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USNRC

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July 15, 2008

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFFUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSIONBefore the Atomic Safety and Licensing Board

In the Matter of )

Entergy Nuclear Vermont Yankee, LLC )  
and Entergy Nuclear Operations, Inc. )Docket No. 50-271-LR  
ASLBP No. 06-849-03-LR

(Vermont Yankee Nuclear Power Station) )

ENTERGY'S RESPONSE TO JULY 11, 2008 BOARD ORDER

On July 11, 2008, at approximately 1:19 p.m., counsel for the NRC staff notified the Atomic Safety and Licensing Board ("Board") and counsel for the other parties to this matter by electronic mail that the New England Coalition's ("NEC") direct examination plan had been inadvertently made publicly available on the Electronic Hearing Docket and ADAMS. At approximately 1:39 p.m., the Board provided instructions by electronic mail that counsel talk to their legal teams, including all expert witnesses, and direct them not to access NEC's direct examination plan. The Board further ordered the parties to file a short report with the Board regarding the implementation of the Board's Order on July 17, 2008. Applicants Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively "Entergy") provide the following response to the Board's Order.

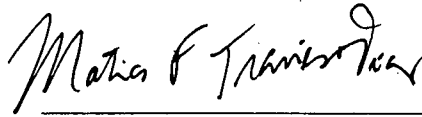
On July 11, 2008, a few minutes after approximately 1:19 p.m., after receipt of the NRC Staff's communication but prior to his receipt of the Board's instructions, David R. Lewis, counsel for Entergy, accessed the Electronic Hearing Docket to assess the situation, determine whether Entergy's questions had also been disclosed, and determine what actions to take. Mr. Lewis saw a link identified as "Letter to Board Transmitting Proposed Questions" and opened

that document to confirm that it was not an additional release of questions for witnesses. Mr. Lewis confirmed that this document was merely the NRC Staff's transmittal letter without questions attached. Mr. Lewis then opened NEC's document to confirm that it was not just a transmittal letter, too. As soon as he saw it was not a transmittal letter, he closed the document immediately without reading any of its contents or downloading it.

On July 11, 2008, immediately upon receipt of the Board's Order, counsel for Entergy contacted all members of its legal team. Counsel for Entergy directly spoke to each member of its legal team, including its expert witnesses, except one, for whom a voice mail was left, to confirm that they had not accessed NEC's direct examination plan and to instruct them not to do so. No Entergy witness had accessed NEC's direct examination plan. Counsel for Entergy further sent an electronic mail to all members of its legal team, including its expert witnesses, directing them not to access NEC's direct examination plan. Counsel for Entergy spoke to its one remaining expert witness on July 14, 2008. That witness had not accessed the NEC direct examination plan and was again instructed not to do so.

No member of Entergy's legal team other than Mr. Lewis accessed NEC's direct examination plan, and Mr. Lewis did not read its contents. Because no member of the Entergy legal team read the contents of NEC's direct examination plan, Entergy respectfully submits that no further action is necessary.

Respectfully Submitted,



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Dated: July 15, 2008

**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, LLC	)	Docket No. 50-271-LR
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 "Entergy's Response to July 11, 2008 Board Order" were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid, and where indicated by an asterisk by electronic mail, this 15th day of July, 2008.

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