

February 1, 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/

Mitzi A. Young
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 3– February 1, 2007**

ID #	Accession Number	Document Date	Title/Description:
03-001	ML063630029	12/22/2006	2006/12/22-Comment (3) submitted by Claire Chang on Massachusetts Attorney General's PRM-51-10 regarding to Amend 10 CFR Part 51.
03-002	ML063630032	12/24/2006	2006/12/24-Comment (5) submitted by Alliance for Nuclear Responsibility, Rochelle Becker on Massachusetts Attorney General's PRM-51-10 regarding to Amend 10 CFR Part 51
03-003	ML070190401	1/3/2007	VYNPS - SEIS Web Reference - Fish Facts: Bass.
03-004	ML070190391	1/3/2007	VYNPS - SEIS Web Reference - Fish Facts: Herring.
03-005	ML070190395	1/3/2007	VYNPS - SEIS Web Reference - Fish Facts: Sea Lamprey.
03-006	ML070190393	1/3/2007	VYNPS - SEIS Web Reference - Fish Facts: Shad.
03-007	ML070170707	1/3/2007	VYNPS - SEIS Web Reference - Fish Facts: Shad.
03-008	ML070190399	1/3/2007	VYNPS - SEIS Web Reference - Fish Facts: Short Nosed Sturgeon.
03-009	ML070190413	1/3/2007	VYNPS - SEIS Web Reference - T&E Species Shortnosed Sturgeon.
03-010	ML070230041	1/4/2007	Letter from NOAA NMFS re: Essential Fish Habitat assessment for VYNPS SEIS
03-011	ML070110504	1/4/2007	Vermont Yankee - License Renewal Application, Amendment 23.

ID #	Accession Number	Document Date	Title/Description:
03-012	ML070170131	1/4/2007	VYNPS - SEIS Web Reference - An Annotated Working List of the Inland Fishes of Massachusetts - Tessellated Darter.
03-013	ML070080409	1/5/2007	2007/01/05-Comment (10) submitted by Lea Wood on Massachusetts Attorney General's PRM 51-10, regarding to Amend 10 CFR Part 51.
03-014	ML070080406	1/5/2007	2007/01/05-Comment (9) submitted by Nina Keller on Massachusetts Attorney General's Petition for Rulemaking PRM-51-10 to Amend 10 CFR Part 51.
03-015	ML070170125	1/9/2007	VYNPS - SEIS Web Reference - American Fact Finder USCB.
03-016	ML070190405	1/9/2007	VYNPS - SEIS Web Reference - Franklin County Local Unemployment Statistics.
03-017	ML070170520	1/9/2007	VYNPS - SEIS Web Reference - SchoolMatters.
03-018	ML070170588	1/9/2007	VYNPS - SEIS Web Reference - US Census County Business Patterns.
03-019	ML070170591	1/9/2007	VYNPS - SEIS Web Reference - US Census Glossary.
03-020	ML070170148	1/9/2007	VYNPS - SEIS Web Reference - USCB Census of Governments.
03-021	ML070190403	1/10/2007	VYNPS - SEIS Web Reference - Cheshire County Local Area Unemployment Statistics.
03-022	ML070170514	1/10/2007	VYNPS - SEIS Web Reference - Public School Review.
03-023	ML070170617	1/10/2007	VYNPS - SEIS Web Reference - Vernon Selctboard Meeting (1).

ID #	Accession Number	Document Date	Title/Description:
03-024	ML070170612	1/10/2007	VYNPS - SEIS Web Reference - Vernon Selectboard Meeting.
03-025	ML070190406	1/10/2007	VYNPS - SEIS Web Reference - Windham County Local Area Unemployment Statistics.
03-026	ML070240301	1/11/2007	EMAIL: Fwd: VYNPS License Renewal RAI Clarifications.
03-027	ML070160655	1/11/2007	VYNPS - SEIS Web Reference - About Monadnock Economic Development Corporation.
03-028	ML070170413	1/11/2007	VYNPS - SEIS Web Reference - Is It Safe To Eat the Fish?
03-029	ML070170459	1/11/2007	VYNPS - SEIS Web Reference - NatureServe Explorer: An Online Encyclopedia of Life.
03-030	ML070170564	1/11/2007	VYNPS - SEIS Web Reference - Species Profiles: Striped Bass.
03-031	ML070190418	1/11/2007	VYNPS - SEIS Web Reference - Vermont's Wildlife Action Plan.
03-032	ML070170534	1/11/2007	VYNPS - SEIS Web References - Southwest Regional Planning Commission.
03-033	ML070240299	1/12/2007	EMAIL: Fwd: VYNPS Q&A D-Base Items for Review.
03-034	ML070180513	1/13/2007	2007/01/13-Comment (5) submitted by Art Hanson on Shaw's PRM-51-11 re Application of National Academy of Science BEIR-VII Standard to Dose Radiation Calculation.
03-035	ML070180518	1/13/2007	2007/01/13-Comment (9) submitted by Sidney Goodman on Shaw's PRM-51-11 re Application of National Academy of Science BEIR-VII Standard to Dose Radiation Calculation.

ID #	Accession Number	Document Date	Title/Description:
03-036	ML070170204	1/17/2007	VYNPS - SEIS Web Reference - Connecticut River Striped Bass.
03-037	ML070170710	1/17/2007	VYNPS - SEIS Web Reference - Fish Fact: Atlantic Salmon.
03-038	ML070170705	1/17/2007	VYNPS - SEIS Web Reference - Fish Facts: Eel.
03-039	ML070170374	1/17/2007	VYNPS - SEIS Web Reference - Franklin Regional Council of Governments.
03-040	ML070170388	1/17/2007	VYNPS - SEIS Web Reference - Gallery of Connecticut Wildflowers.
03-041	ML070170395	1/17/2007	VYNPS - SEIS Web Reference - Impact of Channelization along the Northern Connecticut River, Vermont and New Hampshire.
03-042	ML070170429	1/17/2007	VYNPS - SEIS Web Reference - Local Area Personal Income.
03-043	ML070170437	1/17/2007	VYNPS - SEIS Web Reference - Massachusetts Rare and Endangered Wildlife, Alasmidonta Varicosa - Brook Floater.
03-044	ML070170518	1/17/2007	VYNPS - SEIS Web Reference - Roaring Brook Wildlife Management Area.
03-045	ML070170252	1/17/2007	VYNPS - SEIS Web Reference - USFWS Endangered Species State and County Listings.
03-046	ML070170153	1/17/2007	VYNPS - SEIS Web Reference - VDH Chapter 3 - Radiological Health.
03-047	ML070170417	1/17/2007	VYNPS - SEIS Web References - Key Businesses.

**ATTACHMENT 2 VERMONT YANKEE LICENSE RENEWAL HEARING FILE AND MANDATORY DISCLOSURES
PRIVILEGE LOG - DELIBERATIVE PROCESS PRIVILEGE
Supplement 3 – February 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-03-01	ML070240393	Rowley J G, NRC/NRR/ ADRO/DLR	EMAIL: (NPA-LR) Re: Please send me the WP files of 3.5 of VY.	1/10/2007	E-Mail	Ma J S, NRC/NRR/ADE S/DE/EGCA	Draft RAIs	5

February 1, 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 1st day of February, 2007

January 31, 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 February 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 February 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 31st 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 February 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 February 2007.

Administrative Judge
Alex S. Karlin, Chair
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
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Administrative Judge
Richard E. Wardwell
Atomic Safety and Licensing Board Panel
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Administrative Judge
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/RA/

Mitzi A. Young
Counsel for NRC Staff