

July 5, 2007

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

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Administrative Judge
Atomic Safety and Licensing Board
5207 Creedmoor Road, #101
Raleigh, NC 27612

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

In the Matter of
ENERGY NUCLEAR VERMONT YANKEE, LLC.
AND ENERGENCY 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 and disclosures for this proceeding pursuant to 10 C.F.R. §§ 2.1203(c) and 2.336(d). An index containing the ADAMS accession number, date, and title or description of each item in this supplement 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.

There have been no changes to the Staff's schedule for the issuance of its Safety Evaluation Report and Final Supplemental Environmental Impact Statement.

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 8– July 5, 2007**

ID #	Accession Number	Document Date	Title/Description:
08-01	ML071500153	5/7/2007	Additional Information as Requested Related to NPDES
08-02	ML071550330	6/4/2007	IR 05000271-07-006, on 01/22/2007 - 01/26/2007, 02/05/2007 - 02/09/2007; Vermont Yankee Nuclear Station; Inspection of the Scoping of Nonsafety Systems and the Proposed Aging Management Procedures for VY's Application for Renewed License.
08-03	ML071720161	6/7/2007	Email: PIC - Proposal for Information Collection to address compliance with the Clean Water Act 316(b) Phase II regulations.
08-04	ML071840212	6/7/2007	Vernon Tie Info
08-05	ML071840077	6/18/2007	E-mail from M. Hamer to J. Rowely Re SER Appendix E

ATTACHMENT 2

**VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 8 – July 5, 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-08-01	ML071840087	Rogers B H, NRC/NRR/ ADRO/DLR/ RLRB	E-mail from Billy Rogers Re: Vermont Yankee Q's.	5/29/2007	E-Mail	Rowley J G, Young R M, NRC	Discussing Safety Evaluation Report (SER)	3
DP-08-02	ML071840089	Tiff D B, NRC/RGN-I	Vermont Yankee Questions - Service Water Write-up.	5/29/2007	E-Mail	Rowley J G, NRC/NRR	Draft SER input	2
DP-08-03	ML071840093	Rogers B H, NRC/NRR/ ADRO	Vermont Yankee - Region Inspection Report Edits.	5/25/2007	E-Mail	Rowley J G, NRC/NRR/ADR O	Draft SER input	8
DP-08-04	ML071720154	Emch R L, NRC/NRR	Email: VY Trip Report Schedule.	6/4/2007	E-Mail	Goodman N, Masnik M T, NRC	Discussing 5/29/07 trip to VY	3
DP-08-05	ML071720150	Avci H I, Argonne National Lab (ANL)	Email: Re: 2006 VY REMP Report.	6/5/2007	E-Mail	Emch R L, NRC/NRR/ADR O/DLR/REBB	Discussing 5/29/07 trip to VY	5

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-08-06	ML071720163	Emch R L, NRC/NRR/ADRO/DLR	Email: Re: Fwd: Information Regarding SAMA Screening.	6/6/2007	E-Mail	Palla R L, NRC/NRR/ADR A/DRA/APLA	Input to Final Site-specific Environmental Impact Statement (FSEIS)	3
DP-08-07	ML071720159	Palla R L, NRC/NRR	(NPA-PD-LR) Email: Responses to Comments on VY SAMA.	6/6/2007	E-Mail	Emch R L, NRC/NRR	Draft FSEIS input	8
DP-08-08	ML071720144	Emch R L, NRC/NRR/ADRO/DLR/REBB	(NPA-PD-LR) Email: R. Emch Responses to Comments on VY SAMA.	6/7/2007	E-Mail	LaGory K, Argonne National Lab (ANL)	Discussing FSEIS	3
DP-08-09	ML071720158	Palla R L, NRC/NRR	(NPA-PD-LR) Email: Re: Responses to Comments on VY SAMA (06/07/2007).	6/7/2007	E-Mail	Emch R L, NRC/NRR	Discussing FSEIS	2

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 5th day of July, 2007

July 5, 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 July 5, 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 July 5, 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 5th day of July, 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
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(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated July 5, 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 5th day of July 2007.

Alex S. Karlin, Esq., Chair
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/RA/

Mary C. Baty
Counsel for NRC Staff