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Christopher J. Wamser
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BVY 13-101

November 22, 2013

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
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SUBJECT: Entergy's Request for Rescission of and Schedule Relief from Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order Number EA-13-109)

Vermont Yankee Nuclear Power Station
Docket No. 50-271
License No. DPR-28

- REFERENCES:
1. NRC Letter to Entergy, *Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions* (Order Number EA-13-109), dated June 6, 2013
 2. Entergy Letter to NRC, *Entergy's Answer to the June 6, 2013 Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Order Number EA-13-109)*, BVY 13-056, dated June 26, 2013
 3. NRC Interim Staff Guidance JLD-ISG-2013-02, *Compliance with Order EA-13-109, Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions*, dated November 14, 2013.
 4. Entergy Letter to NRC, *Notification of Permanent Cessation of Power Operations*, BVY 13-079, dated September 23, 2013

Dear Sir or Madam:

On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued an immediately effective order to all licensees that operate boiling-water reactors (BWRs) with Mark I and Mark II containment designs, including Entergy, entitled "Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions (Effective Immediately)" (Reference 1).

Reference 1 requires Entergy to install hardened containment venting systems that can be maintained functional during severe accident conditions, i.e. following significant core damage. The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

Reference 1 requires all licensees, within twenty (20) days of the issuance date of the final Interim Staff Guidance (ISG) for Phase 1, to notify the Commission if compliance with any of the Phase 1 requirements is unnecessary in their specific circumstances. The final ISG (Reference 3) was issued November 14, 2013.

Reference 2 identified that Entergy's future responses may include requests for schedule relief as warranted by subsequent NRC requirements or implementing guidance or the results of engineering analyses not yet performed.

On September 23, 2013, Entergy notified the NRC that it has decided to permanently cease power operations at the Vermont Yankee Nuclear Power Station (VY) at the end of the current operating cycle (Reference 4).

The purpose of this letter is to (1) request schedule relief from the requirements of Reference 1, and (2) request rescission of the order (Reference 1) upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel. Attachments 1 and 2 provide the good cause justification for these requests.

Should you have any questions regarding this submittal, please contact Coley Chappell at (802) 451-3374.

This letter contains no new regulatory commitments.

I declare under penalty of perjury that the foregoing is true and correct; executed on November 22, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Coley for CJW". The signature is written in a cursive, flowing style.

CJW / JTM

- Attachments:
1. Vermont Yankee Request for Schedule Relief from Requirements of Order EA-13-109
 2. Vermont Yankee Request for Rescission of Order EA-13-109

cc: William M. Dean
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Attachment 1 to

BVY 13-101

Vermont Yankee Request for Schedule Relief from
Requirements of Order EA-13-109

I. Proposed Schedule Relief

Order EA-13-109, "Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)" (Reference 1), requires, by June 30, 2014, submittal to the Commission for review an overall integrated plan including a description of how compliance with the Phase 1 requirements described in Attachment 2 of the Order will be achieved. Additionally Reference 1 requires status reports at six (6)-month intervals following submittal of the Phase 1 integrated plan.

Entergy is requesting that the schedule for submittal of the Vermont Yankee Nuclear Power Station (VY) overall integrated plan be relaxed as follows: Entergy shall, no later than startup from the first refueling outage that begins after June 30, 2014, submit to the Commission for review an overall integrated plan including a description of how compliance with the Phase 1 requirements described in Attachment 2 of the Order will be achieved.

II. Background

On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued an immediately effective order to all licensees that operate boiling-water reactors (BWRs) with Mark I and Mark II containment designs, including Entergy, entitled "Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)" (Reference 1).

Reference 1 requires Entergy to install hardened containment venting systems that can be maintained functional during severe accident conditions, i.e. following significant core damage. The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

Reference 1 requires all licensees, within twenty (20) days of the issuance date of the final ISG for Phase 1, to notify the Commission if compliance with any of the Phase 1 requirements is unnecessary in their specific circumstances. The final ISG (Reference 3) was issued November 14, 2013.

Reference 2 identified that Entergy's future responses may include requests for schedule relief as warranted by subsequent NRC requirements or implementing guidance or the results of engineering analyses not yet performed.

On September 23, 2013, Entergy notified the NRC that it has decided to permanently cease power operations at the Vermont Yankee Nuclear Power Station (VY) at the end of the current operating cycle (Reference 4).

Reference 1, Section IV.D., states that "the Director, Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause."

III. Good Cause Justification

Order EA-13-109, "Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)" (Reference 1), requires implementation of Phase 1 (severe accident capable wetwell venting system) no later than startup from the second refueling outage that begins after June 30, 2014, or June 30, 2018, whichever comes first.

Licensees are required to promptly start implementation of the requirements in Attachment 2 to this Order upon issuance of the associated final interim staff guidance (ISG) for each phase. The final ISG was issued November 14, 2013.

Since VY will permanently cease power operations at the end of the current operating cycle (estimated to be 4th quarter 2014), there will be no further refueling outages or startups. Therefore, the Order implementation dates for Phase 1 and 2 correspond to June 30, 2018, and June 30, 2019, respectively.

In addition to the implementation dates for full compliance, Reference 1 also contains interim dates regarding submittal of an overall integrated plan and six month status updates. The purpose of these interim dates is to enable NRC review of the licensee implementation plans and provide assurance that full compliance will be achieved by the dates specified in the Order.

Upon docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel at the end of the current operating cycle, the 10 CFR 50 license will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel. With permanent removal of fuel from the reactor vessel, the function of primary containment will cease. Primary Containment has no design function regarding protection of the fuel in the spent fuel pool, or mitigation of spent fuel pool accident scenarios.

VY is currently preparing plans to decommission the VY site while concurrently safely completing the current operating cycle. Resources which otherwise would have been assigned to refuel outage preparation are now assigned decommissioning preparation activities. Allocation of resources to plan, design, and purchase materials which will never be installed does not maintain or enhance protection of the public health and safety. Relaxation of the date for submittal of an overall integrated plan would allow VY to allocate its resources to activities with a nexus to public health and safety while maintaining the regulatory objective of requiring plants licensed to operate to implement the Order EA-13-109 in a timely manner. It is anticipated that the requested relaxation milestone to "no later than startup from the first refueling outage that begins after June 30, 2014" would not occur since VY will cease operations and submit the certifications required by 10CFR50.82(a)(1). However the requested relaxation does preserve the final implementation requirement in the interim, prior to submission of the required certifications.

VY is requesting rescission of Order EA-13-109 in Attachment 2 of this letter. However that rescission would not be effective until docketing of the 10CFR50.82(a)(1)

certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

IV. Conclusion

Based on the above, the Director, Office of Nuclear Reactor Regulation is requested to relax the VY schedule for implementation of the requirements of Order EA-13-109.

V. References

1. NRC Letter to Entergy, *Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions* (Order Number EA-13-109), dated June 6, 2013
2. Entergy Letter to NRC, *Entergy's Answer to the June 6, 2013 Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions* (Order Number EA-13-109), BVY 13-056, dated June 26, 2013
3. NRC Interim Staff Guidance JLD-ISG-2013-02, *Compliance with Order EA-13-109, Order Modifying Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions*, dated November 14, 2013.
4. Entergy Letter to NRC, *Notification of Permanent Cessation of Power Operations*, BVY 13-079, dated September 23, 2013

Attachment 2 to

BVY 13-101

Vermont Yankee Request for Rescission of Order EA-13-109

I. Proposed Order Rescission

Order EA-13-109, "Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)" (Reference 1), requires, by June 30, 2014, submittal to the Commission for review an overall integrated plan including a description of how compliance with the Phase 1 requirements described in Attachment 2 of the Order will be achieved. Additionally Reference 1 requires status reports at six (6)-month intervals following submittal of the Phase 1 integrated plan.

Entergy is requesting that the Order EA-13-109 be rescinded for Vermont Yankee upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operation and permanent removal of fuel from the reactor vessel.

II. Background

On June 6, 2013, the Nuclear Regulatory Commission (NRC) issued an immediately effective order to all licensees that operate boiling-water reactors (BWRs) with Mark I and Mark II containment designs, including Entergy, entitled "Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)" (Reference 1).

Reference 1 requires Entergy to install hardened containment venting systems that can be maintained functional during severe accident conditions, i.e. following significant core damage. The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

On September 23, 2013, Entergy notified the NRC that it has decided to permanently cease power operations at the Vermont Yankee Nuclear Power Station (VY) at the end of the current operating cycle (Reference 4).

Reference 1, Section IV.D., states that "the Director, Office of Nuclear Reactor Regulation may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause."

III. Good Cause Justification

Order EA-13-109, "Order Modifying License with Regard to Reliable Hardened Containment Vents Capable of Operation under Severe Accident Conditions (Effective Immediately)" (Reference 1), requires implementation of Phase 1 (severe accident capable wetwell venting system) no later than startup from the second refueling outage that begins after June 30, 2014, or June 30, 2018, whichever comes first. Reference 1 further requires implementation of Phase 2 (severe accident capable drywell venting system) no later than startup from the first refueling outage that begins after June 30, 2017, or June 30, 2019, whichever comes first.

Since VY will permanently cease power operations at the end of the current operating cycle (estimated to be 4th quarter 2014), there will be no further refueling outages or startups. Therefore, the Order implementation dates for Phase 1 and 2 correspond to June 30, 2018, and June 30, 2019, respectively.

Reference 1 requires Entergy to install hardened containment venting systems that can be maintained functional during severe accident conditions, i.e. following significant core damage. The substantive requirements of the Order are contained in Attachment 2 of Reference 1. The order includes two separate implementation phases. Phase 1 includes modifications to wetwell venting systems, while Phase 2 includes modifications to drywell venting systems or implementation of a reliable containment strategy that meets regulatory approval.

Upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR 50 license will no longer authorize operation of the reactor or emplacement or retention of fuel into the reactor vessel. With permanent removal of fuel from the reactor vessel, the function of primary containment will cease. Primary containment has no design function regarding protection of the fuel in the spent fuel pool, or mitigation of spent fuel pool accident scenarios. Therefore, implementation of the requirements in Reference 1 will no longer have any nexus to reasonable assurance of adequate protection of the public health and safety.

IV. Conclusion

Based on the above, the Director, Office of Nuclear Reactor Regulation is requested to rescind Order EA-13-109 for VY upon docketing of the 10CFR50.82(a)(1) certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel.

V. References

1. NRC Letter to Entergy, *Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions* (Order Number EA-13-109), dated June 6, 2013
2. Entergy Letter to NRC, *Entergy's Answer to the June 6, 2013 Commission Order Modifying License With Regard To Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions* (Order Number EA-13-109), BVY 13-056, dated June 26, 2013
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4. Entergy Letter to NRC, *Notification of Permanent Cessation of Power Operations*, BVY 13-079, dated September 23, 2013