

November 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 NINTH
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 ninth monthly status report concerning its ongoing safety and environmental reviews of 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.

In its Eighth Status Report, filed October 17, 2005,¹ the Staff indicated that it had issued a letter to Entergy on October 12, 2005 (ADAMS Accession No. ML052630053), in which it set forth "several proposed license conditions and a proposed regulatory commitment which it will require the Applicant to accept prior to final approval of the EPU application." Eighth Status Report, at 2.² The letter directed the Applicant to submit a supplement to its EPU application

¹ "NRC Staff's Eighth Status Report on Review Schedule," dated October 17, 2005 ("Eighth Status Report").

² As summarized in the Staff's letter of October 12, 2005, the license conditions pertain to: (1) the minimum critical power ratio; (2) transient testing of the condensate and feedwater system; and (3) potential adverse flow effects (including steam dryer structural integrity). The proposed regulatory commitment pertains to actions associated with the issue of potential adverse flow effects.

no later than October 17, 2005, indicating its acceptance of the proposed license conditions and regulatory commitment. Further, the Staff indicated that based on its review as of that date, and "subject to the Applicant's acceptance of the conditions and commitment set forth in the Staff's letter of October 12, 2005, the Staff believes that it will be able to maintain its previously published tentative review schedule. Accordingly, the Staff confirms the tentative schedule published in its Sixth Status Report dated August 15, 2005" ³

During the past month, the Staff's review has continued to proceed in accordance with the tentative review schedule set forth in the Staff's Sixth Status Report, dated August 15, 2005. Specifically, on October 21, 2005, the Staff submitted its draft Safety Evaluation Report ("SER") to the Advisory Committee on Reactor Safeguards ("ACRS") (ADAMS Accession No. ML052910200);⁴ on November 2, 2005, the Staff issued the proprietary and non-proprietary versions of its draft SER (ADAMS Accession No. ML053010145). Further, on November 9, 2005, the Staff published its draft Environmental Assessment ("EA") in the Federal Register. ⁵ Finally, the Staff is planning to participate in the ACRS Subcommittee meetings to be held in Vermont on November 15-16, 2005.

In addition, during the past month the Applicant has continued to update its EPU license amendment application. Specifically, by letters dated October 17, October 21 (two letters), October 26, October 29, and November 2, 2005, the Applicant submitted EPU Supplements 36,

³ The Applicant accepted the Staff's proposed regulatory commitment and license conditions (as subsequently revised), by letter dated October 17, 2005, submitting Supplement No. 36 to its EPU license amendment application (ADAMS Accession No. ML052940225).

⁴ Also on October 21, 2005, the Staff transmitted its draft SER to the Applicant, requesting that it review the draft SER for proprietary information, prior to the Staff's public release thereof (ADAMS Accession No. ML052920446).

⁵ See "Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.; Vermont Yankee Nuclear Power Station Draft Environmental Assessment and Finding of No Significant Impact Related to the Proposed License Amendment To Increase the Maximum Reactor Power Level," 70 Fed. Reg. 68,106 (Nov. 9, 2005).

37, 38, 39, 40, and 41, respectively. These Supplements provide additional information and/or modify the Applicant's previous submittals, and will require additional NRC Staff review time. Nonetheless, the Staff believes that its review should proceed in accordance with the previously published schedule. Specifically, the Staff currently expects its review to proceed in accordance with the following tentative dates:

ACRS Letter Report to Chairman:	December 15, 2005 ⁶
Issue Final EA:	February 7, 2006
Issue Final SER:	February 24, 2006

Pursuant to the Licensing Board's Initial Hearing Order, the Staff will submit an updated status report to the Licensing Board and parties on or about December 15, 2005.

Respectfully submitted,

RA/

Sherwin E. Turk
Counsel for NRC Staff

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

⁶ This date assumes that the draft SER will be discussed at the currently scheduled meetings of the ACRS Subcommittee on Thermal-Hydraulic Phenomena on November 15-16, 2005 (in Vermont) and November 29-30, 2005 (at NRC headquarters), and the ACRS full committee on December 8, 2005.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S NINTH 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 November, 2005.

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