



**Entergy Nuclear Operations, Inc.**  
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**Christopher J. Wamser**  
Site Vice President

10 CFR 50.90  
10 CFR 50.75(h)

BVY 14-062

September 4, 2014

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

**SUBJECT:** Proposed Change No. 310 - Deletion of Renewed Facility Operating License  
Conditions Related to Decommissioning Trust Provisions  
Vermont Yankee Nuclear Power Station  
Docket No. 50-271  
License No. DPR-28

**REFERENCE:**

1. NRC Final Rule for Decommissioning Trust Provisions (67 FR 78332) published December 24, 2002
2. Letter, NRC to Entergy Nuclear Operations, Inc. and Entergy Nuclear Vermont Yankee, LLC, "Order Approving Transfer of License for Vermont Yankee Nuclear Power Station from Vermont Yankee Nuclear Power Corporation to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., and Approving Conforming Amendment (TAC No. MB3154)," NRY 02-041, dated May 17, 2002 (ML020390198)

Dear Sir or Madam:

In accordance with 10CFR50.90, Entergy Nuclear Operations, Inc. (ENO) is proposing an amendment to Renewed Facility Operating License (OL) DPR-28 for Vermont Yankee Nuclear Power Station (VY).

This license amendment request proposes to delete from the VY OL certain license conditions which impose specific requirements on the decommissioning trust agreement, on the basis that upon approval of this amendment, the provisions of 10 CFR 50.75(h) that specify the regulatory requirements for decommissioning trust funds will apply to ENO. The option to delete license conditions relating to the terms and conditions of decommissioning trust agreements and, instead, conform to the regulations adopted in 2002 (Reference 1) is specifically contemplated by the provisions of 10 CFR 50.75(h)(5), and the generic finding of no significant hazards consideration in 10 CFR 50.75(h)(4).

ENO has reviewed the proposed amendment in accordance with 10 CFR 50.92 and concludes it does not involve a significant hazards consideration.

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the State of Vermont, Department of Public Service.

Attachment 1 to this letter provides a detailed description and evaluation of the proposed change. Attachment 2 contains a markup of the current OL pages. Attachment 3 contains the retyped OL pages.

To be consistent with this amendment request, ENO also requests that the NRC appropriately modify its May 17, 2002 Order and safety evaluation which approved the transfer of the OL and conforming amendment for VY in order to revise/delete the same corresponding conditions as described herein in the attachments (Reference 2).

ENO requests review and approval of this proposed license amendment by March 1, 2015 and a 60 day implementation period.

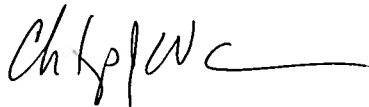
There are no new regulatory commitments made in this letter.

If you have any questions on this transmittal, please contact Mr. Philip Couture at 802-451-3193.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 4, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Couture", with a long horizontal flourish extending to the right.

CJW/plc

Attachments:

1. Description and Evaluation of the Proposed Changes
2. Markup of the Current Operating License Pages
3. Retyped Operating License Pages

cc: Mr. William M. Dean  
Region 1 Administrator  
U.S. Nuclear Regulatory Commission  
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Mr. James S. Kim, Project Manager  
Division of Operating Reactor Licensing  
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Washington, DC 20555

cc list continued:

USNRC Resident Inspector  
Vermont Yankee Nuclear Power Station  
320 Governor Hunt Road  
Vernon, VT 05354

Mr. Christopher Recchia, Commissioner  
VT Department of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601

Attachment 1

Vermont Yankee Nuclear Power Station

Proposed Change 310

Description and Evaluation of Proposed Changes

## **1. SUMMARY DESCRIPTION**

This license amendment request proposes to delete from the Vermont Yankee Nuclear Power Station (VY) Renewed Facility Operating License (OL) certain license conditions which impose specific requirements on the decommissioning trust agreement, on the basis that Entergy Nuclear Operations, Inc. (ENO) has elected to subject its decommissioning trust agreement to the regulatory requirements for decommissioning trust funds that are specified in 10 CFR 50.75(h). The option to delete license conditions relating to the terms and conditions of decommissioning trust agreements and, instead, conform to the regulations adopted in 2002 (Reference 1) is consistent with the NRC's stated intent in the Final Rule for Decommissioning Trust Provisions published in the Federal Register (67 FR 78332, 68 FR 65388) and is specifically contemplated by the provisions of 10 CFR 50.75(h)(5), and the generic finding of no significant hazards consideration in 10 CFR 50.75(h)(4).

## **2. DETAILED DESCRIPTION**

License Condition 3.J of the VY OL currently includes the following requirements for the decommissioning trust funds:

### **a. Decommissioning Trust**

- (i) The decommissioning trust agreement must be in a form acceptable to the NRC.
- (ii) With respect to the decommissioning trust funds, investments in the securities or other obligations of Entergy Corporation and its affiliates, successors, or assigns shall be prohibited. In addition, except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.
- (iii) The decommissioning trust agreement must provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee until the trustee has first given the NRC 30 days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director of the Office of Nuclear Reactor Regulation.
- (iv) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.
- (v) The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

Entergy Nuclear Vermont Yankee, LLC shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of this license to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., and the

requirements of the Order approving the transfer, and consistent with the safety evaluation supporting the Order.

The requested amendment would delete all of License Condition 3.J.(a) including paragraphs (i) through (v) and the portion of License Condition 3.J which requires that the decommissioning trust fund be maintained in accordance with the application for license transfer and the requirements of the Order and supporting safety evaluation that approved the license transfer.

To be consistent with this amendment request, ENO also requests that the NRC appropriately modify its May 17, 2002 Order and safety evaluation which approved the transfer of the OL and conforming amendment for VY in order to revise/delete the same corresponding conditions as described herein in the attachments (References 2 and 3).

### **3. BACKGROUND**

On May 17, 2002, the NRC issued an Order and safety evaluation that approved the transfer of the VY OL from Vermont Yankee Nuclear Power Corporation to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Reference 2). Additionally, on July 31, 2002, the NRC issued a conforming amendment to the VY OL with respect to the subject license transfer (Reference 3).

In late 2002, the NRC amended its regulations at 10 CFR 50.75(e) and added new provisions at 10 CFR 50.75(h)(1)-(4) that govern financial assurance mechanisms for licensees that are not "electric utilities" as defined in 10 CFR 50.2. The provisions in 10 CFR 50.75(h) include substantially similar decommissioning trust requirements as those found in VY OL License Condition 3.J. In its 2002 rulemaking, the NRC addressed several comments regarding potential conflicts or inconsistencies between the provisions of 10 CFR 50.75(h) and a licensee's existing decommissioning trust-related license conditions. The NRC explained that "licensees will have the option of maintaining their existing license conditions or submitting to the new requirements" and "will be able to decide for themselves whether they prefer to keep or eliminate their specific license conditions." (67 FR 78332, 78335, 78339 (Dec. 24, 2002)) To support the option to amend and eliminate these license conditions, the Commission made a generic determination in 10 CFR 50.75(h)(4) that a license amendment which does no more than delete specific license conditions relating to the terms and conditions of decommissioning trust agreements involves "no significant hazards consideration."

In November 2003, the NRC added new section 10 CFR 50.75(h)(5), which codifies the NRC's stated intention of allowing licensees to choose to either maintain their existing license conditions or eliminating them in favor of complying with the new regulatory requirements. (68 FR 65388, 65387 (Nov. 20, 2003)) Section 50.75(h)(5) states:

"The provisions of paragraphs (h)(1) through (h)(3) of this section do not apply to any licensee that as of December 24, 2003, has existing license conditions relating to decommissioning trust agreements, so long as the licensee does not elect to amend those license conditions. If a licensee with existing license conditions relating to decommissioning trust agreements elects to amend those conditions, the license amendment shall be in accordance with the provisions of paragraph (h) of this section."

Section 10 CFR 50.75(h) applies to VY, because ENO is not an "electric utility" as defined in 10 CFR 50.2 and because the VY OL has license conditions relating to decommissioning trust agreements that were put in place in 2002.

Consistent with 10 CFR 50.75(h)(5), ENO has elected to submit to the requirements of 10 CFR 50.75(h) by requesting deletion of those license conditions that are currently incorporated in the VY OL, but addressed in section 50.75(h).

**4. TECHNICAL EVALUATION**

The table below summarizes the manner in which the specific requirements of VY License Condition 3.J requested for deletion are addressed in the regulations.

License Condition 3.J	Regulatory Requirement of 10 CFR 50.75(h)
<p>(i) The decommissioning trust agreement must be in a form acceptable to the NRC.</p>	<p>While this wording is not explicitly stated in the revised regulations of 10 CFR 50.75, the intent of this license condition is the basic focus of the NRC's 2002 rulemaking (67 FR 78332). In that rulemaking, the NRC stated that "[t]he amendments to NRC's requirements for decommissioning trust provisions of nuclear power plants <i>require that decommissioning trust agreements be in a form acceptable to the NRC</i> in order to increase assurance that an adequate amount of decommissioning funds will be available for their intended purpose." (67 FR 78349 (emphasis added))</p>
<p>(ii) With respect to the decommissioning trust funds, investments in the securities or other obligations of Entergy Corporation and its affiliates, successors, or assigns shall be prohibited. In addition, except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.</p>	<p>§50.75(h)(1)(i)</p> <p>The trustee, manager, investment advisor, or other person directing investment of the funds:</p> <p>(A) Is prohibited from investing the funds in securities or other obligations of the licensee or any other owner or operator of any nuclear power reactor or their affiliates, subsidiaries, successors or assigns, or in a mutual fund in which at least 50 percent of the fund is invested in the securities of a licensee or parent company whose subsidiary is an owner or operator of a foreign or domestic nuclear power plant. However, the funds may be invested in securities tied to market indices or other non-nuclear sector collective, commingled, or mutual funds, provided that this subsection shall not operate in such a way as to require the sale or transfer either in whole or in part, or other disposition of any such prohibited investment that was made before the publication date of this rule, and provided further that no more than 10 percent of trust assets may be indirectly invested in securities of any entity owning or operating one or more nuclear power plants.</p>

License Condition 3.J	Regulatory Requirement of 10 CFR 50.75(h)
<p>(iii) The decommissioning trust agreement must provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee until the trustee has first given the NRC 30 days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director of the Office of Nuclear Reactor Regulation.</p>	<p>§50.75(h)(1)(iv)</p> <p>Except for withdrawals being made under § 50.82(a)(8) or for payments of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, no disbursement or payment may be made from the trust, escrow account, Government fund, or other account used to segregate and manage the funds until written notice of the intention to make a disbursement or payment has been given to the Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, at least 30 working days before the date of the intended disbursement or payment. The disbursement or payment from the trust, escrow account, Government fund or other account may be made following the 30-working day notice period if the person responsible for managing the trust, escrow account, Government fund, or other account does not receive written notice of objection from the Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, within the notice period. Disbursements or payments from the trust, escrow account, Government fund, or other account used to segregate and manage the funds, other than for payment of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund, are restricted to decommissioning expenses or transfer to another financial assurance method acceptable under paragraph (e) of this section until final decommissioning has been completed. After decommissioning has begun and withdrawals from the decommissioning fund are made under § 50.82(a)(8), no further notification need be made to the NRC.</p>



License Condition 3.J	Regulatory Requirement of 10 CFR 50.75(h)
<p>(iv) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.</p>	<p>§50.75(h)(1)(iii)</p> <p>The trust, escrow account, Government fund, or other account used to segregate and manage the funds may not be amended in any material respect without written notification to the Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, at least 30 working days before the proposed effective date of the amendment. The licensee shall provide the text of the proposed amendment and a statement of the reason for the proposed amendment. The trust, escrow account, Government fund, or other account may not be amended if the person responsible for managing the trust, escrow account, Government fund, or other account receives written notice of objection from the Director, Office of Nuclear Reactor Regulation, Director, Office of New Reactors, or Director, Office of Nuclear Material Safety and Safeguards, as applicable, within the notice period; and</p>
<p>(v) The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.</p>	<p>§50.75(h)(1)(i)</p> <p>The trustee, manager, investment advisor, or other person directing investment of the funds:</p> <p>(B) Is obligated at all times to adhere to a standard of care set forth in the trust, which either shall be the standard of care, whether in investing or otherwise, required by State or Federal law or one or more State or Federal regulatory agencies with jurisdiction over the trust funds, or, in the absence of any such standard of care, whether in investing or otherwise, that a prudent investor would use in the same circumstances. The term "prudent investor," shall have the same meaning as set forth in the Federal Energy Regulatory Commission's "Regulations Governing Nuclear Plant Decommissioning Trust Funds" at 18 CFR 35.32(a)(3), or any successor regulation.</p>

License Condition 3.J	Regulatory Requirement of 10 CFR 50.75(h)
<p>Entergy Nuclear Vermont Yankee, LLC shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of this license to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., and the requirements of the Order approving the transfer, and consistent with the safety evaluation supporting the Order.</p>	<p>This license condition is no longer needed, based on the provisions of 10 CFR 50.75(h) and ENO's decision to comply with that section's decommissioning trust agreement requirements. In addition, as noted in the NRC's 2002 rulemaking, "the NRC has always believed that it is preferable and more efficient to adopt standard rules, as opposed to applying specific license conditions on a case-by-case basis" (67 FR 78334). This license condition is effectively addressed by the standard requirements codified in the regulations.</p>

**5. REGULATORY EVALUATION**

**5.1 NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION**

The proposed change does no more than delete specific license conditions relating to the terms and conditions of decommissioning trust agreements. As such, the proposed amendment falls within the "generic" determination by the Commission in 10 CFR 50.75(h)(4) that such an amendment does not normally involve any significant hazards consideration:

"(4) Unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility that does no more than delete specific license conditions relating to the terms and conditions of decommissioning trust agreements involves "no significant hazards consideration."

Pursuant to 10 CFR 50.92, Entergy Nuclear Operations, Inc. (ENO) has reviewed the proposed change and concludes that the change does not involve a significant hazards consideration since the proposed change satisfies the criteria in 10 CFR 50.92(c). These criteria require 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; (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.

The discussion below addresses each of these criteria and demonstrates that the proposed amendment does not constitute a significant hazard.

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

Response: No.

The requested changes delete certain license conditions pertaining to Decommissioning Trust Agreements currently in Section 3.J of the VY OL.

The requested changes are consistent with the types of license amendments permitted in 10 CFR 50.75(h)(5).

The regulations of 10 CFR 50.75(h)(4) state "Unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility that does no more than delete specific license conditions relating to the terms and conditions of decommissioning trust agreements involves "no significant hazard considerations."

This request involves changes that are administrative in nature. No actual plant equipment or accident analyses will be affected by the proposed changes.

Therefore, 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?

Response: No.

This request involves administrative changes to the license that will be consistent with the NRC's regulations at 10 CFR 50.75(h).

No actual plant equipment or accident analyses will be affected by the proposed change and no failure modes not bounded by previously evaluated accidents will be created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This request involves administrative changes to the license that will be consistent with the NRC's regulations at 10 CFR 50.75(h).

Margin of safety is associated with confidence in the ability of the fission product barriers to limit the level of radiation dose to the public.

No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed changes will not relax any criteria used to establish safety limits, will not relax any safety systems settings, or will not relax the bases for any limiting conditions of operation.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

Based on the above, ENO concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

## 5.2 PRECEDENT

The proposed changes are consistent with those approved for Comanche Peak Steam Electric Station, Units 1 and 2 (Reference 4).

## 5.3 CONCLUSION

Based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

## 6. ENVIRONMENTAL CONSIDERATIONS

The proposed amendment is confined to administrative changes for providing consistency with existing regulations. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(10). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

## 7. REFERENCES

1. NRC Final Rule for Decommissioning Trust Provisions (Volume 67 Federal Register 78332) published December 24, 2002
2. Letter, NRC to Entergy Nuclear Operations, Inc. and Entergy Nuclear Vermont Yankee, LLC, "Order Approving Transfer of License for Vermont Yankee Nuclear Power Station from Vermont Yankee Nuclear Power Corporation to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., and Approving Conforming Amendment (TAC No. MB3154)," NVEY 02-041, dated May 17, 2002 (ML020390198)
3. Letter, NRC to Vermont Yankee Nuclear Power Corporation, "Vermont Yankee Nuclear Power Station - Issuance of Amendment RE: Transfer of Ownership and Operating Authority Under Facility Operating License From Vermont Yankee Nuclear Power Corporation to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (TAC No. MB5291)," NVEY 02-062, dated July 31, 2002 (ML022100395)
4. Letter, NRC to TXU Energy "Comanche Peak Steam Electric Station (CPSES), Units 1 and 2 - Issuance of Amendments RE: Deletion of Unnecessary License Conditions and Reporting Requirements (TAC Nos. MB5770 and MB5771)," dated May 15, 2003 (ML031350770)

Attachment 2

Vermont Yankee Nuclear Power Station

Proposed Change 310

Markup of the Current Operating License Pages

exceeds the total amount required for the facility pursuant to 10 CFR 50.75. The decommissioning trust, and surety if utilized, shall be subject to or be consistent with the following requirements, as applicable:

a. ~~Decommissioning Trust~~ ← Deleted

- (i) ~~The decommissioning trust agreement must be in a form acceptable to the NRC.~~
- (ii) ~~With respect to the decommissioning trust funds, investments in the securities or other obligations of Entergy Corporation and its affiliates, successors, or assigns shall be prohibited. In addition, except for investments tied to market indexes or other non-nuclear sector mutual funds, investments in any entity owning one or more nuclear power plants are prohibited.~~
- (iii) ~~The decommissioning trust agreement must provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee until the trustee has first given the NRC 30 days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director of the Office of Nuclear Reactor Regulation.~~
- (iv) ~~The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.~~
- (v) ~~The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.~~

b. Surety

- (i) The surety agreement must be in a form acceptable to the NRC and be in accordance with all applicable NRC regulations.
- (ii) The surety company providing any surety obtained to comply with the Order approving the transfer shall be one of those listed by the U.S. Department of the Treasury in the most recent edition of Circular 570 and shall have a coverage limit sufficient to cover the amount of the surety.

- (iii) Entergy Nuclear Vermont Yankee, LLC shall establish a standby trust to receive funds from the surety, if a surety is obtained, in the event that Entergy Nuclear Vermont Yankee, LLC defaults on its funding obligations for the decommissioning of Vermont Yankee. The standby trust agreement must be in a form acceptable to the NRC, and shall conform with all conditions otherwise applicable to the decommissioning trust agreement.
- (iv) The surety agreement must provide that the agreement cannot be amended in any material respect, or terminated, without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.

~~Entergy Nuclear Vermont Yankee, LLC shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of this license to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., and the requirements of the Order approving the transfer, and consistent with the safety evaluation supporting the Order.~~

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. shall take no action to cause Entergy Global Investments, Inc., or Entergy International Holdings Ltd. LLC, or their parent companies to void, cancel, or modify the lines of credit to provide funding for Vermont Yankee as represented in the application without prior written consent of the Director of the Office of Nuclear Reactor Regulation.

K. Minimum Critical Power Ratio

When operating at thermal power greater than 1593 megawatts thermal, the safety limit minimum critical power ratio (SLMCPR) shall be established by adding 0.02 to the cycle-specific SLMCPR value calculated using the NRC-approved methodologies documented in General Electric Licensing Topical Report NEDE-24011-P-A, "General Electric Standard Application for Reactor Fuel," as amended, and documented in the Core Operating Limits Report.

L. Transient Testing

1. During the extended power uprate (EPU) power ascension test program and prior to exceeding 168 hours of plant operation at the nominal full EPU reactor power level, with feedwater and condensate flow rates stabilized at approximately the EPU full power level, Entergy Nuclear Operations, Inc. shall confirm through performance of transient testing that the loss of one condensate pump will not result in a complete loss of reactor feedwater.

Attachment 3

Vermont Yankee Nuclear Power Station

Proposed Change 310

Retyped Operating License Pages



exceeds the total amount required for the facility pursuant to 10 CFR 50.75. The decommissioning trust, and surety if utilized, shall be subject to or be consistent with the following requirements, as applicable:

a. Deleted

b. Surety

- (i) The surety agreement must be in a form acceptable to the NRC and be in accordance with all applicable NRC regulations.
- (ii) The surety company providing any surety obtained to comply with the Order approving the transfer shall be one of those listed by the U.S. Department of the Treasury in the most recent edition of Circular 570 and shall have a coverage limit sufficient to cover the amount of the surety.

- (iii) Entergy Nuclear Vermont Yankee, LLC shall establish a standby trust to receive funds from the surety, if a surety is obtained, in the event that Entergy Nuclear Vermont Yankee, LLC defaults on its funding obligations for the decommissioning of Vermont Yankee. The standby trust agreement must be in a form acceptable to the NRC, and shall conform with all conditions otherwise applicable to the decommissioning trust agreement.
- (iv) The surety agreement must provide that the agreement cannot be amended in any material respect, or terminated, without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. shall take no action to cause Entergy Global Investments, Inc., or Entergy International Holdings Ltd. LLC, or their parent companies to void, cancel, or modify the lines of credit to provide funding for Vermont Yankee as represented in the application without prior written consent of the Director of the Office of Nuclear Reactor Regulation.

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When operating at thermal power greater than 1593 megawatts thermal, the safety limit minimum critical power ratio (SLMCPR) shall be established by adding 0.02 to the cycle-specific SLMCPR value calculated using the NRC-approved methodologies documented in General Electric Licensing Topical Report NEDE-24011-P-A, "General Electric Standard Application for Reactor Fuel," as amended, and documented in the Core Operating Limits Report.

L. Transient Testing

1. During the extended power uprate (EPU) power ascension test program and prior to exceeding 168 hours of plant operation at the nominal full EPU reactor power level, with feedwater and condensate flow rates stabilized at approximately the EPU full power level, Entergy Nuclear Operations, Inc. shall confirm through performance of transient testing that the loss of one condensate pump will not result in a complete loss of reactor feedwater.