

October 14, 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 EIGHTH
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 eighth 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 seventh status report, filed September 15, 2005, the Staff indicated that, due to the need to further evaluate the Applicant's responses to the Staff's latest requests for information, that it was questionable, if not unlikely, that the Staff would be able to meet the next tentatively scheduled milestone (providing the draft SER to the ACRS by October 21, 2005). This forecast resulted primarily from the Applicant's failure to adequately resolve the Staff's concerns regarding the steam dryer analysis and the GE methods issue. Additionally, Entergy had yet to adequately address the need for post-EPU testing of modifications made to

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, August 15, 2005, and September 15, 2005.

the condensate and feedwater system. The Staff also expressed reservations in the Seventh Status Report that it could reliably predict the impact of the delay on the overall review schedule. The Staff declined, however, to revise its review schedule until it could reevaluate the impact of the apparent deficiencies, but also indicated that it would provide further information to the Licensing Board in its next monthly status report.

Since the seventh Status Report, the Staff has concluded that it could, in fact, maintain its previous tentative schedule to issue the draft safety evaluation by October 21, 2005. Timely issuance of the draft safety evaluation was made possible, however, through the issuance of a letter to Entergy containing several proposed license conditions and a proposed regulatory commitment. The Staff issued the letter on October 12, 2005, detailing three license conditions and one regulatory commitment that the Applicant must accept prior to final approval of the EPU application. (ADAMS Accession No. ML052630053). As summarized in the letter, the first license condition slightly modifies a condition proposed in Entergy's letter dated September 28, 2005, involving the minimum critical power ratio, and addresses concerns related to uncertainties in the GE methods. The second condition pertains to monitoring and evaluating potential adverse flow effects (including steam dryer structural integrity), and adds new requirements to a condition proposed in Entergy's letter dated September 14, 2005. The third condition concerns transient testing of the condensate and feedwater system. The proposed regulatory commitment pertains to actions associated with the license condition addressing potential adverse flow effects. The letter directed the Applicant to submit a supplement to the EPU application no later than October 17, 2005, accepting the proposed license conditions and regulatory commitment. The Staff noted additionally that Entergy's acceptance did not constitute completion of the Staff's review of the application.

Accordingly, the Staff submits the following tentative schedular milestones, consistent with the schedule published in its Sixth Status Report:

Transmit draft SER to ACRS:	October 21, 2005
Publish draft EA:	November 8, 2005
ACRS Letter Report to Chairman:	December 15, 2005 ²
Issue Final EA: ³	February 7, 2006
Issue Final SER:	February 24, 2006

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

Respectfully submitted,

/RA/

Sherwin E. Turk
Counsel for NRC staff

Dated at Rockville, Maryland
this 14th day of October, 2005

² 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.

³ 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.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S EIGHTH 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 14th day of October, 2005.

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