

August 24, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

August 24, 2006 (3:56pm)

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 ANSWER IN SUPPORT OF STAFF'S MOTION FOR LEAVE TO
INTRODUCE TWO ADDITIONAL HEARING EXHIBITS**

Pursuant to 10 C.F.R. § 2.323(c), Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.¹ (collectively "Entergy") hereby answer the NRC Staff's Motion for Leave to Introduce two Additional Hearing Exhibits ("Motion") dated August 23, 2006. For the reasons stated in the Motion and those summarized below, Entergy submits that the Motion should be granted.

DISCUSSION

There is no doubt that the two Generic Letters that the Staff seeks to introduce (Generic Letters 80-91 and 81-08) are relevant to NEC Contention 3, since NEC has questioned the appropriateness of using the ODYN code to predict the response of VY to generator load

¹ Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. are the licensees of the Vermont Yankee Nuclear Power Station ("VY").

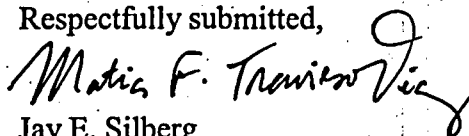
rejection and main steam isolation valve ("MSIV") closure transients. *See, e.g., Declaration of Dr. Joram Hopenfeld in Support of New England Coalition's Response to the Statements of Position of Entergy and NRC Staff dated June 14, 2006 at 5.* The Generic Letters call for the use of ODYN by licensees to analyze, among other plant operating events, generator load rejection and MSIV closure transients. *See Generic Letter 80-91.* The letters are also evidence of the NRC Staff's acceptance of ODYN as providing "acceptable best estimate calculation predictions of the core responses to pressurization transients." *Id.*

There would be no significant impacts on any party as a result of the admission of these clearly relevant documents into evidence. They do not represent a change in position by the Staff, nor raise issues that have not been previously addressed. As such, they neither require nor are amenable to response by the other parties. Their admission would not delay or expand the hearing or require the Board to address matters that it would not have otherwise been considered. In short, admission of these documents would have no adverse effect on the proceeding.

CONCLUSION

For the reasons stated, the Staff's Motion should be granted.

Respectfully submitted,



Jay E. Silberg

Matias F. Travieso-Diaz

Scott A. Vance

PILLSBURY WINTHROP SHAW PITTMAN LLP

2300 N Street, N.W.

Washington, DC 20037-1128

Counsel for Entergy Nuclear Vermont Yankee,

LLC and Entergy Nuclear Operations, Inc.

August 24, 2006

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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))

) Docket No. 50-271

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Entergy's Answer in Support of Staff's Motion for Leave to Introduce two Additional Hearing Exhibits" 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 24th day of August, 2006.

*Administrative Judge
Alex S. Karlin, Chair
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ask2@nrc.gov

*Administrative Judge
Lester S. Rubenstein
1750 Avenida del Mundo
Apartment 1106
Coronado, CA 92118
lesrrr@comcast.net

*Administrative Judge
Dr. Anthony J. Baratta
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
ajb5@nrc.gov

Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

***Secretary**
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov, hearingdocket@nrc.gov


Office of Commission Appellate
Adjudication
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

***Raymond Shadis**
New England Coalition
P.O. Box 98
Shadis Road
Edgecomb, ME 04556
shadis@prexar.com

***Sherwin E. Turk, Esq.**
***Steven C. Hamrick, Esq.**
Office of the General Counsel
Mail Stop O-15 D21
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
set@nrc.gov, schl@nrc.gov

***Jeered Lindsay**
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
JL5@nrc.gov

***Jonathan Rund**
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
jmr3@nrc.gov


Matias F. Travieso-Diaz