

February 08, 2008

MEMORANDUM TO: Marjorie McLaughlin,
Regional State Liaison/Region I

FROM: Michael Dusaniwskyj, Financial Analyst */RA/*
Financial, Policy & Rulemaking Branch
Division of Policy & Rulemaking
Office of Nuclear Reactor Regulation

SUBJECT: RESPONSE TO VERMONT SENATE FINANCE COMMITTEE
REQUEST FOR A TIME DEFINITION REFERENCED IN
10 CFR 50.75(F) (3)

The following information is provided so that you may inform the Vermont Senate Finance Committee.

All power reactor licensees are required to maintain minimum decommissioning funding assurance as stated in NRC regulation 10 CFR 50.75. This minimum decommissioning funding assurance is required so that there is reasonable assurance that a facility will be able to decontaminate to NRC standards before a license is terminated. Part of the decommissioning funding assurance regulatory framework is the NRC requirement, 10 CFR 50.75(f)(2) (2007) (renumbered as 10 CFR 50.75(f)(3) as of September 27, 2007) which states:

“Each power reactor licensee shall at or about 5 years prior to the projected end of operations submit a preliminary decommissioning cost estimate which includes an up-to-date assessment of the major factors that could affect the cost to decommission.”

Coupled with this requirement is NRC regulation 10 CFR 50.75(f)(4) (2007) (renumbered as 10 CFR 50.75(f)(5) as of September 27, 2007) which states:

“If necessary, the cost estimate, for power and non-power reactors, shall also include plans for adjusting levels of funds assured for decommissioning to demonstrate that a reasonable level of assurance will be provided that funds will be available when needed to cover the cost of decommissioning.”

In January 2006, Entergy Nuclear Vermont Yankee submitted an application for license extension, which would project the anticipated end of operations at the Vermont Yankee Nuclear Power Station from the year 2012 to the year 2032. The NRC does not automatically release or grant a delay to a licensee from the obligations of 10 CFR 50.75(f)(3) and (5), due to a pending license extension application, nor does the NRC establish a standard time of deviation to these regulations.

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M. McLaughlin

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Entergy Nuclear Vermont Yankee, LLC, through Entergy Nuclear Operations, Inc., made the necessary filings under 10 CFR 50.75(f)(3) on February 6, 2008.

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ADAMS Accession No.: ML080370629

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