

August 15, 2005

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-OLA
LLC and ENTERGY NUCLEAR)	
OPERATIONS, INC.)	ASLBP No. 04-832-02-OLA
)	
(Vermont Yankee Nuclear Power Station))	

NRC STAFF'S SIXTH STATUS REPORT ON REVIEW SCHEDULE

The staff of the Nuclear Regulatory Commission ("Staff") herein submits its sixth status report regarding the review schedule for the extended power uprate ("EPU") application that is at issue in this proceeding.

In its Initial Scheduling Order,¹ the Atomic Safety and Licensing Board ("Licensing Board") directed the Staff to submit by March 15, 2005 (and monthly thereafter) "a short report estimating the date when draft and final version[s]" of the safety evaluation report ("SER"), environmental assessment ("EA") and Advisory Committee on Reactor Safeguards ("ACRS") report letter will be issued. The Staff has submitted status reports on March 15, April 15, May 16, June 15, and July 15, 2005. As discussed at the August 3, 2005 teleconference with the Licensing Board,² the Staff has established the following tentative schedular milestones:

Transmit draft SER to ACRS:	October 21, 2005
Publish draft EA:	November 8, 2005

¹ See *Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc.* (Vermont Yankee Nuclear Power Station), Initial Scheduling Order, slip op. Feb. 1, 2005.

² See Tr. at 677-90.

ACRS Letter Report to Chairman: December 15, 2005³

Issue final EA:⁴ February 7, 2006

Issue final SER: February 24, 2006

On August 1 and August 4, 2005, the applicant submitted Supplements 30 and 31 to the EPU application. These supplements provide responses to the Staff's latest request for additional information. The Staff continues to review these responses; the tentative schedule set forth above could be delayed if the responses do not fully address the issues raised in the RAI. As stated during the August 3 teleconference,⁵ the Staff expects to have greater confidence in its schedular milestones (and any changes thereto) by mid-September 2005.

Pursuant to the Initial Hearing Order, the Staff will submit an updated status report on or about September 15, 2005.

Respectfully submitted,

Brooke D. Poole
Counsel for NRC Staff

Dated at Rockville, Maryland
this 15th day of August, 2005

³ This date assumes that the SER will be discussed at meetings of the ACRS Subcommittee on Thermal-Hydraulic Phenomena on November 15-16, 2005 (in Vermont) and November 30-December 1, 2005 (at NRC headquarters), and the ACRS full committee on December 8, 2005.

⁴ This milestone assumes that the Staff ultimately makes a finding of no significant impact ("FONSI") and concludes that an environmental impact statement ("EIS") need not be prepared in connection with this proposed action.

⁵ See Tr. at 686-87.

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-OLA
LLC and ENTERGY NUCLEAR)
OPERATIONS, INC.) ASLBP No. 04-832-02-OLA
)
(Vermont Yankee Nuclear Power Station))

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.314(b), the following information is provided:

Name: Antonio Fernández
Address: U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop: O 15D21
Washington, D.C. 20555-0001
Telephone Number: (301) 415-8339
Fax Number: (301) 415-3725
E-mail Address: axf2@nrc.gov
Admissions: Court of Appeals of Maryland
Name of Party: NRC Staff

Respectfully submitted,

Antonio Fernández
Counsel for NRC Staff

Dated at Rockville, Maryland
this 15th day of August, 2005

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-OLA
LLC and ENTERGY NUCLEAR)	
OPERATIONS, INC.)	ASLBP No. 04-832-02-OLA
)	
(Vermont Yankee Nuclear Power Station))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SIXTH STATUS REPORT ON REVIEW SCHEDULE" and the notice of appearance of Antonio Fernández, in the captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (**), this 15th day of August, 2005.

Alex S. Karlin, Chair**
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ask2@nrc.gov

Dr. Anthony J. Baratta**
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: ajb5@nrc.gov

Lester S. Rubenstein**
Administrative Judge
Atomic Safety and Licensing Board Panel
4760 East Country Villa Drive
Tucson, AZ 85718
E-mail: lesrrr@comcast.net

Office of the Secretary**
ATTN: Rulemaking and Adjudications Staff
Mail Stop: O-16C1
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
E-mail: HEARINGDOCKET@nrc.gov

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

John M. Fulton, Esq.
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Jay E. Silberg, Esq.**
Matias Travieso-Diaz, Esq.**
Douglas Rosinski, Esq.**
Pillsbury Winthrop Shaw Pittman, LLP
2300 N St., NW
Washington, DC 20037-1128
E-mail: jay.silberg@pillsburylaw.com
matias.travieso-diaz@pillsburylaw.com
douglas.rosinski@pillsburylaw.com

Sarah Hofmann, Esq.**
Special Counsel
Department of Public Service
112 State Street - Drawer 20
Montpelier, VT 05620-2601
E-mail: sarah.hofmann@state.vt.us

Anthony Z. Roisman, Esq.**
National Legal Scholars Law Firm
84 East Thetford Rd.
Lyme, NH 03768
E-mail: aroisman@nationallegalscholars.com

Raymond Shadis**
Staff Technical Advisor
New England Coalition
P.O. Box 98
Edgecomb, ME 04556
E-mail: shadis@prexar.com
shadis@ime.net

Jonathan M. Block, Esq.**
94 Main Street
P.O. Box 566
Putney, VT 05346-0566
E-mail: jonb@sover.net

Jonathan M. Rund, Esq.**
Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: jmr3@nrc.gov)

Antonio Fernández
Counsel for NRC Staff