

November 14, 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

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Dear Administrative Judges:

The NRC Staff hereby provides notice that the hearing file for this proceeding has been updated 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. The Staff also notes that, in light of its issuance of the draft Safety Evaluation Report on October 21, 2005, it will now update the hearing file every fourteen days, pursuant to the Board's Order of February 14, 2005.

Sincerely,

*/RA/*

Jason C. Zorn  
Counsel for NRC Staff

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

cc: Service List

**ENCLOSURE 1****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
HEARING FILE INDEX  
SUPPLEMENT 16 - November 14, 2005**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
402	ML053080236	9/22/2005	E-mail, Grimes, NRR, to Ennis, NRR, Re: VY EPU Communications
403	ML053080235	10/14/2005	E-mail, Stutzke, NRR, to Rubin, NRR, Re: VY EPU Containment Overpressure.
404	ML052900235	10/17/2005	10/17/05 - Vermont Yankee Licensing Condition (To: Commissioner Assistants; From: M Landau Acting for W M Dean).
405	ML053080231	10/21/2005	E-mail, Daflucas, Entergy, to Ennis, NRR, Re: VY EPU Supplement 37
406	ML053080230	10/21/2005	E-mail, Gucwa, Entergy, to Ennis, NRR, Re: VY EPU Supplement 38
407	ML052930446	10/21/2005	Transmittal of Draft Safety Evaluation - Extended Power Uprate, Vermont Yankee Nuclear Power Station (TAC MC0761).
408	ML052910200	10/21/2005	Vermont Yankee Nuclear Power Station - Draft Safety Evaluation for the Proposed Extended Power Uprate (TAC MC0761).
409	ML053000280	10/21/2005	Vermont Yankee, Technical Specification Proposed Change No. 263 - Supplement No. 37 Extended Power Uprate - Additional Information.
410	ML053000281	10/21/2005	Vermont Yankee, Technical Specification Proposed Change No. 263 - Supplement No. 38 Extended Power Uprate - Containment Overpressure Credit.
411	ML052560343	10/24/2005	Vermont Yankee Nuclear Power Station - Request for Withholding Information from Public Disclosure (TAC No. MC0761).
412	ML052560364	10/24/2005	Vermont Yankee Request for Withholding Information from Public Disclosure (Tac No. MC0761).
413	ML053080228	10/26/2005	E-mail, Gucwa, Entergy, to Ennis, NRR, Re: VY EPU Supplement 39.

**HEARING FILE INDEX**
**SUPPLEMENT 16 - NOVEMBER 14, 2005**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
414	ML053060324	10/26/2005	Engineering Report VY-RPT-05-00110, Rev 0, "VY PSA Model - Evaluation of Containment Overpressure."
415	ML053060323	10/26/2005	Vermont Yankee, Technical Specification Proposed Change No. 263 - Supplement No. 39 Extended Power Uprate - Risk Analysis of Containment Overpressure.
416	ML053080225	10/27/2005	E-mail, Ennis, NRR, to Lobel, NRR, Et. Al., Re: VY EPU Supplement 39.
417	ML052980007	10/28/2005	Vermont Nuclear Power Station - Request for Withholding Information from Public Disclosure (TAC No. MC0761).
418	ML052980003	10/28/2005	Vermont Yankee - Withholding from Public Disclosure, RAIs EMEB-39, 143 and Attachment 5 to EMEB-18-1, Responses to NRC Scale Model Testing Review Questions Number 6 and Question Number 8 (TAC No. MC0761).
419	ML052980005	10/28/2005	Vermont Yankee Nuclear Power Station - Request for Withholding Information from Public Disclosure (TAC No. MC0761).
420	ML052980002	10/28/2005	Vermont Yankee Nuclear Power Station - Request for Withholding Information from Public Disclosure (TAC No. MC0761).
421	ML053110279	10/29/2005	Vermont Yankee Nuclear Power Station - Technical Specification Proposed Change No. 263 - Supplement No. 40 Extended Power Uprate - Draft Safety Evaluation Proprietary Information.
422	ML053080220	11/2/2005	E-mail, Shadis, NEC, to Ennis, NRR, Re: VY EPU Draft SER
423	ML053010167	11/2/2005	Vermont Yankee Nuclear Power Station - Safety Evaluation Revision 1 - Extended Power Uprate (TAC No. MC0761).

**HEARING FILE INDEX****SUPPLEMENT 16 - NOVEMBER 14, 2005**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
424	ML053010145	11/2/2005	Vermont Yankee Nuclear Power Station - Transmittal of Draft Safety Evaluation Revision 1 (TAC MC0761).
425	ML053120378	11/2/2005	Vermont Yankee Nuclear Power Station Proposed Technical Specification Change No. 263 - Supplement No. 41 Re Extended Power Uprate - Condensate And Feedwater Transient Response Engineering Analysis.
426	ML042430057	11/3/2005	Vermont Yankee - Draft Environmental Assessment and Finding of no Significant Impact Related to Proposed Extended Power Uprate (TAC No. MC0761).

**ENCLOSURE 2****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - PROPRIETARY INFORMATION  
SUPPLEMENT 16 - November 14, 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>
ML052910264	Ennis R B, NRC/NRR/DLPM/ LPD1	Vermont Yankee - Draft Safety Evaluation (TAC MC0761).	10/21/2005	Safety Evaluation Report, Draft	N/A	Draft Safety Evaluation containing information proprietary to Entergy's contractor, General Electric	349

## PRIVILEGE LOG - PROPRIETARY

SUPPLEMENT 16 - NOVEMBER 14, 2005

Accession Number	Author Name/Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
ML053110283	Thayer J K, Entergy Nuclear Northeast, Entergy Nuclear Operations, Inc	Attachment 1 - Vermont Yankee Nuclear Power Station, Proposed Technical Specification Change No. 263 - Supplement No. 40, Extended Power Uprate, Draft Safety Evaluation - Corrections to Proprietary Markings, Proprietary.	10/29/2005	Technical Specification , Bases Change	NRC/Document Control Desk	Licensee's supplement number 40 to license amendment application containing information proprietary to Entergy's contractor, General Electric	36
ML053010175	Ennis R B, NRC/NRR/DLPM/ LPD1	Vermont Yankee Nuclear Power Station - Draft Safety Evaluation Revision 1 - Power Uprate Non-Public (TAC No. MC0761).	11/2/2005	Safety Evaluation Report, Draft	N/A	Draft Safety Evaluation containing information proprietary to Entergy's contractor, General Electric	330

**ENCLOSURE 3****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - DELIBERATIVE PROCESS  
SUPPLEMENT 16 - November 14, 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>
16-01	ML053080208	Ennis R B, NRC/NRR	E-mail, Ennis, NRR, to Richards, NRR, Et. Al., Re: VY EPU ACRS Presentation.	10/27/2005	E-Mail, Slides and Viewgraphs	Richards S A, NRC/NRR	Contains NRC Staff recommendations and discussion of Staff presentation to the ACRS	38
16-02	ML053080206	Anderson C J, NRC/RGN-I	E-mail, Anderson, RGN-I, to Ennis, NRR, Re: VY EPU Steam Dryer.	11/2/2005	E-Mail	Ennis R B, NRC/NRR	Contains NRC Staff discussion of regional inspector's comments on preliminary results of VY steam dryer inspection	3
16-03	ML053080203	Ennis R B, NRC/NRR	E-mail, Ennis, NRR, to Scarbrough, NRR, Et. AL., Re: VY EPU Steam Dryer.	11/2/2005	E-Mail	Scarbrough T G, NRC/NRR	Contains NRC regional inspector's comments on preliminary results of VY steam dryer inspection	3

**PRIVILEGE LOG - DELIBERATIVE PROCESS****SUPPLEMENT 16 - NOVEMBER 14, 2005**

<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>
16-04	ML053080204	Ennis R B, NRC/NRR	E-mail, Ennis, NRR, to Scarbrough, NRR, Re: VY EPU Steam Dryer.	11/2/2005	E-Mail	Scarbrough T G, NRC/NRR	Contains regional inspector's comments on preliminary results of VY steam dryer inspection	5
16-05	ML053120102	Ennis R B, NRC/NRR	E-mail, Ennis, NRR, to Jones, NRR, Et. Al., Re: VY EPU Supplement 41.	11/3/2005	E-Mail, Letter	Jones S R, NRC/NRR	Contains NRC Staff recommendations and discussion of Staff presentation to the ACRS (Non-privileged material (Entergy's Supplement 41) available at ML053120378)	19



November 14, 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 November 14, 2005, providing notice of the availability of the hearing file, together with attachments, in the captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (\*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (\*\*), this 14<sup>th</sup> day of November, 2005.

Alex S. Karlin, Chair\*\*  
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Atomic Safety and Licensing Board Panel  
Mail Stop T-3F23  
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**/RA/**

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Jason C. Zorn  
Counsel for NRC Staff