



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

April 15, 2014

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—REQUEST FOR  
RESCISSION OF AND SCHEDULE RELIEF FROM COMMISSION  
ORDER EA-13-109, "ORDER TO MODIFY LICENSES WITH REGARD TO  
RELIABLE HARDENED CONTAINMENT VENTS CAPABLE OF OPERATION  
UNDER SEVERE ACCIDENT CONDITIONS" (TAC NO. MF3225)

Dear Sir or Madam:

On June 6, 2013, the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-13-109, "Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions." The order, which was immediately effective, required that all licensees that operate boiling-water reactors with Mark I and Mark II containment designs, including the Vermont Yankee Nuclear Power Station, implement requirements for reliable hardened containment vents capable of operation under severe accident conditions at their facilities. The order also stated that the Director of the Office of Nuclear Reactor Regulation may, in writing, relax or rescind any conditions of the order if the licensee can demonstrate good cause.

Order EA-13-109 requires Entergy to install hardened containment venting systems that can be maintained functional during severe accident conditions. The order includes two separate implementation phases. Phase 1 involves upgrading the venting capabilities from the containment wetwell to provide reliable, severe accident capable hardened vents to assist in preventing core damage and, if necessary, to provide venting capability during severe accident conditions. Phase 1 requirements are to be implemented no later than startup from the second refueling outage that begins after June 30, 2014, or by June 30, 2018, whichever comes first. In addition, the order requires submittal of an overall integrated plan no later than June 30, 2014, that describes how the licensee will achieve Phase 1 requirements.

Phase 2 involves providing additional protections for severe accident conditions through installation of a reliable, severe accident capable drywell vent system or the development of a reliable containment venting strategy that makes it unlikely that a licensee would need to vent from the containment drywell during severe accident conditions. Phase 2 requirements are to be implemented no later than startup from the first refueling outage that begins after June 30, 2017, or by June 30, 2019, whichever comes first.

By letter dated September 23, 2013, Entergy Nuclear Operations, Inc. submitted Notification of Permanent Cessation of Power Operations for the Vermont Yankee Nuclear Power Station. In this letter, Entergy provided notification to the NRC of its intent to permanently cease power operation at the end of the current operating cycle which is expected to occur in the fourth

calendar quarter of 2014. In addition, Entergy indicated their 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) 50.82(a)(1)(i) and 10 CFR 50.4(b)(8).

By letter dated November 22, 2013, and supplemented by letter dated February 20, 2014, Entergy requested (1) schedule relief from the requirements of Order EA-13-109, and (2) rescission of Order EA-13-109 upon submittal of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

#### Schedule Relief

As previously stated, the order requires submittal of an overall integrated plan no later than June 30, 2014, that describes how the licensee will achieve Phase 1 requirements. The order also requires subsequent status reports at 6-month intervals following submittal of the Phase 1 integrated plan. Entergy has requested that the NRC relax the schedule for submittal of the overall integrated plan. Specifically, Entergy has requested to submit the overall integrated plan no later than startup from the first refueling outage that begins after June 30, 2014, or by June 30, 2015, whichever comes first.

#### Order Rescission

Entergy has requested that the NRC rescind Order EA-13-109 for the Vermont Yankee Nuclear Power Station upon submittal of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

#### Demonstration of Good Cause

In accordance with the order, Entergy cited the following reasons to justify how it demonstrates good cause for schedule relief and order rescission:

- The Vermont Yankee Nuclear Power Station will permanently cease power operations at the end of the fourth calendar quarter of 2014, and there will be no further refueling outages or startups. As a result, the implementation dates for Phase 1 and Phase 2 actions correspond to June 30, 2018, and June 30, 2019, respectively, and are subsequent to cessation of operations.
- Upon docketing of the 10 CFR 50.82(a)(1) certifications, the 10 CFR Part 50 license will no longer authorize operation of the reactor or retention of fuel in the reactor vessel.
- With permanent removal of fuel from the reactor vessel, the primary containment has no design function.
- The primary containment has no safety function regarding protection of fuel in the spent fuel pool or mitigation of spent fuel pool accident scenarios.
- Resources which would have been assigned to respond to the order have been assigned to decommissioning preparation activities.
- Allocation of resources to plan, design, and purchase materials which will never be installed does not maintain nor enhance protection of the public health and safety.

Conclusion

The NRC acknowledges that Entergy fully intends to permanently cease power operations at the Vermont Yankee Nuclear Power Station by the end of the fourth calendar quarter of 2014. Following submittal of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and the permanent removal of fuel from the reactor vessel, the primary containment will no longer provide a safety function and the underlying purpose of Order EA-13-109 will no longer be served.

The NRC concludes that Entergy has provided sufficient good cause for requesting schedule relief from the order and the requested relaxation does preserve the final implementation requirement in the interim, pending submittal of the required 10 CFR 50.82(a)(1) certifications. Therefore, pursuant to the requirements of Order EA-13-109, the NRC authorizes Entergy to submit the overall integrated plan no later than startup from the first refueling outage that begins after June 30, 2014, or by June 30, 2015, whichever comes first.

The NRC also concludes that Entergy has provided sufficient good cause for requesting rescission of Order EA-13-109. Therefore, upon docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and removal of fuel from the reactor vessel, the NRC rescinds Order EA-13-109 for the Vermont Yankee Nuclear Power Station.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. J. Leeds', is written over a horizontal line.

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-271

cc: Listserv

Conclusion

The NRC acknowledges that Entergy fully intends to permanently cease power operations at the Vermont Yankee Nuclear Power Station by the end of the fourth calendar quarter of 2014. Following submittal of the 10 CFR 50.82(a)(1) certifications for permanent cessation of operations and the permanent removal of fuel from the reactor vessel, the primary containment will no longer provide a safety function and the underlying purpose of Order EA-13-109 will no longer be served.

The NRC concludes that Entergy has provided sufficient good cause for requesting schedule relief from the order and the requested relaxation does preserve the final implementation requirement in the interim, pending submittal of the required 10 CFR 50.82(a)(1) certifications. Therefore, pursuant to the requirements of Order EA-13-109, the NRC authorizes Entergy to submit the overall integrated plan no later than startup from the first refueling outage that begins after June 30, 2014, or by June 30, 2015, whichever comes first.

The NRC also concludes that Entergy has provided sufficient good cause for requesting rescission of Order EA-13-109. Therefore, upon docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and removal of fuel from the reactor vessel, the NRC rescinds Order EA-13-109 for the Vermont Yankee Nuclear Power Station.

Sincerely,

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Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-271

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