

November 18, 2004

Jonathan M. Block, Esq.  
94 Main Street  
P.O. Box 566  
Putney, VT 05346-0566

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 Mr. Block:

This responds to your letter to me dated November 10, 2004, pertaining to the unavailability of the Nuclear Regulatory Commission's ("NRC") Agencywide Documents Access and Management System ("ADAMS").

In your letter, you request that the NRC staff provide "all [NRC-generated] correspondence, documentation, requests for additional information, and any other related and relevant material that would reasonably attach to any of" several topics addressed in your letter, including the Vermont Yankee extended power uprate ("EPU") application, the Vermont Yankee engineering inspection, and "EPU-related" applications, including the pending license amendment request to implement an alternative source term at Vermont Yankee. As stated in our November 5, 2004, answer to your motion seeking procedural protections in this proceeding, both you and the New England Coalition's ("NEC") Technical Advisor, Mr. Raymond Shadis, are already included on the NRC's distribution list for outgoing, publically available docketed correspondence from NRC headquarters to Entergy associated with the Vermont Yankee Nuclear Power Station. This encompasses correspondence with Entergy regarding not only the EPU application, but all correspondence related to the plant, including any other pending licensing action, whether or not related to the EPU. NEC will continue to be on our distribution list for such correspondence.

The Staff regrets the inconvenience to this proceeding resulting from the security review. As noted in our November 17, 2004 letter to the Licensing Board and participants, we are hopeful that CITRIX access to ADAMS may be restored within the next week. In the meantime, we continue to believe that the provisions of 10 C.F.R. § 2.309(c) and (f)(2) with respect to the

submission of late-filed contentions take into account the unavailability of information – including the lack of public access to ADAMS – upon which a new or amended contention is based. These regulations, in our view, preserve a petitioner’s ability to proffer late-filed contentions based on material which is temporarily unavailable to the petitioner.

Sincerely,

*/RA/*

Brooke D. Poole  
Counsel for NRC Staff

cc: Administrative Judge Alex S. Karlin  
Administrative Judge Anthony J. Baratta  
Administrative Judge Lester S. Rubenstein  
Sarah Hofmann, Esq.  
Raymond Shadis  
Jay Silberg, Esq.

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