

June 8, 2009 (2:39pm)

June 8, 2009

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Entergy Nuclear Vermont Yankee, LLC)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

**NEW ENGLAND COALITION'S OPPOSITION
TO ENTERGY'S MOTION TO STRIKE NEW ENGLAND COALITION'S REPLY TO
NRC STAFF AND ENTERGY OPPOSITIONS TO
NEC'S MOTION TO FILE A TIMELY NEW CONTENTION**

I. INTRODUCTION

New England Coalition ("NEC") hereby opposes Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.'s (collectively "Entergy's") Motion to strike New England Coalition, Inc.'s ("NEC") "Reply to NRC Staff and Entergy Oppositions to NEC's Motion for Leave to File a Timely New Contention"

Entergy's Motion to strike contains essentially three complaints: (1) that NEC's Reply was filed late; (2) that NEC's reply not served electronically on Entergy, and (3) that NEC's Reply "impermissibly" seeks to supplement NEC's previous motion to admit a new contention¹ by providing a new affidavit that makes additional factual claims not found in the NEC Motion.

NEC responds to the first two complaints regarding timeliness and service with an admission that NEC's electronic filing was in fact late by some hours and that Entergy's receipt of NEC's filing further delayed by as much as a day; as a result, however of inadvertence, and of extraordinary and extenuating circumstances. NEC now files, concurrent with its Opposition, a

Request (post-facto) for Extension of Time in hopes that the Atomic safety and licensing Board (“Board”) will be amenable to this cure for a filing defect that had no discernable negative impact on any party.

As to the third complaint, NEC denies that its Reply contains any attempt to amend or expand the scope of its proposed new contention. Factual claims in the declaration of NEC’s expert, Dr. Joram Hopenfeld are made in direct reply to assertions contained in Entergy’s and NRC Staff’s Oppositions, wherein through voluminous argument and affidavits Entergy attempts to show that NEC’s proposed new contention is without factual basis and that no legitimate technical dispute exists.

For all these reasons and those good reasons stated below, the NEC Reply should not be stricken.

II. DISCUSSION

A. THE NEC ELECTRONIC REPLY FILING IS LATE DUE TO EXTRAORDINARY AND EXTENUATING CIRCUMSTANCES

1. Conflicting Schedule and Onerous Workload

Entergy’s and NRC Staff’s Opposition filings and the time in which to file a Reply came at a time, May 18, 2009, when NEC was fully engaged in Technical Hearings, regarding Entergy Vermont Yankee’s proposed extended period of operation, before the Vermont Public Service Board: May 18,19,20,21;and May 26,27,28; and June 1,2,3. This proceeding listed eight parties, more than thirty witnesses, and voluminous and detailed testimony. Among the technical witnesses to be heard and cross-examined on May 26, 2009, the Reply due date, was NEC’s Pro se representative, the preparer of its Reply. The seven day reply period was punctuated by the Memorial Day weekend. While 10 CFR Part 2, is silent regarding extending time due to national holidays, it bears mentioning that the Federal Rules of Civil Procedure (Rule 6) do allow an extra day for national holidays, including Memorial Day if the filing period is eleven days or less. NEC does not hazard an opinion as to why the NRC and Federal

rules differ, but NEC respectfully offers that allowing an extra day recognizes the unavoidable interruption in work and services that holidays do present.

Entergy and NRC Staff Oppositions totaled over 130 combined pages; densely laden with technical information, which required review and input from NEC's expert. In order to respond to as many technical points as possible, NEC determined that it needed to attach an expert's declaration. That declaration, produced at forced pace, was incorporated in its final form into NEC's filing on May 26, 2009.

In hindsight, NEC should probably have requested additional time when it saw the nature of Entergy and NRC Staff filings, but NEC honestly assessed that with diligence and extra effort, it could juggle the workload and could make a filing on time, albeit at the eleventh hour.

2. Circumstances Affecting Timeliness Beyond NEC's Ability to Control; Entergy Not Electronically Served

NEC carried its partially completed filing from its office in Maine to Vermont on the morning of May 26, 2009. NEC was prepared to complete and file it from NEC's lodgings early that evening. What NEC could not have anticipated were the compound computer and electronic transmittal problems it encountered.

First, NEC's laptop computer was unable to access wireless internet service through the internet-connected computer at our lodgings and, at that, NEC was completely surprised to find out that the 'host' computer was providing intermittent service. Even so, NEC completed preparation of NEC's Reply on location, as it were, and for lack of wireless connection, transferred the files to the host computer and sent the Reply via "web" mail.

Properties statistics of NEC's Reply electronic files show they were completed between 11:30 and 11:40 on May 26th. NEC promptly transferred them to the cable-served computer and

loaded them in a web-mailed server, so the parties should all have received them in timely fashion.

However, On May 28, 2009, Entergy informed NEC via e-mail that Entergy had not received NEC's electronic filing at all and that NRC Staff had informed Entergy of NEC's filing on May 28, 2009. (Please, see Attachment One) NEC remains somewhat at a loss for any explanation as to why Entergy alone, out of the parties, did not receive NEC's transmission, save some computer anomaly. The outgoing mail window did not expand to show all the addressees that were pasted into it and so it may be Entergy's e-mail address was somehow clipped off, but this has never happened before in NEC's experience and NEC is uncertain as to how to check this on a web mail send.

Entergy also informed NEC that NEC's electronic Reply filing was marked by the web-server as sent at 4:17 AM, May 27, 2009; more than four hours after NEC had loaded the filing. NEC can only posit that the system, which had only been providing intermittent service earlier in the evening, had held the send until it cycled and reconnected.

The Certificate of Service provided by NEC indicated that hard copies were mailed to all parties on May 26, 2009. In fact NEC does not have a prepaid postage meter, nor can it afford one. NEC has been operating on the assumption that it was tacitly understood that filings would go out in the very next mail; certainly it has long been obvious that filings completed late in the evening to meet the 11:59 electronic filing deadline could not reasonably be expected to be posted beforehand. Further, NEC has routinely assumed that a hardcopy filing must be posted within 24 hours of the electronic filing and this is the very first time any party has complained, or put NEC on notice about the apparent inconsistency.

B. LATENESS OF NEC'S FILING IS MINIMAL AND HAS HAD NO DISCERNABLE EFFECT ON THE SCHEDULE OR THE PARTIES

1. The Late Service of NEC's Reply is a Matter of Hours; Not Days

2. Time of Actual or Practical Receipt for Most Parties was Unaffected.

Although NEC was unaware of it at the time, actual transmission of the Reply filing was not transmitted to the Service List (with the inadvertent omission of Entergy) until 4:17 AM on May 27, 2009 following a May 26, 2009 electronic filing deadline of 11:59 PM.

As it is unlikely that any recipient would be prepared to receive and begin review of the contents of NEC's Reply, had it been transmitted at 11:59 PM, before the opening of business and certainly not before 4:17 AM on May 27, 2007. Thus the time that any recipient (save Entergy) had to review and react to NEC's Reply was, for all practical purposes unaffected. The delay to Entergy was in effect but one day (until NRC Staff relayed NEC's filing) and it was inadvertent; even unknown to NEC until Entergy's e-mail of May 29, 2008. It has not evidently affected Entergy's ability to timely react as it has in its Motion to Strike.

3. No Party was Deprived of Any Time in Which to Prepare an Answer.

NRC 10 CFR Part 2 allows for Answers to any Motion for a New Contention and for a Reply to the Answers and no more. Thus no party's opportunity to represent its case within the rules was infringed upon.

C. NEC COULD NOT HAVE POSSIBLY ANTICIPATED THE LATE FILING or THE NEED TO REQUEST AN EXTENSION OF TIME.

1. Requests for Extension of Time Must be Filed in Advance of the Deadline.

The Board's Initial Scheduling Order (Nov. 17, 2006), at 10, makes it clear that party must file a motion for an extension of time as soon as the movant knows or should have known of the facts, circumstances, or grounds for the motion, and in no event later than 11 AM Eastern Time on the day preceding the applicable deadline. From the facts, as they are detailed above, it is clear that NEC had no way of anticipating the need for an extension of time.

2. NEC was Unaware that the Electronic Filing was Late Until After the Fact.

NEC had no apprehension that the filing had been served late or that Entergy had been inadvertently omitted from the recipients addresses until it was notified by Entergy on May 29th. Entergy also circulated an e-mail to the parties on May 29th in which Entergy declared its intention to file a Motion to Strike.

D. ADDRESSING ENTERGY'S CONCERN THAT ENTERGY WAS NOT SERVED WITH AN ELECTRONIC COPY OF THE NEC REPLY EVEN THOUGH THE REPLY WAS MAINLY DIRECTED AT ENTERGY'S RESPONSE

1. Entergy is the Principal Opposing Party and Should Have Been Electronically Served.

NEC is fully aware NRC rules require that pleadings be served on counsel for all parties. 10 C.F.R. § 2.305(b) and made an effort to do so.

2. Entergy Deduces Incorrectly That Missing Electronic Service Asterisks Indicate Affirmative Action

Entergy suggest that NEC's failure to provide electronic copies of the NEC Reply to Entergy is deliberate because, "if NEC was using its existing list of addressees, it would have required an affirmative step on NEC's part to delete Entergy counsel from the list.

Maybe.

But, in fact, NEC was not using its existing list, NEC was recycling a Certificate of Service, cut and paste fashion, from either Entergy or NRC Staff in order to incorporate the most up-to-date addressee changes. Entergy admits that NEC has never failed to include Entergy on the list of addressees or recipients before, but fails to opine as to why NEC should start now. NEC takes exception, as should the Board, to Entergy's paranoid sleuthing (Ah, the missing asterisk!). Surely, with more than 900 lawyers on staff, Entergy's representing law firm has more than one surplus asterisk with which to be concerned. Entergy's facetious suggestion of deliberate tampering with service is wasteful of time and attention, and not in the least helpful toward building a record in this case.

3. No Harm is Done

The Board's admonitions and NRC case law regarding timeliness must go to the practical effect on expeditious adjudication, or they are discipline for discipline's sake, a burden falling unequally on affected citizenry and well-resourced staff and nuclear industry licensees. In practical terms, Entergy fails to explain how any of the timeliness or electronic service issues have negatively impacted its case or are otherwise so severe as to merit granting its Motion to Strike.

E. THE NEC REPLY DOES NOT EXCEED THE PERMISSIBLE SCOPE OF A REPLY; ENTERGY'S ARGUMENTS CONFIRM EXISTENCE OF AN ADJUDICABLE, MATERIAL DISPUTE.

1. The NEC Reply does not offer amendments to NEC's proposed contention.

Entergy takes the timeliness and service issue to take the opportunity to argue about the content of NEC's Reply; an opportunity it would otherwise not be afforded. The Board should not permit this cynical and pragmatic use of an otherwise plausible complaint. NEC's proposed new contention is clearly set forth in its Motion to File a Timely New Contention. The NEC Reply is based largely on the Declaration of Dr. Joram Hopensfeld, a document that directly responds point-by-point to the statements in the Entergy Opposition and the Staff Opposition. Further, in doing so, Hopensfeld Declaration clarifies factual assertions in NEC's Motion as NEC is entitled to do in Reply. Both Entergy and NRC Staff Oppositions were densely laden with factual technical assertion that went way beyond logical or legal arguments; drawing Reply in kind, albeit NEC's Reply on technical issues relies on the testimony of an expert in contrast to the technical testimony offered by attorneys for Entergy and NRC Staff.

2. NEC does not Seek to Supplement its Contention with New Issues.

In a number of places in his Declaration, some cited by Entergy in its Motion to strike, Dr. Hopensfeld refers to issues as "new." These usages should not be construed as new to the proposed contention, but rather as "new" when contrasted to strictures of the Board's Partial Initial Decision

of November 24, 2008, which warn against a “rehash” of any issues already litigated. Thus they are responding directly to Entergy and NRC Staff allegation that these are “issues” already settled.

3. Entergy’s Filing Affirms the Existence of a Material Dispute

As in its Opposition, Entergy goes to lengths to juxtaposition and contrast its position regarding the individual finite technical issues that fall within the scope of NEC’s proposed contention with the positions of Dr. Hopenfeld¹. Thus, Entergy at once demonstrates that Dr. Hopenfeld’s assertions are directly responsive to those in Entergy’s opposition; and it affirms that a valid material dispute exists regarding the validity of its scientific and technical inputs to the recirculation outlet and core spray nozzle analyses.

F. NEC’S REPLY IS OF VALUE TO BUILDING AN ADEQUATE AND DEFENSIBLE RECORD IN THE CASE AND SHOULD NOT BE CAST ASIDE FOR INCONSEQUENTIAL AND UNINTENDED INRACTIONS.

1. NEC’s expert witness Dr. Joram Hopenfeld is a well-credentialed expert on materials properties, metal fatigue, and thermal-hydraulics. His opinion on the so-called “confirmatory” analyses of environmentally-assisted metal fatigue in critical-to-public-safety reactor components is ignored only at the risk of public health and safety, witness of a latent history of coming component failure, and grave risk to the credibility of, and public confidence in, the NRC and this Board.

2. This Board has gone the extra-mile in determining that commitments for analyses, bargained between NRC Staff and the Licensee during proceedings involving those very same issues, must not be removed from adjudicatory space as commitments and therefore outside of public and intervenor purview. This is high-ground when it comes to public hearing rights.

The Board should not abandon this high-ground over some perceived slight to the licensee or inadvertence in filing amounting to a few hours when in fact none of the

¹ See Appendix 1 to Entergy’s Motion to Strike for examples.

offence has any demonstrable practical effect and everything is at stake in ascertaining the truth of the matter.

IV. CONCLUSION

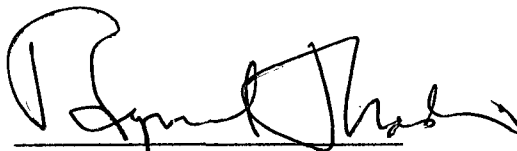
For all of the good reasons stated above, NEC respectfully requests that the Board dismiss Entergy's Motion to Strike and, per NEC's Request for Extension of Time. filed concurrent with this Opposition, accept for consideration and adjudication, NEC's Reply to NRC Staff and Entergy Oppositions to NEC's Motion for Leave to File a Timely New Contention"

CERTIFICATION

In accordance with 10 C.F.R. §2.323(b), NEC's Pro se has requested concurrence for this filing with counsel for the other parties in this proceeding in an attempt to resolve this issue but has not been successful in resolving it.

As of the time of this filing NEC has received responses to inquiries indicated that NRC Staff and Entergy Oppose, with NRC Staff retaining right to Comment; the States of Massachusetts and New Hampshire do not oppose, while retaining right to Comment, and no response as yet from the State of Vermont.

Respectfully Submitted,



Raymond Shadis
Pro se representative
New England Coalition
Post Office Box 98
Edgecomb, Maine 04556
207-882-7801

Dated: June 8, 2009

June 8, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Entergy Nuclear Vermont Yankee, LLC)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

**REQUEST FOR EXTENSION OF TIME IN WHICH TO FILE NEW ENGLAND
COALITION'S REPLY TO NRC STAFF AND ENTERGY OPPOSITIONS
TO NEC'S MOTION TO FILE A TIMELY NEW CONTENTION**

I. INTRODUCTION

New England Coalition ("NEC") hereby respectfully requests an extension of time in which to file NEC's Reply to NRC Staff and Entergy Oppositions to NEC'S Motion to File a Timely New Contention in the above captioned proceeding. Due to extenuating and extraordinary circumstances this filing was not completed within the seven days allotted for it. Specifically, NEC requests that the Atomic Safety and Licensing Board ("Board") in consideration of all of the good reasons set forth below and in the concurrently filed, NEC Opposition to Entergy's Motion to Strike, rest the deadline for NEC's Reply from May 26, 2009 to May 27, 2009.

11. DISCUSSION

NEC's discussion of this matter is set forth in detail in its Opposition to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.'s (collectively "Entergy's")

Motion to strike New England Coalition, Inc.’s (“NEC”) “Reply to NRC Staff and Entergy
Oppositions to NEC’s Motion for Leave to File a Timely New Contention”

This discussion is outlined and summarized in main points as follows:

**A. THE NEC ELECTRONIC REPLY FILING IS LATE DUE TO EXTRAORDINARY
AND EXTENUATING CIRCUMSTANCES**

1. Conflicting Schedule and Onerous Workload

The Reply deadline fell when NEC was already stretching its resources as a party in another legal proceeding in Vermont concerning Entergy’s proposed extended period of operation. NEC was , from May 18 –June 3 engaged weekdays in Technical hearings with NEC’s Pro se representative scheduled to testify on the deadline May 26th; the day after memorial. In hindsight, NEC should probably have requested additional time when it saw the nature of Entergy and NRC Staff filings, but NEC honestly assessed that with diligence and extra effort, it could juggle the workload and could make a filing on time, albeit at the eleventh hour.

2. Circumstances Affecting Timeliness Beyond NEC’s Ability to Control; Entergy Not Electronically Served

NEC attempted to electronically file before the 11:59 PM deadline on May 26, 2009. For reasons, unknown to NEC, its filing was held up in the computer system or in transmission and was not “sent” to the recipients until 4:17 AM. NEC was not aware that the filing was held up or that the last names in its recipient’s list were lost in the send until its received an e-mail (attached) from Entergy on May 29, 2009, with the request that copy be made to Entergy in future filings. .

Also, the Certificate of Service provided by NEC indicated that hard copies were mailed to all parties on May 26, 2009. In fact NEC does not have a prepaid postage meter, nor can it afford

one. NEC has been operating on the assumption that it was tacitly understood that filings would go out in the very next mail; certainly it has long been obvious that filings completed late in the evening to meet the 11:59 electronic filing deadline could not reasonably be expected to be posted beforehand. Further, NEC has routinely assumed that a hardcopy filing must be posted within 24 hours of the electronic filing and this is the very first time any party has complained, or put NEC on notice about the apparent inconsistency.

B. LATENESS OF NEC'S FILING IS MINIMAL AND HAS HAD NO DISCERNABLE EFFECT ON THE SCHEDULE OR THE PARTIES

1. The Late Service of NEC's Reply is a Matter of Hours; Not Days

2. Time of Actual or Practical Receipt was Unaffected.

Recipients received NEC's e-filing before the opening of business on May 27th. Thus the time that any recipient (save Entergy) had to review and react to NEC's Reply was, for all practical purposes unaffected. The delay to Entergy was in effect but one day (until NRC Staff relayed NEC's filing), and did not evidently affected Entergy's ability to timely react as it has in its Motion to Strike.

3. No Party was Deprived of Any Time in Which to Prepare an Answer.

NRC 10 CFR Part 2 allows for Answers to any Motion for a New Contention and for a Reply to the Answers and no more. Thus no party's opportunity to represent its case within the rules was infringed upon.

C. NEC COULD NOT HAVE ANTICIPATED THE LATE FILING or THE NEED TO REQUEST AN EXTENSION OF TIME.

1. Requests for Extension of Time Must be Filed in Advance of the Deadline.

The Board's Initial Scheduling Order (Nov. 17, 2006), at 10, makes it clear that party must file a motion for an extension of time as soon as the movant knows or should have known of the facts, circumstances, or grounds for the motion, and in no event later than 11 AM Eastern Time on the day preceding the applicable deadline. From the facts, as they are detailed above, it is clear that NEC had no way of anticipating the need for an extension of time.

2. NEC was Unaware that the Electronic Filing was Late Until After the Fact.

NEC had no apprehension that the filing had been served late or that Entergy had been inadvertently omitted from the recipients addresses until it was notified by Entergy on May 29th. Entergy also circulated an e-mail to the parties on May 29th in which Entergy declared its intention to file a Motion to Strike.

D. ADDRESSING ENTERGY'S CONCERN THAT ENTERGY WAS NOT SERVED WITH AN ELECTRONIC COPY OF THE NEC REPLY EVEN THOUGH THE REPLY WAS MAINLY DIRECTED AT ENTERGY'S RESPONSE

1. NEC is chagrined, that of all parties, only Entergy failed to receive the e-filing on the morning of the May 27th.

This is purely accidental and unintended.

3. No Harm is Done

Entergy has not explained how electronic service issues have negatively impacted its case. . NEC believes that no harm was done and certainly none was intended.

III. CONCLUSION

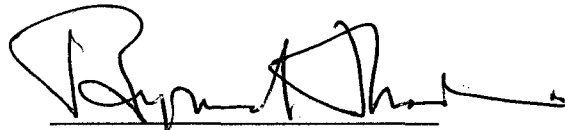
NEC takes very seriously its obligation to adhere to schedules set by the Board and schedules set in regulation. It endeavor to meet the schedule with respect to its Reply and it thought that it had both met the schedule and provided proper service until, after the fact, it

was informed otherwise. The Reply is essential to NEC's case and therefore NEC begs the Board to overlook the defects in its filing and accept the Reply for consideration on its merits. To that end, NEC respectfully requests that the Board, for all of the foregoing good reasons, grant an extension of time on one day, resetting , after the fact, the deadline for NEC's Reply from May 26, 2009 to May 27, 2009.

CERTIFICATION

In accordance with 10 C.F.R. §2.323(b), NEC's Pro se has requested concurrence for this filing with counsel for the other parties in this proceeding in an attempt to resolve this issue but has not been successful in resolving it. As of the time of this filing NEC has received responses to inquiries indicated that NRC Staff and Entergy Oppose, with NRC Staff retaining right to Comment; the States of Massachusetts and New Hampshire do not oppose, while retaining right to Comment, and no response as yet from the State of Vermont.

Respectfully Submitted,



Raymond Shadis
Pro se representative
New England Coalition
Post Office Box 98
Edgecomb, Maine 04556
207-882-7801

Dated: June 8, 2009

NEC ATTACHMENT ONE
JUNE 8, 2009
E-MAIL NEC/ENTERGY

From: Raymond Shadis [mailto:shadis@prexar.com]
Sent: Friday, May 29, 2009 3:45 PM
To: 'Lewis, David R.'; Travieso-Diaz, Matias F.
Cc: 'ask2@nrc.gov'; 'rew@nrc.gov'; 'whrcville@embarqmail.com'; 'susan.uttal@nrc.gov'; 'lbs3@nrc.gov'; 'maxwell.smith@nrc.gov'; 'Sarah.hofmann@state.vt.us'; 'aroisman@nationallegalscholars.com'; 'peter.roth@doj.nh.gov'; 'Matthew.Brock@state.ma.us'; 'zachary.kahn@nrc.gov'; 'lauren.bregman@nrc.gov'
Subject: RE: Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), Docket No. 50-271-LR, ASLBP No. No. 06-849-03-LR

Dear Mr. Lewis,

Thank you for informing me that Entergy did not receive electronic service of NEC's May 26th filing. I am somewhat at a loss for any explanation of why Entergy alone, out of the parties, did not receive NEC's transmission, save some electronic glitch. NEC has been involved in Vermont Yankee proceedings before the Vermont Public Service Board all this week. So I was forced to complete preparation of NEC's Reply on location, as it were, and for lack of wireless connection, send the Reply on a borrowed computer and via "web" mail. The outgoing mail window did not expand to show all addressees and it may be Entergy's e-mail address was somehow clipped off, but this has never happened before and I am uncertain as to how to check this on a web mail send. Properties statistics of NEC's Reply files show they were completed between 11:30 and 11:40 on May 26th. I promptly transferred them to a "borrowed" cable-served computer and loaded them in a web-mailed server, so you should have received them in timely fashion. Thank you to NRC Staff for informing you of NEC's filing. I presume from Entergy's e-mail regarding a Motion on NEC's Reply that NRC Staff also forwarded a copy of our filing. If you would like me to send along another copy directly, I would be glad to do it. Please let me know. I regret any confusion or inconvenience this inadvertently omitted service may have caused. Of course, NEC would oppose any Motion to strike.

Thanks,
Raymond Shadis
New England Coalition

From: Lewis, David R. [mailto:david.lewis@pillsburylaw.com]
Sent: Thursday, May 28, 2009 12:05 PM
To: Mr. Raymond Shadis
Cc: ask2@nrc.gov; rew@nrc.gov; whrcville@embarqmail.com; susan.uttal@nrc.gov; lbs3@nrc.gov; maxwell.smith@nrc.gov; Sarah.hofmann@state.vt.us; aroisman@nationallegalscholars.com; peter.roth@doj.nh.gov; Matthew.Brock@state.ma.us; zachary.kahn@nrc.gov; lauren.bregman@nrc.gov
Subject: Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), Docket No. 50-271-LR, ASLBP No. No. 06-849-03-LR

Dear Mr. Shadis:

Entergy has learned from the NRC Staff that you filed yesterday a Reply to Entergy's and the NRC Staff's answers to NEC's new contention. Based on the email message that the Staff kindly forwarded to us today, it appears that you did not include Entergy on the electronic service. Please be sure to include us if you make any further filings in this proceeding.

Sincerely,
David Lewis
Counsel for Entergy

David Lewis | Pillsbury Winthrop Shaw Pittman LLP

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**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
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Entergy Nuclear Vermont Yankee, LLC)	Docket No. 50-271-LR
and Entergy Nuclear Operations, Inc.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing “New England Coalition’s Opposition to Entergy’s Motion to Strike New England Coalition’s to NEC’s Motion to File a Timely New Contention” and “New England Coalition’s Request For Extension of Time to File Reply to NRC Staff and Entergy Oppositions “ were served on the persons listed below by deposit in the U.S. Mail, first class, and where indicated by an asterisk by electronic mail, this 8th day of June, 2009.

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E-mail: ask2@nrc.gov

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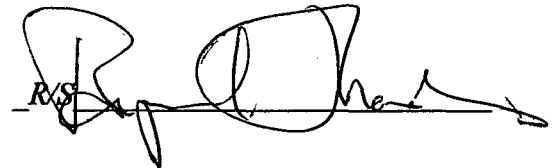
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by:

A handwritten signature in black ink, appearing to read 'RS Raymond Shadis', written over a horizontal line.

Raymond Shadis
Pro se Representative
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May 8, 2009

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: Docket No. 50-271-LR, ASLBP No. 06-849-03-LR, Vermont Yankee Nuclear Power Station

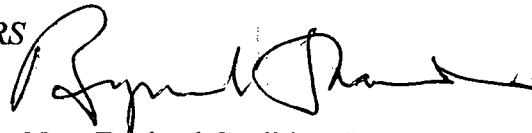
Dear Rulemaking and Adjudications Staff,

Please find enclosed for filing before the Atomic Safety and Licensing Board in the above captioned proceeding:

New England Coalition's Opposition to Entergy's Motion to Strike New England Coalition's to NEC's Motion to File a Timely New Contention" and "New England Coalition's Request For Extension of Time to File Reply to NRC Staff and Entergy Oppositions.

Thank you for your kind attention,

/RS



for New England Coalition, Inc.

Raymond Shadis
Pro Se Representative
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