

November 1, 2007

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

Dr. Thomas S. Elleman
Administrative Judge
Atomic Safety and Licensing Board Panel
5207 Creedmoor Road, #101
Raleigh, NC 27612

Dr. Richard E. Wardwell
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
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. Please note that due to technical difficulties, public ADAMS is not available. Therefore, documents listed in the Staff hearing file index are not accessible, and may not be accessible until next week.

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 plans to issue its Safety Evaluation Report sometime this month.

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 12– November 1, 2007**

ID #	Accession Number	Document Date	Title/Description:
12-01	ML072740371	9/10/2007	SER Section 2.3.3.13XX, "Hydrogen Water Chemistry."
12-02	ML072750162	9/10/2007	VY License Renewal SER Input from SBPB.
12-03	ML072630124	9/26/2007	Summary of Telephone Conference Call Held on August 17, 2007, Between the NRC and Entergy Nuclear Operations, Inc., Pertaining to the Vermont Yankee Nuclear Power Station License Renewal Application.
12-04	ML072750188	9/27/2007	Email Received by R. Conte from J. Rowley of September 27, 2007, Fwd: VYNPS LRA Amendment 30.
12-05	ML072750197	9/27/2007	Email Received by R. Conte from M. Modes of September 27, 2007, Fwd: VYNPS LRA Amendment 30 (Answer to Question About Cooling Tower Failure).
12-06	ML072630010	10/1/2007	08/13/2007 Summary of Meeting with Entergy Nuclear Operation, Inc., Representatives re License Renewal Application.
12-07	ML073040080	10/18/2007	Aug. 20 Call Summary.
12-08	ML073030454	10/18/2007	VY License Renewal Amendment 32.
12-09	ML073040075	10/19/2007	License Renewal EAF audit Q&A responses (DRAFT).
12-10	ML073040072	10/19/2007	SBPB S & S Input for VY License Renewal SER - Section 2.2.
12-11	ML073040071	10/22/2007	Insert for Section 2.3 of VY License Renewal SER.

ATTACHMENT 2

**VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 12 –November 1, 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-12-01	ML072750203	Hoang D V, NRC/NRR/A DRO/DLR/R LRC	Email Received by R. Conte from D. Hoang of September 28, 2007, Re: Fwd: VYNPS LRA Amendment 30.	9/28/2007	E-Mail	Auluck R C, Baty M C, Chang K C, Conte R J, Franovich R L, Kuo P T, Lee S S, Powell R J, Rogers B H, Rowley J G, Shane R M, Subin L B, NRC/NRR, NRC/OCA, NRC/OGC, NRC/RGN-I	Discussing VYNPS LRA Amendment 30	3
DP-12-02	ML073040077	Jeng D C, NRC/NRO	Email Re: Additional RAI Recommended for Issuance to VY Applicant to Provide Response.	10/4/2007	E-Mail	Rowley J G, NRC/NRR	Draft RAI	3

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP 12-03	ML073030468	Modes, M, NRC/RGN- I/DRS/EB1	M. Modes E-mail of 10/12/07, VY ASLB Hearing.	10/12/2007	E-Mail	Conte, RJ, Gamberoni, M RGN-I	Discussing ASLB Hearing	4

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 1st day of November, 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 November 1, 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 November 1, 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 1st day of November, 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 November 1, 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 1st day of November 2007.

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

Mary C. Baty
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