

January 4, 2007

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

Administrative Judge
Dr. Thomas S. Elleman
Atomic Safety and Licensing Board Panel
5207 Creedmoor Road, #101
Raleigh, NC 27612
Washington, DC 20555-0001

Administrative Judge
Dr. Richard E. Wardwell
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. 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, Acting Director of the Division of License Renewal, formally invoking the deliberative process privilege.

The Staff hereby provides notice that the schedule is unchanged from the dates provided in the December 7, 2006 monthly status report.

Sincerely,

/RA/

Steven C. Hamrick
Counsel for NRC Staff

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

cc: Service List

**ATTACHMENT 1 VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
HEARING FILE INDEX
Supplement 2– January 4, 2007**

ID #	Accession Number	Document Date	Title/Description:
02-001	ML070030327	11/22/2006	E-Mail: (PA) Nov 6 telecon summary (VY).
02-002	ML070030339	11/27/2006	E-Mail: (PA) Nov 8 Call Summary (VY).
02-003	ML063400474	11/28/2006	E-Mail: (NPA-PD-LR) Environmental Permits, Vermont Yankee, From: Ricky N. Buckley To: Richard Emch.
02-004	ML063400467	11/28/2006	E-Mail: (NPA-PD-LR) Permits, Vermont Yankee.
02-005	ML063400463	11/28/2006	E-mail: (NPA-PD-LR) Re: Environmental Permits, Vermont Yankee
02-006	ML063620198	11/28/2006	E-Mail: Environmental Permits (VY) - From: Ricky N Buckley To: Rich Emch - (PA).
02-007	ML063620227	11/28/2006	E-Mail: Permits (VY) - (PA).
02-008	ML063620236	11/28/2006	E-Mail: Re: Environmental Permits (VY) - (PA).
02-009	ML063400472	11/29/2006	E-Mail: (NPA-PD-LR) RE: Environmental Permits, Vermont Yankee, From: Ricky N Buckley To: Richard Emch.
02-010	ML063620123	11/29/2006	E-Mail: Environmental Permits (VY) - From: Ricky N Buckley To: Rich Emch - 11/29/2006 7:00:57 AM - (PA).
02-011	ML063280078	11/30/2006	Summary of Telephone Conference Call Held on November 6, 2006, Between the U.S. Nuclear Regulatory Commission and Entergy Nuclear Operations, Inc., Concerning Information Pertaining to the Vermont Yankee Nuclear Power Station License Renewal Application.

ID #	Accession Number	Document Date	Title/Description:
02-012	ML063330358	12/1/2006	Summary of a Telephone Conference Call Held on November 8, 2006, Between the U.S. NRC and Entergy Nuclear Operations, Inc., Concerning Information Pertaining to the Vermont Yankee Nuclear Power Station License Renewal Application.
02-013	ML063420178	12/4/2006	Vermont Yankee Nuclear Power Station, License Renewal Application, Amendment 22, Clarification of Aging Management Program and Environmental Report Items.
02-014	ML063620126	12/5/2006	E-Mail: (PA) VY License Renewal Application Amendment 22.
02-015	ML063620204	12/5/2006	E-Mail: VY License Renewal Application Amendment 22 - (PA).
02-016	ML063620166	12/12/2006	E-Mail: FW: VT Yankee Alternative PDF References - (NPA-PD-LR).
02-017	ML063120067	12/12/2006	Request Initiation of an Essential Fish Habitat Consultation Regarding License Renewal of Vermont Yankee Nuclear Power Station (TAC No. MC9670).
02-018	ML063110007	12/13/2006	Notice of Availability of the Draft Plant-Specific Supplement 30 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS) Regarding Vermont Yankee Nuclear Power Station (TAC NO. MC9670).
02-019	ML063120031	12/13/2006	Notice of Availability of the Draft Plant-Specific Supplement 30 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS) Regarding Vermont Yankee Nuclear Power Station. Letter to EPA.
02-020	ML063170344	12/13/2006	Vermont Yankee Nuclear Power Station License Renewal Application Review (DHP No. WD03-01).
02-021	ML063530013	12/14/2006	Vermont Yankee Supplement to Annual Radiological Effluent Release Report for Year 2004.
02-022	ML063530012	12/14/2006	Vermont Yankee Supplement to Annual Radiological Effluent Release Report for Year 2005.

ID #	Accession Number	Document Date	Title/Description:
02-023	ML063390344	12/14/2006	NUREG-1437 Supplement 30 DFC "Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Vermont Yankee Nuclear Power Station."
02-024	ML063620211	12/18/2006	E-Mail: NRC Review of LRA for Vermont Yankee Station - (PA).
02-025	ML063620191	12/21/2006	E-Mail: FW: More Chapter 2 References... (VY) - (NPA-PD-LR).
02-026	ML063620286	12/21/2006	E-Mail: Last Chapter 2 References (VY)- (NPA-PD-LR).
02-027	ML063620287	12/21/2006	E-Mail: VT Yankee References (NPA-PD-LR).

**ATTACHMENT 2 VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 2 – January 4, 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-02-01	ML063400454	Moret E N, Argonne National Lab (ANL)	E-Mail: (NPA-PD-LR) FW: Pg4-41, Vermont Yankee.	11/22/2006	E-Mail	Muir J M, NRC/NRR/ADR O/DLR	Discussion of EIS Low-Income Population Distribution Map	4
DP-02-02	ML063410170	Morgan M J, NRC	E-Mail: (NPA-PD-LR) Fwd: RE: Clarification of Part 12, Subpart D exemption, Vermont Yankee.	11/22/2006	E-Mail	Rowley J G, NRC/NRR/ADR O/DLR/RLRB	Discussion of RAI Responses Regarding Vernon Hydroelectric Station	4
DP-02-03	ML063410166	Hoang D V, NRC/NRR/ ADRO/DLR	E-Mail: (NPA-PD-LR) VYNPS: input report and SER input, Vermont Yankee.	11/22/2006	E-Mail	Hsu K R, Rowley J G, Tran L N, NRC/NRR/ADR O/DLR	Draft Safety Evaluation Section 3.0.3.3.6	8

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-02-04	ML063620203	Franovich R L, NRC/NRR/ ADRO/DLR/ REBB	E-Mail: Fwd: Evaluation of Severe Accident Mitigation Alternatives for License Renewal of Vermont Yankee Nuclear - (NPA-PD-LR).	11/22/2006	E-Mail	Emch R L, NRC	Draft of Appendix G to Draft Supplemental Environmental Impact Statement	41
DP-02-05	ML063400539	Nguyen D T, NRC/NRR/ ADRO/DLR	E-Mail: (NPA-PD-LR) SER Input Sections 3.6 and 3.0.3.2.20, Vermont Yankee.	11/27/2006	E-Mail	Hsu K R, NRC/NRR/ADR O/DLR	Draft of Safety Evaluation Sections 3.6 and 3.0.3.2.20	34
DP-02-06	ML063320522	Cranston G V, NRC/NRR/ ADES/DSS	Vermont Yankee: License Renewal, Reactor Pressure Vessel Fluence Values.	11/28/2006	Memoranda Safety Evaluation	Auluck R, NRC/NRR/ADR O/DLR	Safety Evaluation Input Regarding Reactor Pressure Vessel Fluence Values	4
DP-02-07	ML063620177	Lois L, NRC	E-Mail: (NPA-PD-LR) Re: Fwd: L. Lois' memo (VY).	11/29/2006	E-Mail	Cherukenki G, NRC	Discussion Regarding Memorandum Regarding Reactor Pressure Vessel Fluence Values	3

Doc. No.	Accession Number	Author Name/ Affiliation:	Title/Description:	Document Date	Document Type	Addressee / Addressee Affiliation	Comment	Page Count
DP-02-08	ML063470535	Weerakkody S D, NRC/NRR/ ADRA/DRA/ AFPB	Safety Evaluation Input Regarding the License Renewal Application - Vermont Yankee Nuclear Power Station - Fire Protection (TAC NO. MC9668).	12/13/2006	Memoranda Safety Evaluation Report	Auluck R C, NRC/NRR/ADR O/DLR/RLRB	Draft of Safety Evaluation Sections 2.3.3.8 and 2.3.3.9	19

January 4, 2007

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 4th day of January, 2007

January 4, 2007

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))	

DECLARATION OF PAO-TSIN KUO

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

1. I am employed as the Acting Director of the Division of Licensing 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 January 4, 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 January 4, 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 4th day of January, 2007

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))

CERTIFICATE OF SERVICE

I hereby certify that copies of the NRC Staff letter dated January 4, 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 4th day of January 2007.

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Washington, DC 20555-0001
E-mail: ask2@nrc.gov

Administrative Judge
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
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Administrative Judge
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/RA/

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Counsel for NRC Staff