

September 6, 2007

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

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Administrative Judge
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
ENTERGY NUCLEAR OPERATIONS, INC.
(Vermont Yankee Nuclear Power Station)
Docket No. 50-271-LR; ASLBP No. 06-849-03-LR

Dear Administrative Judges:

The NRC Staff hereby provides its monthly status report and notice that it has updated the hearing file for this proceeding pursuant to 10 C.F.R. § 2.336(d). An index containing the ADAMS accession number, date, and title or description of each item in the hearing file is appended hereto as Attachment 1. The Staff is also producing, as Attachment 2, 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. Also attached are the Affidavit of Jonathan G. Rowley, as required by 10 C.F.R. § 2.336(c), and the Declaration of Pao-Tsin Kuo, Director of the Division of License Renewal, formally invoking the deliberative process privilege.

The Staff's schedule for the issuance of its Safety Evaluation Report has not been determined. The Final Supplemental Environmental Impact Statement was issued August 1, 2007.

Sincerely,

/RA/

Mary C. Baty
Counsel for NRC Staff

Enclosures: Hearing File Index
Privilege Log - Deliberative Process
Affidavit of Jonathan G. Rowley
Declaration of Pao-Tsin Kuo

cc: Attached Service List

ATTACHMENT 1**VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplement 10– September 6, 2007**

ID #	Accession Number	Document Date	Title/Description:
10-01	ML072110210	7/23/2007	Vermont Yankee RFO 26 Steam Dryer Inspection Results.
10-02	ML072000256	7/24/2007	Request for Additional Information for the Review of the Vermont Yankee Nuclear Power Station, License Renewal Application.
10-03	ML072470541	7/25/2007	E-mail Re Issuance of VY SER
10-04	ML072140847	7/30/2007	Vermont, License Renewal Application, Amendment 28 Response to Request for Additional Information.
10-05	ML072470538	7/30/2007	Communications Plan Re Issuance of VY SER
10-06	ML072120050	7/31/2007	Extension of Schedule for the Conduct of Review of the Vermont Yankee Nuclear Power Station License Renewal Application.
10-07	ML072050012	8/1/2007	NUREG-1437 Supp. 30 Vol. 1 “Generic Environmental Impact Statement for the License Renewal of Nuclear Plants: Regarding Vermont Yankee Nuclear Power Station” Main Report.
10-08	ML072050013	8/1/2007	NUREG-1437 Supp. 30 Vol. 2 “Generic Environmental Impact Statement for the License Renewal of Nuclear Plants: Regarding Vermont Yankee Nuclear Power Station” - Appendices.
10-09	ML071840499	8/1/2007	Letter to EPA Regarding Issuance Notice of Availability of Final Supplement 30 of NUREG-1437 for Vermont Yankee License Renewal.
10-10	ML071840778	8/1/2007	Letter to Mr. Michael Balduzzi, Entergy, Regarding Notice of Availability of Final Supplement 30 of NUREG-1437 for Vermont Yankee License Renewal.
10-11	ML071840890	8/1/2007	Federal Register Notice of Availability of Final Supplement 30 of NUREG-1437 for Vermont Yankee License Renewal.

ID #	Accession Number	Document Date	Title/Description:
10-12	ML072130077	8/1/2007	Press Release-07-096 - NRC Receives Additional Information, Extends Review for Vermont Yankee License Renewal.
10-13	ML072130463	8/1/2007	Press Release-07-098 - NRC Finds No Significant Environmental Impacts from Extended Operation of Vermont Yankee Nuclear Power Plant.
10-14	ML072470534	8/1/2007	E-mail Re June 29, 2007 Conference Call Summary
10-15	ML072140667	8/2/2007	08/13/07, Forthcoming Meeting with Entergy Nuclear Operations, Inc., (Entergy) Regarding License Renewal for the Vermont Yankee Nuclear Power Station.
10-16	ML072470470	8/6/2007	Actions to Verify (a)2 Issues
10-17	ML072180433	8/8/2007	Summary of Telephone Conference Call Held on July 18, 2007, between the U.S. Nuclear Regulatory Commission and Entergy Nuclear Operations, Inc., Concerning Requests for Additional Information Pertaining to the Vermont Yankee Nuclear Power Station LRA.
10-18	ML072180522	8/8/2007	Summary of Telephone Conference Call held on June 29, 2007, Between the U.S. Nuclear Regulatory Commission and Entergy Nuclear Operations, Inc., Concerning Request for Additional Information Pertaining to the Vermont Yankee Nuclear Power Station LRA.
10-19	ML072470532	8/13/2007	E-mail Re VY Clarification of LRA Amendment 28
10-20	ML072330079	8/16/2007	Vermont Yankee - License Renewal Application, Amendment 29.
10-21	ML072470529	8/20/2007	E-mail Re August 1, 2007 Conference Call Summary

ATTACHMENT 2 VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 10 – September, 2007

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.

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-10-01	ML072140425	Barkley R S, Conte R J, NRC/RGN-I, NRC/RGN-I/DRS/EB1	R. Barkley Comments on Draft VY License Renewal Inspection Report No. 05000271-07-006.	5/29/2007	Inspection Report, Letter	Sullivan T A, Entergy Nuclear Operations, Inc	Comments on Draft Inspection Report	42
DP-10-02	ML072140412	Conte R J, NRC/RGN-I/DNMS	R. Conte Comments on Draft VY License Renewal Inspection Report No. 05000271-07-006.	5/29/2007	Inspection Report, Letter	Sullivan T A, Entergy Nuclear Operations, Inc	Comments on Draft Inspection Report	43
DP-10-03	ML072140434	Conte R J, Powell R J, NRC/RGN-I/DRP/PB5, NRC/RGN-I/DRS/EB1	R. Powell and R. Conte Comments on Draft VY License Renewal Inspection Report No. 05000271-07-006.	5/31/2007	Inspection Report	, NRC/RGN-I	Comments on Draft Inspection Report	40

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-10-04	ML072140420	Conte R J, Powell R J, NRC/RGN-I/DRP/PB5, NRC/RGN-I/DRS/EB1	R. Powell Comments on Draft VY License Renewal Inspection Report No. 05000271-07-006.	5/31/2007	Inspection Report, Letter	Sullivan T A, Entergy Nuclear Operations, Inc	Comments on Draft Inspection Report	43
DP-10-05	ML072140440	Conte R J, Gamberoni M K, NRC/RGN-I/DRS, NRC/RGN-I/DRS/EB1	M. Gamberoni Comments on Draft VY License Renewal Inspection Report No. 05000271-07-006.	6/4/2007	Inspection Report, Letter	Sullivan T A, Entergy Nuclear Operations, Inc	Comments on Draft Inspection Report	45
DP-10-06	ML072470464	Diaz- Sanabria Y, NRC/NRR	(PA-LR) Fwd: VY SER Input for CIs.	7/27/2007	E-Mail	Rowley J G, NRC/NRR/ADR O/DLR	Draft SER input	18

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-10-07	ML072470472	Modes M C, NRC/RGN-I	(PA-LR) Fwd: Distribution of Final Document: Summary of Telecon. Call Held on 7/18/07 Concerning Requests for Additional Information Pertaining to the Vermont Yankee Nuclear Power Station License Renewal Application.	8/14/2007	E-Mail	Glenn M, NRC/RGN-I	Discussing VY's LRA	3

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-LR
LLC, and ENTERGY NUCLEAR)	
OPERATIONS, INC.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

AFFIDAVIT OF JONATHAN G. ROWLEY CONCERNING MANDATORY DISCLOSURE
REQUIREMENT OF 10 C.F.R. § 2.336(c)

I, Jonathan G. Rowley, do hereby state as follows:

1. I am employed as a Project Manager in the Division of License Renewal in the Nuclear Regulatory Commission's ("NRC") Office of Nuclear Reactor Regulation. I serve as a project manager for the Vermont Yankee Nuclear Power Station's license renewal application ("LRA").

2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 (b) and (c) 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.

/Original signed by/
Jonathan G. Rowley

Executed in Rockville, MD
this 6th day of September, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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ENTERGY NUCLEAR VERMONT YANKEE,)	Docket No. 50-271-LR
LLC, and ENTERGY NUCLEAR)	
OPERATIONS, INC.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

DECLARATION OF PAO-TSIN KUO

I, Pao-Tsin Kuo, do hereby state as follows:

1. I am employed as the Director of the Division of License Renewal (“DLR”) in the Nuclear Regulatory Commission’s (“NRC”) Office of Nuclear Reactor Regulation (“NRR”). My supervisory responsibilities include oversight of the NRC Staff’s review and evaluation of the Vermont Yankee Nuclear Power Station license renewal application.

2. As part of their responsibilities in preparing the hearing file and mandatory disclosures for these proceedings, NRC staff members under my supervision identified several documents as privileged because they contained information concerning the Staff’s deliberative process. Those documents are listed in Attachment 2 to the September 6, 2007 submission of the Staff’s Hearing File.

3. I have personally reviewed the documents identified as privileged in Attachment 2, and have determined, in accordance with the guidance set forth in Management Directive 3.4, that they contain predecisional information concerning the Staff’s review of the license renewal application. All documents contain either the Staff’s analyses, recommendations, opinions, or evaluations, and may not necessarily reflect the final agency position with respect to the matters discussed therein. Each of the documents comprises part of the deliberative process necessary to the Staff’s review of the pending license renewal application.

4. Further, I have determined that disclosure of these documents could result in harm to the agency, in that it would (a) prematurely disclose the preliminary views of individual Staff members and/or the Staff prior to reaching a final agency decision, and could thus create confusion as to the actual policy or views of the NRC Staff; (b) hinder the efficiency of the Staff, in that forced disclosure of its internal discussions on an unresolved issue would tend to chill all future deliberations and would interfere with the Staff's ability to engage in a free exchange of opinions and analyses prior to publishing its final review documents; and (c) imply or suggest incorrectly that the opinions of the Staff members involved in these communications are actually the final decisions of the agency, while no such final decision has yet been made.

5. Accordingly, I formally invoke the deliberative process privilege with respect to each of the documents listed in Attachment 2 to the September 6, 2007 submission of the Staff's Hearing File.

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

/Original signed by/
Pao-Tsin Kuo

Executed in Rockville, MD
this 6th day of September, 2007

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
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ENTERGY NUCLEAR VERMONT YANKEE,)	Docket No. 50-271-LR
LLC, and ENTERGY NUCLEAR)	
OPERATIONS, INC.)	ASLBP No. 06-849-03-LR
)	
(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated September 6, 2007, providing notice of the availability of the hearing file, with attachments, together with the affidavit of Jonathan G. Rowley and the declaration of Pao-Tsin Kuo in the above-captioned proceeding have been served on the following by electronic mail with copies by deposit in the NRC's internal mail system or, as indicated by an asterisk, by electronic mail with copies by U.S. mail, first class, this 6th day of September 2007.

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/RA/

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Counsel for NRC Staff