

From: Johnny Eads
To: Beth Sienel; Cliff Anderson; David McIntyre; David Pelton; Diane Screnci; Duncan White; Francis Cameron; Frank Gillespie; Glenn Meyer; Jacob Zimmerman; James Shea; John Wray; Jonathan Rowley; Kathy Weaver; Louise Lund; Mauri Lemoncelli; Michael Modes; Neil Sheehan; Pao-Tsin Kuo; Raeann Shane; Rani Franovich; Richard Emch; Richard Laufer; Rick Ennis; Robert Bores; Rosetta Virgilio; Sammy McCarver; Sheri Minnick; Tracy Walker; Undine Shoop
Date: 3/21/2006 4:58:53 PM
Subject: VY Notice of Acceptability and Opportunity to Request a Hearing

FYI, we issued the Notice of Acceptability and Opportunity for Hearing today for VY. It should be published in the Federal Register early next week but is in ADAMS. The press release is in process. Attached is an electronic version for your information. The renewal review schedule will be updated on the website in the next couple of days.

CC: Michael Morgan

Mail Envelope Properties (44207719.3CE : 7 : 35544)**Subject:** VY Notice of Acceptability and Opportunity to Request a Hearing**Creation Date** 3/21/2006 4:58:49 PM**From:** Johnny Eads**Created By:** JHE@nrc.gov**Recipients**

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MESSAGE	740	3/21/2006 4:58:49 PM
VY Notice of Acceptability and Opportunity to Request Hearing.wpd	70224	3/21/2006 4:49:50 PM

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

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March 21, 2006

Mr. Michael Kansler
President
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601-1839

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A
HEARING REGARDING THE APPLICATION FROM ENTERGY NUCLEAR
OPERATIONS, INC. FOR RENEWAL OF THE OPERATING LICENSE FOR THE
VERMONT YANKEE NUCLEAR POWER STATION

Dear Mr. Kansler:

By letter dated on January 25, 2006, as supplemented by letter dated March 15, 2006, the U.S. Nuclear Regulatory Commission (NRC) received the Entergy Nuclear Operations, Inc. application for renewal of Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station. Notice of receipt of this application was published in the *Federal Register* on February 6, 2006 (71 FR 6102). The purpose of this letter is to provide the results of the NRC staff's acceptance review of the license renewal application for the Vermont Yankee Nuclear Power Station. During the acceptance review, the NRC staff determines whether or not the application is sufficiently complete to allow the staff to proceed with its review.

The NRC staff has reviewed your request following the guidance in NUREG-1800, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," and NUREG-1555, "Environmental Standard Review Plan." As a result, the NRC Staff has determined that the application is complete and is acceptable for docketing, in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23 and 51.53(c). However, the staff's determination does not preclude requests for additional information as the review proceeds.

This letter forwards the staff's safety and environmental review schedule for the Vermont Yankee Nuclear Power Station license renewal application (Enclosure 1). The NRC staff will follow established review procedures and the enclosed schedule to complete the safety and environmental reviews required by 10 CFR Parts 54 and 51, respectively. This schedule has been established in accordance with a 30-month review plan, which includes time to conduct a hearing should a hearing be requested and granted. Milestones for hearing activities are not included in the enclosed schedule because these dates will, if necessary, be established by the Commission or Atomic Safety and Licensing Board.

I would like to stress that this is a very detailed and thorough review. The NRC staff will make every effort to meet the schedule milestones. We request that you inform the staff as early as possible should potential delays arise in your support of the schedule.

M. Kansler -2-

Finally, we have also enclosed, for your information, a copy of the notice relating to your application that is being sent to the Office of the *Federal Register* for publication (Enclosure 2).

If you have any questions on this matter, please contact Johnny Eads, License Renewal Senior Project Manager for the Vermont Yankee Nuclear Power Station, by telephone at 301-415-1471 or via e-mail at JHE@nrc.gov.

Sincerely,

/RA/

Frank P. Gillespie, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures:
As stated

cc w/encls: See next page

M. Kansler -2-

Finally, we have also enclosed, for your information, a copy of the notice relating to your application that is being sent to the Office of the *Federal Register* for publication (Enclosure 2). This notice provides the opportunity to request a hearing and to file a petition for leave to intervene.

If you have any questions on this matter, please contact Johnny Eads, License Renewal Senior Project Manager for the Vermont Yankee Nuclear Power Station, by telephone at 301-415-1471 or via e-mail at JHE@nrc.gov.

Sincerely,

/RA/

Frank P. Gillespie, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosures:
As stated

cc w/encls: See next page

DISTRIBUTION: See next page

ADAMS Accession No.:

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DATE	3/ 21 /06	3/ 20 /06	3/ 20 /06	3/ 21 /06	3/ 21 /06

OFFICIAL RECORD COPY

Vermont Yankee Nuclear Power Station

cc:

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Jonathan M. Block, Esq.
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Vermont Yankee Nuclear Power Station

-2-

cc:

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Letter to Michael Kansler from Frank Gillespie dated March 21, 2006

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A
HEARING REGARDING THE APPLICATION FROM ENTERGY NUCLEAR
OPERATIONS, INC. FOR RENEWAL OF THE OPERATING LICENSE FOR THE
VERMONT YANKEE NUCLEAR POWER STATION

HARD COPY

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E-MAIL:

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AMurphy

RPettis

GGalletti

CLi

GBagchi

SSmith (srs3)

SDuraiswamy

YL (Renee) Li

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DScrenci, RI

MModes, RI

DPelton, Sr. Resident

MLemoncelli

RidsOpaMail

VERMONT YANKEE NUCLEAR POWER STATION
LICENSE RENEWAL APPLICATION REVIEW SCHEDULE

Milestone	Schedule	Actual
Receive License Renewal (LR) Application	01/27/2006	01/27/06
Federal Register Notice (FRN) Published - Receipt & Availability Review	01/31/2006	01/31/06
Public Information Meeting - LR Process & Safety Review Overview	03/01/2006	03/01/06
FRN Published - Acceptability/Opportunity for Hearing	03/28/2006	
Audit - Aging Management Programs (AMPs)	04/17/2006	
FRN Published - Intent/Environmental Scoping Meeting	04/21/2006	
Audit - Scoping and Screening Methodology	04/24/2006	
Public Exit Meeting - Scoping & Screening Methodology Audit	04/28/2006	
Audit - Aging Management Reviews (AMRs)	05/15/2006	
Environmental Site Audit	05/22/2006	
Deadline for Filing Hearing Requests and Petitions for Intervention	05/27/2006	
Public Meeting - Environmental Scoping	06/07/2006	
Environmental Scoping Periods Ends	06/23/2006	
Public Exit Meeting - AMP/AMR Audit	06/28/2006	
Environmental Requests for Additional information (RAIs) - Issued	07/14/2006	
Environmental RAIs - Responses Received	09/01/2006	
Safety RAIs - Issued	10/01/2006	
Safety RAI - Responses Received	11/01/2006	
Inspection - Scoping and Screening/AMP	11/ /2006	
Public Exit Meeting - Scoping & Screening/AMP Inspections	12/ /2006	
Draft Supplemental Environmental Impact Statement (SEIS) Issued	12/15/2006	
FRN Published - Availability/Comment on draft SEIS	12/22/2006	
Public Meeting - draft SEIS	01/31/2007	
End of draft SEIS Comment Period	03/07/2007	
Safety Evaluation Report (SER) with Open Item(s) - Issued	04/01/2007	
ACRS Subcommittee Meeting on SER with Open Item(s)	05/ /2007	
SER Open Item(s) - Response(s) Received	06/01/2007	
SER - Issued	08/01/2007	
Final SEIS - Issued	08/03/2007	
FRN Published - Availability of Final SEIS	08/10/2007	
ACRS Full Committee Meeting on SER	09/ /2007	
Decision - Director, NRR (license issued, if approved and no hearing is granted - 22 months)	11/27/2007	
Commission Decision (if hearing is granted - 30 months)	07/27/2008	

7590-01-P

UNITED STATES NUCLEAR REGULATORY COMMISSION
ENTERGY NUCLEAR OPERATIONS, INC.
VERMONT YANKEE NUCLEAR POWER STATION
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION
AND NOTICE OF OPPORTUNITY FOR HEARING REGARDING RENEWAL OF
FACILITY OPERATING LICENSE NO. DPR-28
FOR AN ADDITIONAL 20-YEAR PERIOD
DOCKET NO. 50-271

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering an application for the renewal of Operating License No. DPR-28, which authorizes Entergy Nuclear Operations, Inc., to operate the Vermont Yankee Nuclear Power Station at 1912 megawatts (MWt) thermal. The renewed license would authorize the applicant to operate the Vermont Yankee Nuclear Power Station for an additional 20 years beyond the period specified in the current license. The current operating license for the Vermont Yankee Nuclear Power Station expires on March 21, 2012.

The Commission's staff received the application dated January 25, 2006, as supplemented by letter dated March 15, 2006, from Entergy Nuclear Operations, Inc., pursuant to 10 CFR Part 54, to renew the Operating License No. DPR-28 for Vermont Yankee Nuclear Power Station. A Notice of Receipt and Availability of the license renewal application, "Entergy Nuclear Operations, Inc. Notice of Receipt and Availability of Application for Renewal of Vermont Yankee Nuclear Power Station Facility Operating License No. DPR-28 for an Additional 20-Year Period," was published in the *Federal Register* on February 6, 2006 (71 FR 6102).

The Commission's staff has determined that Entergy Nuclear Operations, Inc. has

Enclosure 2

submitted sufficient information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c), and the application is acceptable for docketing. The current Docket No. 50-271 for Operating License No. DPR-28 will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB), and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants," dated May 1996. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be the subject of a separate *Federal Register* notice.

Within 60 days after the date of publication of this *Federal Register* Notice, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the renewal of the license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 and is accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209, or by e-mail at pdr@nrc.gov. If a request for a hearing/petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request/petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing/petition for leave to intervene is filed within the 60-day period, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 51 and 54, renew the license without further notice.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR Parts 51 and 54. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the

following factors: (1) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.¹ Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission requests that each contention be given a separate numeric or alpha designation within one of the following groups: (1) technical (primarily related to safety concerns); (2) environmental; or (3) miscellaneous.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a

¹To the extent that the application contains attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel to discuss the need for a protective order.

contention or propose substantially the same contention, the requestors/petitioners will be required to jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. A request for a hearing or a petition for leave to intervene must be filed by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Rulemakings and Adjudications Staff at 301-415-1101, verification number is 301-415-1966.² A copy of the request for hearing and petition for leave to intervene must also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. A copy of the request for hearing and petition for leave to intervene should also be sent to the attorney for the applicant, Mr. Terrence A. Burke, Entergy Nuclear, 1340 Echelon Parkway, mail stop M-ECN-62, Jackson, MS 39213.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing

²If the request/petition is filed by e-mail or facsimile, an original and two copies of the document must be mailed within 2 (two) business days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001; Attention: Rulemaking and Adjudications Staff.

Board that the petition, request and/or contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at <http://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's Web site. Copies of the application to renew the operating license for Vermont Yankee Nuclear Power Station, are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738, and at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>, the NRC's Web site while the application is under review. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Number ML060300085. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209, 301-415-4737, or by e-mail to pdr@nrc.gov.

The staff has verified that a copy of the license renewal application is also available to local residents near the Vermont Yankee Nuclear Power Station at the Vernon Free Library, 567 Governor Hunt Road, Vernon, VT 05354; Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301; Hinsdale Public Library, 122 Brattleboro Road, Hinsdale, NH 03451; and Dickinson Memorial Library, 115 Main Street, Northfield, MA 01360.

Dated at Rockville, Maryland, this 21st day of March, 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Frank P. Gillespie, Director
Division of License Renewal
Office of Nuclear Reactor Regulation