

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

October 30, 2006 (1:59pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Before Administrative Judges:

Alex S. Karlin, Chairman
Dr. Richard E. Wardwell
Dr. Thomas S. Elleman

In the Matter of

ENTERGY NUCLEAR VERMONT
YANKEE, LLC, and
ENTERGY NUCLEAR OPERATIONS,
INC.

Docket No. 50-271-LR

ASLBP No. 06-849-03-LR

(Vermont Yankee Nuclear Power Station)

STATE OF NEW HAMPSHIRE'S
NOTICE OF INTENT TO PARTICIPATE AS INTERESTED STATE

NOW COMES the State of New Hampshire ("State" or "New Hampshire"),
by and through its attorneys, the Office of the Attorney General, and gives notice of
its intent to participate as an interested state in this proceeding pursuant to 10 C.F.R. §
2.315(c). In support of this notice, the State avers as follows:

1. Procedural Status. On September 22, 2006, the Board issued a
Memorandum Order (Ruling on Standing, Contentions, Hearing Procedures, State
Statutory Claim, and Contention Adoption) ("Order") which evaluated contentions
filed by the Massachusetts Attorney General's Office, the Vermont Department of
Public Service ("DPS") and the New England Coalition ("NEC"). In the Order, the

Board found five contentions admissible and rejected several others. The Board also established procedural requirements for the orderly conduct of the hearing.

2. State's interest. As with the other governmental entities found in the Order to have standing, the State of New Hampshire is located within ten miles of the Vermont Yankee facility. The boundary between New Hampshire and Vermont is the low water mark on the Vermont side of the Connecticut River (see Vermont v. New Hampshire, 289 U.S. 593 (1933)), so the fisheries and other natural resources that will be impacted by the plant's thermal discharge are largely located in New Hampshire. New Hampshire is also downwind of the facility given prevailing winds and therefore it is in the interest of its citizens to participate and ensure that all the aging concerns are properly addressed in the licensing proceeding.

3. Contentions. New Hampshire wishes to participate in this proceeding with respect to all of the contentions found in the Order to be admissible. These contentions are: DPS Contention 1 (Safety) (age management of primary containment concrete); NEC Contention 1 (Environmental) (water quality); NEC Contention 2 (Safety) (aging/metal fatigue); NEC Contention 3 (Safety)(aging/steam dryer); and NEC Contention 4 (Safety) (aging of plant piping due to flow-accelerated corrosion).

4. Timing of Notice. The State is aware that this notice is technically late, but nevertheless asks that it be allowed to participate in the hearing in this matter. The Order required interested states to file notices of intent to participate within twenty days, or by October 12, 2006. New Hampshire did not receive a copy of the Order until October 23, 2006, and was unaware of this deadline until after it had

passed. The State's participation will be limited to the contentions raised by the parties, will be in keeping with all applicable procedural requirements, and will not interfere with expeditious hearing of the issues raised.

5. November 1, 2006 conference. The State wishes to participate in the November 1, 2006, telephone conference with respect to this matter.

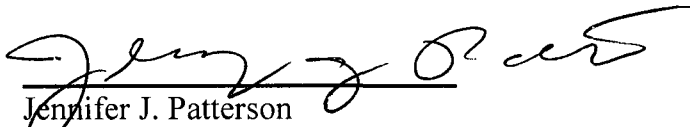
6. Representative. The undersigned, Jennifer J. Patterson, is the appropriate party on whom service may be made.

Respectfully submitted,

KELLY A. AYOTTE
ATTORNEY GENERAL

October 30, 2006


By:


Jennifer J. Patterson
Senior Assistant Attorney General
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CERTIFICATE OF SERVICE

I certify that on this date the foregoing STATE OF NEW HAMPSHIRE'S NOTICE OF INTENT TO PARTICIPATE AS INTERESTED STATE was served via electronic mail and/or first class mail, postage prepaid, to the parties listed on the following service list.

By:


Jennifer J. Patterson

Service List - Vermont Yankee License Renewal

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

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Docket No. 50-271-LR

ASLBP No. 06-849-03-LR

(Vermont Yankee Nuclear Power Station)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.314(b), the following information is provided:

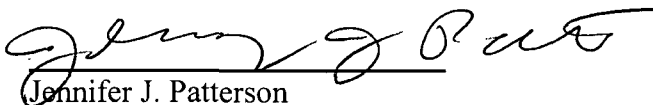
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Admissions:	State of New Hampshire
Name of Party:	State of New Hampshire

Respectfully submitted,

KELLY A. AYOTTE
ATTORNEY GENERAL

10/30/06

By:

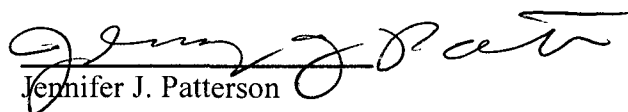


Jennifer J. Patterson
Senior Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that the foregoing *Notice of Appearance* was served via electronic mail and/or first class mail, postage prepaid, to the parties listed on the following service list.

By:



Jennifer J. Patterson

Service List - Vermont Yankee License Renewal

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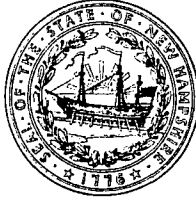
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ORVILLE B. "BUD" FITCH II
DEPUTY ATTORNEY GENERAL

October 30, 2006

Office of the Secretary
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Washington, DC 20555-0001
Attn: Rulemaking and Adjudications Staff

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; ASLBP No. 06-849-03-LR

Dear Sir or Madam:

Please find for filing in the above-captioned matter the original and two copies of the *State of New Hampshire's Notice of Intent to Participate as Interested State* and my *Notice of Appearance*.

Thank you for your considerate attention to this matter.

Sincerely,

Jennifer J. Patterson
Senior Assistant Attorney General
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jennifer.patterson@doj.nh.gov

Enclosure

cc: See attached Certificate of Service