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USNRC

February 7, 2006 (9:53am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

February 7, 2006

Matias F. Travieso-Diaz
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Administrative Judge Alex S. Karlin, Chairman
Administrative Judge Anthony J. Baratta
Administrative Judge Lester S. Rubenstein
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3F23
Washington, DC 20555-0001

In the Matter of Entergy Nuclear Vermont Yankee LLC and
Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear
Power Station) -- Docket No. 50-271-OLA

Dear Chairman Karlin and Judges Baratta and Rubenstein:

As indicated in our February 3, 2006 letter to the Board and the parties, enclosed is a copy signed by the New England Coalition of the Stipulation of the Parties Waiving Subpart G Hearing. Also enclosed is a copy of the stipulation signed by the Vermont Department of Public Service to replace the .pdf file version submitted on February 3.

Sincerely,

Matias F. Travieso-Diaz
Counsel for Entergy Nuclear Vermont
Yankee, LLC and Entergy Nuclear
Operations, Inc.

Enclosure

cc: Service List

Template=SECY-063

SECY-02

February 3, 2006

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
)	Docket No. 50-271
ENTERGY NUCLEAR VERMONT)	
YANKEE, LLC and ENTERGY)	ASLBP No. 04-832-02-OLA
NUCLEAR OPERATIONS, INC.)	(Operating License Amendment)
(Vermont Yankee Nuclear Power Station))	
)	

STIPULATION OF THE PARTIES WAIVING SUBPART G HEARING

This Stipulation is entered into between and among the Applicants, Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. ("Applicant"), the Vermont Department of Public Service ("DPS"), the New England Coalition ("NEC") and the U.S. Nuclear Regulatory Commission Staff ("Staff"), who are referred to collectively as the "parties."

WHEREAS, on December 16, 2004, the Atomic Safety and Licensing Board ("Board") issued its Memorandum and Order (Selection of Hearing Procedures and Ruling on State Statutory Claim), LBP-04-31, 60 NRC 686, 706, which concluded that the upcoming hearing in this proceeding would be conducted under the procedures of 10 C.F.R. Part 2, Subpart L rather than those of Subpart G;

WHEREAS, the Board also indicated that "[i]f however, at some later stage in this proceeding (e.g., when the identity of witnesses is known) a party submits a motion pursuant to 10 C.F.R. § 2.310(d), arguing that the credibility of an eyewitness as to a material past activity reasonably may be expected to be in issue, we may revisit the matter at that time." 60 NRC at 703, footnote omitted.

WHEREAS the parties do not intend to seek that the hearings in this proceeding be conducted under the procedures in 10 C.F.R. Part 2, Subpart G.

NOW, THEREFORE, THE PARTIES AGREE AND STIPULATE AS FOLLOWS:

1. The parties agree and stipulate that they will not seek that the hearings in this proceeding, or any part of the proceeding, be conducted using the procedures in 10 C.F.R. Part 2, Subpart G.
2. Nothing in this stipulation shall be deemed to waive the right of any party to contest, by appeal to the Commission or otherwise, any part of the Board's rulings in LBP-04-31.
3. Nothing in this stipulation shall be deemed to curtail the right of any party to request by motion the application of the party cross-examination procedures in 10 C.F.R. § 2.1204, nor to require the granting of any such motion.

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Washington, D.C. 20555-0001

Dated: February 3, 2006

February 3, 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)

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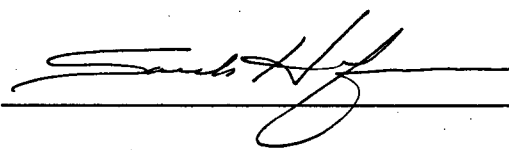
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Washington, D.C. 20555-0001

Dated: February 3, 2006

Before the Atomic Safety and Licensing Board

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

**Office of Commission Appellate
Adjudication
Mail Stop O-16 C1
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