

Date: February 13, 2006

OFFICE OF NUCLEAR REACTOR REGULATION

NOTIFICATION OF SIGNIFICANT LICENSING ACTION

**LICENSEE:** Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.  
Vermont Yankee Nuclear Power Station  
Docket No. 50-271

**SUBJECT:** PROPOSED ISSUANCE OF A FINAL NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND LICENSE AMENDMENT FOR  
WHICH A HEARING HAS BEEN REQUESTED (TAC NO. MC0761)

This is to inform the Commission that a final no significant hazards consideration (NSHC) determination and license amendment will be issued on or about February 24, 2006, to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (the licensee). This action is being taken in response to the licensee's amendment application dated September 10, 2003, as supplemented by letters dated October 1, and October 28 (2 letters), 2003; January 31 (2 letters), March 4, May 19, July 2, July 27, July 30, August 12, August 25, September 14, September 15, September 23, September 30 (2 letters), October 5, October 7 (2 letters), December 8, and December 9, 2004; February 24, March 10, March 24, March 31, April 5, April 22, June 2, August 1, August 4, September 10, September 14, September 18, September 28, October 17, October 21 (2 letters), October 26, October 29, November 2, November 22, and December 2, 2005; and January 10, 2006, which requested changes to the Facility Operating License and Technical Specifications for the Vermont Yankee Nuclear Power Station (VYNPS). The proposed changes would increase the maximum steady-state reactor core power level from 1593 megawatts thermal (MWt) to 1912 MWt, which is an increase of approximately 20%. The proposed increase in power level is considered an extended power uprate (EPU).

The staff published a Draft Environmental Assessment and Finding of No Significant Impact concerning the EPU amendment on November 9, 2005 (70 FR 68106), and published a Final Environmental Assessment and Finding of No Significant Impact on January 27, 2006 (71 FR 4614). On November 2, 2005, the staff issued a draft Safety Evaluation (SE) concerning the proposed EPU amendment, and on January 11, 2006, the staff published a Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed NSHC Determination (71 FR 1774). The staff expects to issue a final SE and final NSHC determination, along with the proposed EPU license amendment, on or about February 24, 2006.

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A hearing on this license amendment application was requested by the Vermont Department of Public Service (DPS) and the New England Coalition (NEC) on August 30, 2004. By Order dated November 22, 2004, the Atomic Safety and Licensing Board (ASLB) found that the petitioners (i.e., DPS and NEC) each has standing to intervene and has submitted at least one admissible contention under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.309(f). By Order dated December 16, 2004, the ASLB issued its decision to conduct the hearing using the procedures in 10 CFR Part 2, Subpart L, "Informal Hearing Procedures for NRC Adjudications." Currently, there are four admitted contentions that would be argued at the ASLB hearing (two from DPS and two from NEC). Both contentions from DPS relate to the crediting of containment accident pressure in determining the available net positive suction head for the emergency core cooling system pumps. The contentions from NEC relate to large transient testing and the seismic and structural integrity of the alternate cooling system.

A hearing has not yet been scheduled, but is not expected to occur before July or August 2006. Accordingly, the hearing process will not be completed prior to the issuance of this license amendment.

The staff will notify the State of Vermont, NEC, and the ASLB upon issuance of the final SE, final NSHC determination, and the EPU license amendment. A Notice of Issuance of Amendment to Facility Operating License and Final Determination of NSHC will also be published in the *Federal Register* in accordance with established NRC procedures.

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**<sup>1</sup>Do not declare as Official Agency Record until after the amendment has been received by the licensee.**

DATE AMENDMENT ISSUED: 3/2/06  
DATE AMENDMENT RECEIVED BY LICENSEE: 3/2/06  
DATE AMENDMENT RECEIVED BY DPS: 3/2/06  
DATE AMENDMENT RECEIVED BY NEC: 3/2/06

Accession No.: ML060330490

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