that might be released from the emplaced waste packages. The Board believes that the Project has made great strides over the last few years in developing a sound understanding of the magnitude and rates of mountain-scale groundwater flow in the unsaturated and saturated zones under ambient temperatures and current climatic conditions.

NWTRB Report at 1. (Emphasis added.)

A key driver in the performance of the repository, both preclosure and postclosure, is temperature. The temperature of the spent nuclear fuel affects the integrity of the fuel cladding and the susceptibility of the waste-package material to localized or general corrosion. The temperature and time profiles in the near-field environment of the drift affect tunnel degradation, causing more fracture pathways, drift separation, and movement of water or water vapor in the unsaturated zone. How these temperatures are controlled is determined by the Project's thermal-management strategy, which identifies controlling criteria, including the maximum thermal loading of the waste packages, line loading in the emplacement drift, and peak temperatures and zones for pillar separation.

*Id.* (Emphasis added.)

The Board has concerns about the technical basis underlying the Project's thermal-management strategy. First, the technical basis for the Project's choice of thermal criteria to limit temperature is not well-defined. The Board believes that the Project should articulate in a transparent way the basis for its thermal criteria. Second, the implications for thermal management of the Project's provisional decision to develop and implement a standardized canister for storing, transporting, and disposing of spent nuclear fuel do not seem to have been evaluated fully. The Board is particularly concerned about the ability of the utilities to blend the spent nuclear fuel to the required thermal loading, given the spent nuclear fuel available in the spent-fuel pools, the increasing volume of spent nuclear fuel in dry storage at reactors, and the

trend toward higher burn-up fuel. Moreover, the Board is concerned that the constraints imposed by line-load requirements during emplacement have not been fully represented or understood in terms of surface facility design and operation. Third, the Board is not persuaded that the thermal-hydrologic models being used to predict postclosure temperature, relative humidity, and vapor transport within the drifts have a strong technical basis.

*Id.* at 1,2. (Emphasis added.)

The engineered barrier system consists of the spent nuclear fuel, including the cladding and the fuel pellets; the waste package, including any canister or basket holding the spent nuclear fuel or high-level radioactive waste; the waste package invert; the drip shield; and the backfill, if any. As do the natural barriers, the engineered barrier system can contribute to waste isolation.

*Id.* at 2,

The Alloy-22 outer barrier of the waste package will not corrode significantly unless liquid water is present on the waste package surface. The higher the temperature at which liquid water is present, the greater is the concern, because metals generally corrode faster at higher temperatures and the susceptibility of metals to corrosion generally increases at higher temperatures. Project scientists have determined that dusts from ventilation air during the preclosure period would settle on waste package surfaces and would contain salts that could form saturated brines with boiling points on the order of 200°C.

*Id.* (Emphasis added.)

The Project maintains that potential localized corrosion of Alloy-22 at elevated temperatures can be excluded from its performance-assessment calculations. The Board believes that the technical basis for the exclusion is not compelling, partly because only very limited corrosion data have been collected at temperatures above 150°C and partly because data showing cessation (stifling) of localized corrosion at lower temperatures may or may not be relevant to all conditions under which localized corrosion could occur in the proposed repository. The Board strongly urges the Project to continue collecting data that might justify its assumption that localized corrosion will not occur at temperatures as high as 200°

*Id.*

These statements from the executive summary of the NWTRB report illustrate



that the project is now considering the presence of groundwater in its design. The body of the NWTRB Report is filled with details related to having to create a new design for the groundwater that has been discovered.

Vermont Reply at 29-31.

All of this material deals with technical difficulties regarding Yucca Mountain as a spent fuel disposal site. In Vermont's original petition, Vermont flagged the technical difficulties uncovered at Yucca Mountain in the basis. See basis 5 at 14 of Vermont Petition. And, in fact, included in the supporting evidence, and supported by declaration of its expert, this very fact was presented that the "disposal area is subject to water-in-leakage." Vermont Petition at 17.

In Entergy's Answer, it directly challenges Vermont and its expert on the issue of "water-in-leakage." In fact, Entergy specifically criticizes Vermont for not having factual support for the "water-in-leakage" issue. Entergy Answer at 22. Vermont in response to that challenge provided a logical response. Vermont did not create a new contention or amend its basis, but did add additional information in a focused manner as elicited by the Entergy Answer.

Finally, Entergy wants to strike the following material from Vermont Contention 3.

Many non-safety systems, structures and components whose failure could prevent satisfactory accomplishment of safety related functions are screened out through the provisions of 10 C.F.R. §54.21(a)(1) as having moving parts or with a change in configuration or properties, or are subject to replacement based on a qualified life or specified time period. This is also true of security equipment such as intrusion alarms, emergency alarms, communications equipment, and various interdiction weapons. Other security equipment, such as physical barriers and structures, would not be screened out by 10 C.F.R. §54.21(a)(1). Examples of such physical barriers and structures, which are visible upon entry to the plant complex, are concrete vehicle barriers and bullet resistant enclosures ("guard towers")<sup>3</sup>. Failure of a vehicle barrier through age degradation could allow entry

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<sup>3</sup> Similar to footnote 6 of the DPS Petition, at 33, DPS is using vehicle barriers and bullet resistant enclosures as "non-Safeguards Information" examples of security equipment. Vehicle

of radiological saboteurs that could subsequently prevent satisfactory accomplishment of safety related functions. Failure of a bullet resistant enclosure through age degradation could admit radiological saboteurs whose actions could subsequently prevent satisfactory accomplishment of safety related functions. There is no reason that the age management provisions of 10 C.F.R. §54.21 (a) should not be applied to security equipment just as it is to other 10 C.F.R. §54.4.(a)(2) equipment. . . .

Vermont Reply at 40-41.

The age-degradation failure of a bullet resistant enclosure, vehicle barrier, or other item of security equipment could admit radiological saboteurs whose intent would be to prevent satisfactory accomplishment of safety related functions. . . .

Vermont Reply at 41-42.

Barriers credited in the security plan are not different in function than fire barriers. Both are passive components. Both have design bases to prevent an occurrence for a time period - one due to fire, and the other due to radiological saboteur intrusion. Fire barriers are identified in the License Renewal Application, Sections 2.1.2.2.1, 2.1.2.4.2, 2.3.3.8; throughout the Tables of Section 2.4; Table 3.3.1, and Table 3.3.5. The age management program for fire barriers is described in Section B.1.12 of Appendix B. The same type of review and age management is necessary for security systems, structures and components whose failure could prevent satisfactory accomplishment of safety related functions. . . .

Vermont Reply at 42-43

This logic emanates from the implicit regulatory notion, prevalent before September 11, 2001, that attack by radiological saboteurs is remote and speculative<sup>4</sup>. Therefore, the same detailed attention to age management was not given to security equipment as it was to other non-safety related equipment whose failure could prevent satisfactory accomplishment of safety related functions.

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barriers and bullet resistant enclosures are visible and obvious to visitors to the station. DPS has not identified other specific systems, structures and components required by 10 C.F.R. Part 73 in order to avoid a Nuclear Safeguards Information designation. DPS continues to reserve its rights, under a rebuttal of lack of specificity on this contention, to file a list of systems, structures and components required by 10 C.F.R. Part 73 that require aging management review under 10 C.F.R. §54.21.

<sup>4</sup> The validity of this statement is proven by NRC's attempt to continue to hold to the *remote and speculative* position in Mothers for Peace, a position that is refuted by the Court.

Security equipment was primarily thought of as active equipment, such as intrusion alarms, emergency alarms, communications equipment, and various interdiction weapons, whose function would be demonstrated by the maintenance requirements of 10 C.F.R. §73.55(g). . . .

Vermont Reply at 44.

In addition, Applicant argues at 28 of its *Answer* from the *statement of consideration* for the maintenance rule, that “security has been deleted from 10 CFR 50.65 [i.e., the maintenance rule] as it is adequately addressed in § 73.46(g) and § 73.55(g).” This argument, intended to show that security systems, structures and components (SSCs) should not be considered under 10 C.F.R. §54.4(a)(2), instead proves the reverse, and confirms our argument at this point.

Maintenance of non-safety related SSC’s whose failure could prevent satisfactory accomplishment of safety related functions, which are not security SSCs, is performed under 10 C.F.R. §50.65, the maintenance rule. The basic requirement of the maintenance rule is in 10 C.F.R. §50.65(a)(1), that these SSCs “*are capable of fulfilling their intended functions.*” Emphasis added.

Maintenance of security SSCs is performed under 10 C.F.R. §73.55 (g). The basic requirement of the security testing and maintenance requirement is that security SSCs “*shall be maintained in an operable condition.*” Emphasis added.

Reading of the two requirements shows they are parallel - essentially the same. Yet the non-safety SSCs under the maintenance rule are included for license renewal consideration under 10 C.F.R §54.4(a)(2). Therefore it makes no sense in logic to exclude security SSCs, as the Staff and Applicant quote for the 1991 *statement of consideration* for license renewal, when the testing and maintenance requirements are essentially identical for the SSCs that are included.

The explanation for this suspension of logic lies in the implicit underlying notion in the *statement of consideration* that security challenges by radiological saboteurs is remote and speculative. This notion is shown to be changed by the September 11, 2001 attacks and by Mothers for Peace. . . .

Vermont Reply at footnote 22 at 45.

As shown in Section 3.5 of the License Renewal Application (LRA), loss of material, scaling, cracking and spalling, are physical aging processes of concrete at issue in license renewal. Loss of material, scaling, cracking and spalling, could occur in a manner such that concrete vehicle barriers no longer meet their design basis for vehicle prevention.

Similarly, bullet resistant enclosures have a design basis to resist bullets. The bullet resistant material needs to be evaluated in a manner similar to the other materials age evaluations in the LRA, to prove the such material does not lose its bullet-resistance during the period of license renewal, or that the bullet-resistant

nature of the material is monitored in a manner to ensure it continues to meet its design basis or that newer and more dangerous bullets have not been developed. Finally, the structural steel support of bullet resistant enclosures, of necessity, has a design basis related to radiological saboteur intrusion. Aging effects on structural steel is an aging process at issue in Section 3.5 of the LRA. The structural steel supports of the bullet resistant enclosures needs to be evaluated to prove the such material does not degrade in a manner to no longer meet its design basis, or is monitored in a manner to ensure it continues to meet its design basis.

As stated earlier, vehicle barriers and bullet resistant enclosures are non-Safeguards Information examples of security systems, structures and components.

Vermont Reply at 46-47.

Vermont's original petition was directly on point with this material. See Vermont Petition at 31-32. Although Vermont was very cautious to not mention anything that could be construed as Safeguards material in its Petition, the point was fairly raised, and supported by expert declaration, that Vermont was concerned with a deficiency in Entergy's application. In its Answer the NRC Staff took Vermont to task for not being more specific. See NRC Staff Answer at 21. The material Entergy would like to strike is specifically responsive to the NRC Staff's concern with a lack of specificity. Vermont's answer is a logical response to the NRC Staff Answer.

Entergy in its Answer stressed the need for a Petitioner to establish a "direct effect on safety-related systems, and not on remote hypothetical scenarios." Vermont focused on responding to this observation in the material above.

In conclusion, Vermont's Reply was a focused and logical response to the Answers filed by NRC Staff and Entergy.

**B. The arguments and facts contained in Vermont's Reply are not new contentions so there is no need to file to amend contentions or meet the late filed contention standards.**

Entergy contends that Vermont's Reply sets forth new contentions. Entergy further argues that because Vermont's Reply sets out new contentions it must file for leave to amend the contentions and meet the requirements under 10 C.F.R. §§ 2.309(c) and (f)(2) for untimely filings and amendments to contentions.

Vermont is not filing new contentions or amending its contentions filed in its original petition. As the previous section outlines, Vermont's Reply was true to its contentions and bases as filed in its Petition, and provided logical responses to the Answers. There are no new contentions or bases. The Reply provides additional specifics in areas where the declaration of its expert was challenged. Vermont stands by its original contentions and bases, supported by the Declaration of its expert, and further believes the level of specificity required for and provided in its Reply, is appropriate to the hearing itself. The additional specifics provided by Vermont in the Reply demonstrates, under challenge, that the original Declaration of its expert is true.

Both 10 C.F.R. §§ 2.309(c) and (f)(2) apply to contentions. There is no mention in either section of amendments in bases or supporting evidence. Similarly, the Statement of Consideration also speaks in terms of the contentions being amended, not the bases or the supporting evidence. In fact, in Vermont's Reply we have not changed the bases but have simply added additional supporting evidence in response to the improper attacks on the evidence presented by Entergy and the NRC Staff.

It is significant that in other parts of the regulations, bases and supporting evidence are included in the language. See for example 10 C.F.R. §§ 2.309(f)(1)(ii) and (v). It appears that

the Commission made a deliberate distinction by not including the bases and supporting evidence in the rules on late filed and amended *contentions*.

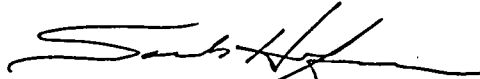
**C. It would be contrary to the public good for the Board to decide a question of nuclear safety significance by ignoring probative information that prejudices no party.**

The Board has before it additional information in the Vermont Reply to consider in determining whether the standard for an admissible contention has been met. That additional information is of probative value on the issue of nuclear safety. The Board can give it the weight it deems appropriate, but it would be contrary to the public good for the Board to ignore the information completely by granting the Motion to Strike. More information would seem a positive attribute at this preliminary stage of the proceedings. Moreover, Entergy is not prejudiced by the consideration of this information. Vermont's Reply was filed on June 30, 2006. Oral argument on the admissibility of contentions is scheduled for August 1<sup>st</sup> and 2<sup>nd</sup> of this year. Entergy has ample opportunity to respond to the probative information presented by Vermont at the oral argument that follows a month after the filing of the Vermont Reply.

**CONCLUSION**

For the reasons set forth above, Vermont requests that Entergy's Motion to Strike be denied.

Respectfully submitted,



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Dated at Montpelier, Vermont this 20<sup>th</sup> day of July, 2006.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
)  
ENTERGY NUCLEAR VERMONT ) Docket No. 50-271-LR  
YANKEE LLC AND ENTERGY NUCLEAR ) ASLBP No. 06-849-03-LR  
OPERATIONS, INC. )  
(Vermont Yankee Nuclear Power Station) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the Vermont Department of Public Service Reply to Entergy's Motion to Strike Portions of the Department of Public Service's Reply were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, on the 20<sup>th</sup> day of July, 2006, and by electronic mail and where indicated by an asterisk on this 20<sup>th</sup> day of July 2006.

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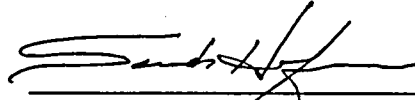
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Respectfully submitted,



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