

December 12, 2005

Administrative Judge Alex S. Karlin, Chair  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop: T-3F23  
Washington, DC 20555-0001

Administrative Judge Lester S. Rubenstein  
Atomic Safety and Licensing Board Panel  
4760 East Country Villa Drive  
Tucson, AZ 85718

Administrative Judge Anthony J. Baratta  
Atomic Safety and Licensing Board Panel  
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 Administrative Judges:

The NRC Staff hereby provides notice that it has updated the Hearing File for this proceeding pursuant to 10 C.F.R. § 2.336(d). The Staff is also producing updates to its privilege logs as required by 10 C.F.R. § 2.336(b)(5), and is continuing to preserve and maintain all privileged documents during the pendency of this proceeding.

Sincerely,

**/RA/**

Jason C. Zorn  
Counsel for NRC Staff

Enclosures: Hearing File Index  
Privilege Log - Deliberative Process  
Privilege Log – Proprietary  
Affidavit of G. Edward Miller, Jr.

cc: Service List

**ENCLOSURE 1****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
HEARING FILE INDEX  
SUPPLEMENT 18 - December 12, 2005**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
436	ML053320358	11/3/2005	E-mail, Ennis, NRR, to Scarbrough, NRR, Et. Al., Re: VY EPU Steam Dryer (Note: Non-pubic version disclosed in Supplement 17. See Document 17-01)
437	ML053320354	11/3/2005	E-mail, White, RGN-I, To Ennis, NRR, Re: VY EPU Steam Dryer. (Note: Non-pubic version disclosed in Supplement 17. See Document 17-02)
438	ML053350214	11/15/2005	Transcript of ACRS Subcommittee on Power Upgrades Meeting, Nov. 15, 2005. Pages 1-247. (Note: Also contains slide presentations from NRC Staff, Entergy, and New England Coalition)
439	ML053350134	11/16/2005	Transcript of ACRS Subcommittee on Power Upgrades Meeting, Nov. 16, 2005. Pages 1-374. (Note: Also contains slide presentations from NRC Staff, Entergy, and New England Coalition)
440	ML053350358	11/22/2005	E-mail, Daflucas, Entergy, To Ennis, NRR, Re: VY EPU Supplement 42.
441	ML053320364	11/22/2005	E-mail, Ennis, NRR, to Daflucas, Entergy, Re: VY EPU Conference Call.
442	ML053320361	11/22/2005	E-mail, Ennis, NRR, to Daflucas, Entergy, Re: VY EPU Supplements 38 and 39.
443	ML053320190	11/22/2005	Vermont Yankee, Technical Specification Proposed Change No. 263 - Supplement No. 42 Extended Power Uprate - Steam Dryer Inspection Results.
444	ML053350361	11/25/2005	E-mail, Ennis, NRR, to Daflucas, Entergy, Re: VY EPU RAIs.
445	ML053260427	11/25/2005	Vermont Yankee Request for Additional Information - Extended Power Uprate (TAC MC0761).

**ENCLOSURE 2****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - DELIBERATIVE PROCESS  
SUPPLEMENT 18 - December 12, 2005**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain information subject to withholding from public disclosure as predecisional, deliberative information. Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, withheld under the "deliberative process" privilege.

<b>PDP No.</b>	<b>Accession Number</b>	<b>Author Name/ Affiliation:</b>	<b>Title/ Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
18-01	ML053320396	Stutzke M A, NRC/NRR	E-mail, Stutzke, NRR, to Ennis, NRR, Re: VY EPU Supplements 38 and 39.	11/21/2005	E-Mail	Ennis R B, NRC/NRR	Contains NRC Staff member's proposed RAs regarding Entergy's probabilistic risk analysis of containment overpressure (Note: final version of RAs available at ML053260427)	4
18-02	ML053320402	Reddy D K, NRC/NRR	E-mail, Reddy, NRR, to Ennis, NRR, Re: VY EPU SE Revision.	11/22/2005	E-Mail	Ennis R B, NRC/NRR	Contains NRC Staff member's proposed revisions to Sections 2.5.4.4 (Condensate and Feedwater System) and 2.12 (Power Ascension Testing: BOP Systems Testing Review) of the Draft Safety Evaluation	9

**ENCLOSURE 3****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - PROPRIETARY INFORMATION  
SUPPLEMENT 19 - December 12, 2005**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined by the NRC Staff to contain trade secrets, privileged or confidential commercial or financial information subject to withholding from public disclosure pursuant to 10 C.F.R. § 2.390(a)(4). Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log to identify the following documents, designated "proprietary," and subject to protected status under Section 2.390(a)(4).

<b>Accession Number</b>	<b>Author Name/Affiliation:</b>	<b>Title/Description:</b>	<b>Document Date</b>	<b>Document Type</b>	<b>Addressee / Addressee Affiliation</b>	<b>Comment</b>	<b>Page Count</b>
ML053320392	Drendel D, General Electric Co	Report, GENE-0000-0047-2767, Revision 1, Steam Dryer Unit End Plant Indications, Vermont Yankee RFO-25.	10/31/2005	Report	N/A,	Inspection report completed by Entergy's contractor, GE, regarding VY steam dryer. (Note: Report originally referenced in Document 435 in Hearing File Update Supplement 17)	13

December 12, 2005

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

AFFIDAVIT OF G. EDWARD MILLER, JR. CONCERNING MANDATORY  
DISCLOSURE REQUIREMENT OF 10 C.F.R. § 2.336(d)

I, G. Edward Miller, Jr., being first duly sworn, do hereby state as follows:

1. I am employed as a Project Manager in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation ("NRR"). I serve as a Project Manager in Plant Licensing Branch I-2, Division of Operating Reactor Licensing. Among other things, I am managing the preparation of the hearing file and mandatory disclosures in connection with the extended power uprate license amendment request at issue in this proceeding.

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. §2.336 (b) and (d) in the captioned proceeding have been disclosed, and that the disclosures are accurate and complete as of the date of this certification.

3. I hereby certify that the foregoing is true and complete to the best of my knowledge, information and belief.

**/RA/**

\_\_\_\_\_  
G. Edward Miller, Jr.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing letter from Jason C. Zorn, Counsel for NRC Staff, to the Atomic Safety and Licensing Board, dated December 12, 2005, providing notice of the availability of the Hearing File, together with attachments, in the captioned proceeding have been served on the following. Service has been performed by deposit in the U.S. Mail, First Class; through electronic mail, with copies to follow by deposit in the NRC's internal mail system (as indicated by a single asterisk); or through electronic mail, with copies to follow by deposit in the U.S. Mail, First Class (as indicated by two asterisks), this 12<sup>th</sup> day of December, 2005.

Alex S. Karlin, Chair\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: ask2@nrc.gov)

Dr. Anthony J. Baratta\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: ajb5@nrc.gov)

Lester S. Rubenstein\*\*  
Administrative Judge  
Atomic Safety and Licensing Board Panel  
4760 East Country Villa Drive  
Tucson, AZ 85718  
(E-mail: lesrrr@comcast.net)

Office of the Secretary\*  
ATTN: Rulemaking and Adjudications Staff  
Mail Stop: O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: HEARINGDOCKET@nrc.gov)

Office of Commission Appellate  
Adjudication\*  
Mail Stop: O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

John M. Fulton, Esq.  
Assistant General Counsel  
Entergy Nuclear Operations, Inc.  
440 Hamilton Avenue  
White Plains, NY 10601

Jay E. Silberg, Esq.\*\*  
Matias Travieso-Diaz, Esq.\*\*  
Pillsbury Winthrop Shaw Pittman, LLP  
2300 N St., NW  
Washington, DC 20037-1128  
(E-mail: [jay.silberg@pillsburylaw.com](mailto:jay.silberg@pillsburylaw.com)  
[matias.travieso-diaz@pillsburylaw.com](mailto:matias.travieso-diaz@pillsburylaw.com))

Raymond Shadis\*\*  
Staff Technical Advisor  
New England Coalition  
P.O. Box 98  
Edgecomb, ME 04556  
(E-mail: [shadis@prexar.com](mailto:shadis@prexar.com)  
[shadis@ime.net](mailto:shadis@ime.net))

Sarah Hofmann, Esq.\*\*  
Special Counsel  
Department of Public Service  
112 State Street - Drawer 20  
Montpelier, VT 05620-2601  
(E-mail: [sarah.hofmann@state.vt.us](mailto:sarah.hofmann@state.vt.us))

Anthony Z. Roisman, Esq.\*\*  
National Legal Scholars Law Firm  
84 East Thetford Rd.  
Lyme, NH 03768  
(E-mail: [aroisman@nationallegalscholars.com](mailto:aroisman@nationallegalscholars.com))

Jonathan M. Rund, Esq.\*  
Law Clerk  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: [jmr3@nrc.gov](mailto:jmr3@nrc.gov))

Jared Lindsay, Esq.\*  
Law Clerk  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
(E-mail: [jjl5@nrc.gov](mailto:jjl5@nrc.gov))

**/RA/**

---

Jason C. Zorn  
Counsel for NRC Staff