

RAS 12418

October 20, 2006

DOCKETED  
USNRC

October 20, 2006 (11:01am)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**  
Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
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) )

**JOINT MOTION ON PRIVILEGE LOG AND DISCLOSURE**

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., the Vermont Department of Public Service, the New England Coalition, Inc., and the NRC Staff (the "Parties") have agreed and move that the privilege logs required by 10 C.F.R. § 2.336(a)(3) and (b)(5) to be provided by the Parties in this proceeding need not include (1) communications that originated from counsel to the client, or from the client to counsel, when no outside person was included, or (2) documents as to which the attorney work-product privilege is asserted when the documents are authored by counsel. If the documents were not authored by counsel and the work-product privilege is claimed, the material should appear on the privilege log as required by 10 C.F.R. §§ 2.336(a)(3) and (b)(5). In entering this stipulation, the New England Coalition does not concede the deliberative process privilege and reserves any ability to seek such documents.

The Parties have also agreed and move that the disclosures required by 10 C.F.R. § 2.336(a)(2) and (b) need not include pleadings or communications that have already been

TEMPLATE = SECY-041

SECY-02

exchanged, with a certificate of service, between all the parties, such as the material in, or attached to, the pleadings already served.

The Parties have authorized Entergy to file this motion with the Atomic Safety and Licensing Board on their behalf.

Respectfully Submitted,



---

David R. Lewis  
Matias F. Travieso-Diaz  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
2300 N Street, N.W.  
Washington, DC 20037-1128  
Tel. (202) 663-8474

Counsel for Entergy Nuclear Vermont Yankee,  
LLC, and Entergy Nuclear Operations, Inc.

Dated: October 20, 2006

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
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 "Joint Motion on Privilege Log and Disclosure" dated October 20, 2006, 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 20th day of October, 2006.

\*Administrative Judge  
Alex S. Karlin, Esq., Chairman  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
ask2@nrc.gov

\*Administrative Judge  
Dr. Thomas S. Elleman  
Atomic Safety and Licensing Board  
5207 Creedmoor Road, #101,  
Raleigh, NC 27612.  
tse@nrc.gov; elleman@eos.ncsu.edu

Office of Commission Appellate Adjudication  
Mail Stop O-16 C1  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

\*Administrative Judge  
Dr. Richard E. Wardwell  
Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
rew@nrc.gov

\*Secretary  
Att'n: Rulemakings and Adjudications Staff  
Mail Stop O-16 C1  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
secy@nrc.gov, hearingdocket@nrc.gov

Atomic Safety and Licensing Board  
Mail Stop T-3 F23  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

\*Mitzi A. Young, Esq.  
\*Steven C. Hamrick, Esq.  
Office of the General Counsel  
Mail Stop O-15 D21  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
may@nrc.gov; sch1@nrc.gov

\*Anthony Z. Roisman, Esq.  
National Legal Scholars Law Firm  
84 East Thetford Road  
Lyme, NH 03768  
[aroisman@nationallegalscholars.com](mailto:aroisman@nationallegalscholars.com)

\*Sarah Hofmann, Esq.  
Director of Public Advocacy  
Department of Public Service  
112 State Street – Drawer 20  
Montpelier, VT 05620-2601  
Sarah.hofmann@state.vt.us

\*Ronald A. Shems, Esq.  
\*Karen Tyler, Esq.  
Shems, Dunkiel, Kassel & Saunders, PLLC  
9 College Street  
Burlington, VT 05401  
[rshems@sdkslaw.com](mailto:rshems@sdkslaw.com)  
[ktyler@sdkslaw.com](mailto:ktyler@sdkslaw.com)



---

David R. Lewis