

January 9, 2006

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  
ENERGY NUCLEAR VERMONT YANKEE LLC and  
ENERGY 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. In accordance with the Licensing Board's Memorandum and Order of December 21, 2005 (LBP-05-33), the documents identified as privileged in the Staff's deliberative process log have been reviewed by a senior level manager with both the requisite expertise and "overview-type perspective" described in LBP-05-33, who made the decision to withhold the documents and assert the privilege on behalf of the NRC.

Sincerely,

**/RA/**

Jason C. Zorn  
Counsel for NRC Staff

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

cc: Service List

**ENCLOSURE 1****VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
HEARING FILE INDEX  
SUPPLEMENT 20 - January 9, 2006**

	<b>Accession Number</b>	<b>Document Date</b>	<b>Title/Description:</b>
458	ML053570052	12/15/2005	E-mail, Ennis, NRR, to Sherman, Vermont DPS, Re: VY EPU Comments.
459	ML053560295	12/15/2005	E-mail, Stutke, NRR, to Ennis, NRR, Re: VY EPU Safety Evaluation.
460	ML053560294	12/16/2005	E-mail, Ennis, NRR, to Franovich, NRR, Re: VY EPU Environmental Assessment.
461	ML053560296	12/16/2005	Email, Scarbrough, NRR, to Ennis, NRR, Re: VY EPU Safety Evaluation.
462	ML053560297	12/19/2005	E-mail, Sherman, Vermont DPS, to Ennis, NRR, Re: VY EPU Comments.

**ENCLOSURE 2**

**VERMONT YANKEE EPU HEARING FILE AND MANDATORY DISCLOSURES  
PRIVILEGE LOG - DELIBERATIVE PROCESS  
SUPPLEMENT 20 - January 9, 2006**

Certain documents otherwise subject to inclusion in the hearing file and mandatory disclosures for this proceeding have been determined to contain information reflecting the NRC Staff's predecisional, deliberative process. Accordingly, such documents are being withheld from public disclosure under the "deliberative process" privilege.<sup>1</sup> Pursuant to 10 C.F.R. § 2.336(b)(5), the Staff is providing this log identifying those documents.

<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>
20-01	ML053570115	Stutzke M A, NRC/NRR	E-mail, Stutzke, NRR, to Ennis, NRR, Re: VY EPU Safety Evaluation.	12/15/2005	E-Mail	Ennis R B, NRC/NRR	Contains NRC Staff member's recommended changes to draft SE section regarding risk evaluation	20
20-02	ML053570110	Ennis R B, NRC/NRR	E-mail, Ennis, NRR, to Franovich, NRR, Re: VY EPU Environmental Assessment.	12/16/2005	E-Mail	Franovich R L, NRC/NRR	Contains draft version of Environmental Assessment and discussion of internal review procedures	39

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<sup>1</sup> The Director of the Division of Operating Reactor Licensing, Catherine Haney, has decided on behalf of the NRC that all of the documents listed in this privilege log should be withheld from public disclosure under the deliberative process privilege.

## ENCLOSURE 2: DELIBERATIVE PROCESS PRIVILEGE LOG

SUPPLEMENT 20 – JANUARY 9, 2006

PDP No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
20-03	ML053570108	Scarborough T G, NRC/NRR	E-mail, Scarborough, NRR, to Ennis, NRR, Re: VY EPU Safety Evaluation	12/16/2005	E-Mail	Ennis R B, NRC/NRR	Contains NRC Staff member's recommended changes to draft SE sections regarding reactor internal core support materials, reactor pressure vessel internals and core supports, safety-related valves and pumps, and steam dryer	6
20-04	ML053570118	Emch R L, NRC/NRR	E-mail, Emch, NRR, to Ennis, NRR, Re: VY EPU Environmental Assessment.	12/21/2005	E-Mail	Ennis R B, NRC/NRR	Contains NRC Staff member's comments on draft version of Environmental Assessment	4
20-05	ML060030196	Ennis R B, NRC/NRR	E-mail, Ennis, NRR, to White, RGN-I, VY EPU SE	12/28/2005	E-Mail	White J R, NRC/RGN-I	Contains recommended changes to draft SE regarding occupational and public radiation doses	7

January 9, 2006

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., 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 declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

*/RA/*

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G. Edward Miller, Jr.

Executed in Rockville, MD  
this 9<sup>th</sup> day of January, 2006.

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 January 9, 2006, 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 9<sup>th</sup> day of January, 2006.

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**/RA/**

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Jason C. Zorn  
Counsel for NRC Staff