

NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

[Docket No. 50-271-LR; ASLBP No. 06-849-03-LR]

In the Matter of Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station) Notice of Opportunity to Make Oral or Written Limited Appearance Statements Concerning Proposed License Renewal

July 18, 2007.

Before Administrative Judges: Alex S. Karlin, Chairman. Dr. Richard E. Wardwell. Dr. Thomas S. Elleman.

This proceeding concerns the January 25, 2006, application of Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (collectively, Entergy) to renew the operating license for the Vermont Yankee Nuclear Power Station in Windham County, Vermont (Operating License No. DPR-28). Entergy seeks to extend this license for an additional twenty years beyond the current expiration date of March 21, 2012. This Atomic Safety and Licensing Board hereby gives notice that, pursuant to 10 CFR 2.315(a), the Board will entertain oral limited appearance statements from members of the public regarding the requested license renewal. The limited appearance statement sessions will be held on October 11, 2007, in Brattleboro, Vermont.

I. Background and Scope of Proceeding

On March 27, 2006, the Commission published a notice of acceptance for docketing of the Entergy renewal application and a notice of opportunity to request a hearing on the application. 71 FR 15,220 (Mar. 27, 2006). Timely requests for hearings and petitions to intervene were filed by four entities: The Vermont Department of Public Service (DPS), the Attorney General of the Commonwealth of Massachusetts, the Town of Marlboro, Vermont, and the New England Coalition (NEC). On June 14, 2006, this Atomic Safety and Licensing Board was established to conduct this adjudication. 71 FR 34,397 (June 14, 2006).

On August 1 and 2, 2006, the Board heard oral argument from the petitioners, Entergy, and the NRC Staff in Brattleboro, Vermont, relating to the admissibility of the proposed contentions. The standing of the petitioners to intervene was uncontested. On September 22, 2006, the Board issued a Memorandum and Order admitting contentions submitted

by DPS and NEC, thereby granting two of the requests for a hearing and admitting DPS and NEC as parties to the proceeding. LBP-06-20, 64 NRC 131, 143 (2006). At the same time, the Board granted these two organizations' requests to adopt one another's contentions under 10 CFR 2.309(f)(3). On November 17, 2006, the Board granted the request by the State of New Hampshire to participate in this proceeding as an interested state under 10 CFR 2.315(c). The only admitted DPS contention has now been settled, but since DPS adopted NEC's admitted contentions, it remains a party to the proceeding.¹

At the present time NEC's three admitted contentions define the scope of this license renewal proceeding and therefore the scope of any limited appearance statements. The contentions are as follows:

NEC Contention 2: Entergy's License Renewal Application does not include an adequate plan to monitor and manage the effects of aging [due to metal fatigue] on key reactor components that are subject to an aging management review, pursuant to 10 CFR 54.21(a) and an evaluation of time limited aging analysis, pursuant to 10 CFR 54.21(c).

NEC Contention 3: Entergy's License Renewal Application does not include an adequate plan to monitor and manage aging of the steam dryer during the period of extended operation.

NEC Contention 4: Entergy's License Renewal Application does not include an adequate plan to monitor and manage aging of plant piping due to flow-accelerated corrosion during the period of extended operation.²

If additional contentions are subsequently admitted, or if any of the currently admitted contentions are later settled or dismissed, then the scope of this proceeding, and of any limited appearance statements, will follow the scope of the admitted contentions.

II. Notice of Limited Appearance Statement Sessions

A. Date, Time, and Location of Oral Limited Appearance Statement Sessions

The oral limited appearance sessions will be on the following dates, at the specified location and times:

Date: Thursday, October 11, 2007.

Time: 1 p.m. to 4 p.m. and 6:30 p.m. to 10:30 p.m.

Location: Latchis Theatre, 50 Main Street, Brattleboro, Vermont.

¹ Licensing Board Order (Approving Settlement of DPS Contention 1) (May 31, 2007) (unpublished).

² These contentions are specified at LBP-06-20, 64 NRC 131, 183, 187, 192 (2006).

B. Participation Guidelines for Oral Limited Appearance Statements

Any person who is not a party will be permitted to make an oral statement setting forth his or her position on matters of concern related to this proceeding.³ Speakers should be aware that the jurisdiction of this Board and the scope of this proceeding is limited to the license renewal. Limited appearance statements will be transcribed but are not under oath or affirmation and do not constitute testimony or evidence. The purpose of limited appearance statements is to allow members of the public to alert the Board and the parties to areas relating to the license renewal and the admitted contentions in which evidence may need to be adduced, and to assist the Board in its consideration of these issues.⁴

Oral limited appearance statements will be entertained during the hours specified above, or such lesser time as may be necessary to accommodate the speakers who are present. If all scheduled and unscheduled speakers present at a session have made a presentation, the Board reserves the right to terminate the session before the ending times listed above.

In order to allow all interested persons an opportunity to address the Board, the time allotted for each oral limited appearance statement will be no more than five minutes, and may be further limited depending on the number of written requests to make an oral statement that are submitted in accordance with section C below and/or the number of persons present at the designated times. At the outset of each statement, the speaker should identify himself or herself.

Members of the public who plan to attend the limited appearance sessions are advised that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases or backpacks. Signs no larger than 18" by 18" will be permitted during the limited appearance sessions, but may not be attached to sticks, held up, or moved about in the room. *Cf. Policy Statement on Enhancing Public Participation in*

³ The parties to this proceeding are Entergy Nuclear Vermont Yankee, L.L.C. and Entergy Nuclear Operations, Inc., the NRC Staff, the Department of Public Service of the State of Vermont, and the New England Coalition. The State of New Hampshire is participating in the proceeding as an interested state.

⁴ See 10 CFR 2.315(a); *Iowa Electric Light & Power Co.* (Duane Arnold Energy Center), ALAB-108, 6 AEC 195, 196 n.4 (1973); 10 CFR Part 2, Appendix A, § III(b) (2004), *deleted* Final Rule, *Changes to Adjudicatory Process*, 69 FR 2182, 2274 (Jan. 14, 2004).

NRC Meetings, 67 Fed. Reg. 36,920, 36,923 (May 28, 2002).

C. Submitting a Request to Make an Oral Limited Appearance Statement

Persons wishing to make an oral statement who have submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must either be mailed, faxed, or sent by e-mail so as to be received by 5 p.m. Eastern Daylight Time on Friday, October 5, 2007. The request should specify the session (afternoon or evening) during which the requester wishes to make an oral statement. Based on its review of the requests received by October 5, 2007, the Licensing Board reserves the right to cancel or shorten either of the sessions due to a lack of public interest.

Written requests to make an oral statement should be submitted to:

Mail: Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Fax: (301) 415-1101 (verification (301) 415-1966).

E-mail: hearingdocket@nrc.gov.

In addition, using the same method of service, a copy of the written request to make an oral statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Alex S. Karlin, Chairman, c/o: Marcia Carpentier, Esq., Law Clerk, Atomic Safety and Licensing Board Panel, Mail Stop T-3 E2C, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Fax: (301) 415-5599 (verification (301) 415-7405).

E-mail: mxc7@nrc.gov and kvs@nrc.gov.

D. Written Limited Appearance Statements (In Lieu of Oral Statements)

A written limited appearance statement may be submitted to the Board regarding this proceeding at any time. The Board encourages early submissions, however, so that Board members will be able to consider them while addressing the issues in this proceeding. Such statements should be sent to the Office of the Secretary using the methods prescribed above, with a copy to the Licensing Board Chairman. A person who has already filed a written limited appearance statement in this matter is not required to resubmit it, but should notify the Board, as specified above, if he or she wishes to make an oral statement during the October sessions.

III. Availability of Documentary Information Regarding the Proceeding

Documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR) or electronically from the publicly available records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397-4209, (301) 415-4737, or by e-mail to pdr@nrc.gov.

IV. Scheduling Information Updates

Any updated/revised scheduling information regarding the limited appearance sessions can be found on the NRC Web site at <http://www.nrc.gov/public-involve/public-meetings/index.cfm> or by calling (800) 368-5642, extension 5036, or (301) 415-5036.

It is so ordered.

For the Atomic Safety and Licensing Board.⁵

Dated: July 18, 2007.

Alex S. Karlin,

Chairman, Administrative Judge, Rockville, Maryland.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278]

Exelon Generation Company, LLC, and PSEG Nuclear, LLC; Notice of Consideration of Issuance of Amendments to Renewed Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Renewed Facility Operating License Nos. DPR-44 and DPR-56 issued to Exelon Generation Company, LLC, and PSEG Nuclear, LLC (the licensees), for operation of the Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3

⁵ Copies of this order were sent this date by internet e-mail transmission to counsel for (1) licensees Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc.; (2) intervenors Vermont Department of Public Service and New England Coalition of Brattleboro, Vermont; (3) the Staff, and (4) the State of New Hampshire.

located in York and Lancaster Counties, Pennsylvania.

The proposed amendment would modify the main steam isolation valve (MSIV) leakage Technical Specification (TS) Surveillance Requirement (SR) 3.6.1.3.14 to establish a total leakage rate limit for the sum of the four main steam lines.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment results in no change in radiological consequences of the design basis LOCA as currently analyzed for Peach Bottom Atomic Power Station [PBAPS]. This analysis was calculated assuming a combined total MSIV leakage at accident pressure for determining acceptance to the regulatory limits for the offsite, control room and Technical Support Center (TSC) radiation doses as contained in 10 CFR Part 100 and 10 CFR Part 50, Appendix A, GDC 19. The proposed change does not compromise existing radiological equipment qualification, since the combined total MSIV leakage rate has been factored into existing equipment qualification analyses for 10 CFR 50.49. This change will not alter the operation of process variables, structures, systems, or components as described in the PBAPS Updated Final Safety Analysis Report (UFSAR). The proposed amendment does not alter the operational capability of the MSIVs.

Therefore, based on the above information, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?