

September 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 SEVENTH
STATUS REPORT ON REVIEW SCHEDULE

In accordance with the Atomic Safety and Licensing Board's Initial Scheduling Order, dated February 1, 2005, the staff of the U. S. Nuclear Regulatory Commission ("Staff") hereby provides its seventh monthly status report concerning its ongoing safety and environmental reviews concerning the application of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (collectively, "Entergy" or "Applicant") for an amendment to the Vermont Yankee Nuclear Power Station operating license, to permit extended power uprate ("EPU") operations.¹

In the Staff's sixth status report, filed August 15, 2005, the Staff indicated that it had established a "tentative" review schedule pursuant to which, *inter alia*, the Staff's draft Safety Evaluation report ("SER") would be submitted to the Advisory Committee on Reactor Safeguards ("ACRS") on or before October 21, 2005, and a final SER would be issued by February 24, 2006.² The Staff indicated, however, that it had recently received Supplements 30 and 31 of the Applicant's EPU application (dated August 1 and 4, 2005), which provided

¹ In accordance with the Licensing Board's Initial Scheduling Order, monthly status reports were previously filed by the Staff on March 15, April 15, May 16, June 15, July 15, and August 15, 2005.

² "NRC Staff's Sixth Status Report on Review Schedule" ("Sixth Report"), dated August 15, 2005.

responses to the Staff's most recent Request for Additional Information ("RAI") (dated July 27, 2005), and that the Staff's tentative review schedule "could be delayed if the responses do not fully address the issues raised in the RAI." Sixth Report, at 2. Further, the Staff indicated that it "expects to have greater confidence in its schedular milestones (and any changes thereto) by mid-September 2005." *Id.*

Since filing its sixth status report, the Staff has continued its review of Entergy's EPU license amendment application. In reviewing Supplements 30 and 31 of the application, the Staff determined that the issues raised in the RAI dated July 27, 2005, were not fully addressed by the Applicant and that further information would be required for the Staff to complete its review. In order to expedite receipt of this information, the Staff conducted three audits of General Electric Co. ("GE") in August and September 2005; issued a further RAI to the Applicant on September 7, 2005; and held a meeting with the Applicant and GE on September 14-15, 2005. In addition, on September 10 and 14, 2005, the Applicant filed Supplements 32 and 33 to the application, in which it provided additional information to address some of the issues raised by the Staff. This additional information is under review by the Staff at this time.

Based on the amount of time necessary to review the Applicant's recent responses, and the fact that further information will be required to be submitted, it appears questionable, if not unlikely, that the Staff can meet the next tentatively scheduled milestone (*i.e.*, provide a draft SER to the ACRS by October 21, 2005). Further, it is difficult to provide a reliable prediction at this time as to how the overall schedule may be impacted, given the current status of the Applicant's submissions and the Staff's review thereof.

Accordingly, rather than attempt to revise its tentative review schedule at this time, the Staff intends to re-evaluate its previously published tentative schedule during the next several

weeks, as its review of the EPU application progresses. The Staff understands the Licensing Board's and parties' interest in obtaining a reliable review schedule. The Staff will provide further information concerning its review schedule in its next monthly status report (or sooner, if possible), once it has received further information from the Applicant sufficient to enable the Staff to provide a more reliable estimate of its review completion date.

Respectfully submitted,

/RA/

Sherwin E. Turk
Counsel for NRC staff

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

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S SEVENTH STATUS REPORT ON REVIEW SCHEDULE," in the above-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 September, 2005.

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