



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 2, 2015

Vice President, Operations
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
P.O. Box 250
Governor Hunt Road
Vernon, VT 05354

SUBJECT: VERMONT YANKEE NUCLEAR POWER STATION – RESCISSION OF ORDER EA-12-051, “ORDER MODIFYING LICENSES WITH REGARD TO RELIABLE SPENT FUEL POOL INSTRUMENTATION” (TAC NO. MF4764)

Dear Sir or Madam:

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A679), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-12-051 to Entergy Nuclear Operations, Inc. (Entergy or the licensee). This Order requires certain actions at Vermont Yankee Nuclear Power Station (VY) associated with the Fukushima Near-Term Task Force Recommendations. Order EA-12-051 requires that reliable spent fuel pool (SFP) instrumentation be installed and maintained in the event of a beyond-design-basis event.

Section IV of Order EA-12-051 required that Entergy submit an overall integrated plan by February 28, 2013, describing how VY planned to achieve compliance with the requirements of the Order. Entergy responded to the Order by letter dated February 28, 2013 (ADAMS Accession No. ML13064A301).

Section IV of the Order also provided the NRC’s Director of the Office of Nuclear Reactor Regulation the authority to relax or rescind any or all of the conditions of the Order upon demonstration by the licensee of good cause.

By letter dated September 23, 2013 (ADAMS Accession No. ML13273A204), Entergy submitted Notification of Permanent Cessation of Power Operations for VY. In this letter, Entergy provided notification to the NRC of its intent to permanently cease power operations at the end of its current operating cycle, which occurred at the end of December 2014. In addition, Entergy indicated its intent to supplement the letter certifying the date on which operations have ceased, or will cease, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.82(a)(1)(i) and 10 CFR 50.4(b)(8). By letter dated January 12, 2015 (ADAMS Accession No. ML15013A426), Entergy certified to the NRC that it had permanently ceased power operations at VY, effective December 29, 2014. Pursuant to 10 CFR 50.82(a)(1)(ii), the licensee also certified in the letter that it had permanently defueled the VY reactor vessel and placed the fuel in the SFP.

By letter dated August 28, 2014, Entergy requested rescission of Order EA-12-051 (ADAMS Accession No. ML14246A187) to be effective upon docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel.

Section III of the Order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range SFP levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. This statement forms the basis of the Order and reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and SFP. With reliable indication of the SFP coolant level, decision-makers can determine when to deploy resources to the SFP and avoid unnecessary deployment of staff to monitor pool level.

Since the licensee for VY docketed the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision-makers would not have to prioritize actions and the focus of the staff would be the SFP condition. Thus, the basis for the Order no longer applies to the configuration of VY.

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind the Order. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this Order. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, Order EA-12-051 is rescinded in its entirety for VY.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. M. Dean', followed by a horizontal line extending to the right.

William M. Dean, Director
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Listserv

Section III of the Order states that the Commission determined that all power reactor licensees and construction permit holders must have a reliable means of remotely monitoring wide-range SFP levels to support effective prioritization of event mitigation and recovery actions in the event of a beyond-design-basis external event. This statement forms the basis of the Order and reflects the need to effectively deploy limited resources to mitigate very low frequency events with the potential to challenge both the reactor and SFP. With reliable indication of the SFP coolant level, decision-makers can determine when to deploy resources to the SFP and avoid unnecessary deployment of staff to monitor pool level.

Since the licensee for VY docketed the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the safety of the fuel in the SFP becomes the primary safety function for site personnel. In the event of a challenge to the safety of fuel stored in the SFP, decision-makers would not have to prioritize actions and the focus of the staff would be the SFP condition. Thus, the basis for the Order no longer applies to the configuration of VY.

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind the Order. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this Order. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, Order EA-12-051 is rescinded in its entirety for VY.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Listserv

Distribution:

PUBLIC	RidsOeMailCenter Resource	RidsAcrsAcnw_MailCTR Resource
RidsNrrDorLp4-2 Resource	RidsNrrOd Resource	RidsNrrDorl Resource
RidsNrrPMVermontYankee	RidsNrrDorLDpr Resource	RidsNrrLAKGoldstein Resource
RidsRgn1MailCenter Resource	RidsNrrJLD Resource	RidsNrrLAPBlechman Resource
RMcKinley, R1		

ADAMS Accession No.: ML14321A696

*by email dated

OFFICE	NRR/DORL/LPL4-2/PM	NRR/DORL/LPL4-2/LA	NRR/DORL/LPL4-2/LA*	Technical Editor*
NAME	JKim	PBlechman	KGoldstein	JDougherty
DATE	12/2/14	11/18/14	11/25/14	11/26/14
OFFICE	NRR/JLD/JERB/BC	NRR/JLD/JOMB/BC	NRR/JLD/D	OE
NAME	BPham	MHalter	JDavis	RFretz
DATE	12/4/14	12/9/14	12/12/14	12/8/14
OFFICE	OGC	NRR/DORL/LPL4-2/BC	NRR/DORL/D	NRR/D
NAME	BHarris	DAB for MKhanna	MEvans	WDean
DATE	1/16/15	02/11/15	2/19/15	3/2/15