



Entergy Nuclear Operations, Inc.
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Christopher J. Wamser
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BVY 14-028

April 24, 2014

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

SUBJECT: Technical Specifications Proposed Change No. 307, Revision to Mitigation Strategy License Condition and Technical Specification Administrative Controls for Permanently Defueled Condition - Supplement 1 (TAC No. MF2991)
Vermont Yankee Nuclear Power Station
Docket No. 50-271
License No. DPR-28

- REFERENCES:
1. Letter, Entergy Nuclear Operations, Inc. to USNRC, "Technical Specifications Proposed Change No. 307, Revision to Mitigation Strategy License Condition and Technical Specification Administrative Controls for Permanently Defueled Condition," BVY 13-096, dated October 31, 2013 (ML13316A004) (TAC No. MF2991)
 2. Email from USNRC to VY, "Draft RAI - TS Proposed Change 307, License Condition N," dated March 28, 2014 (Security-Related)

Dear Sir or Madam:

By letter dated October 31, 2013 (Reference 1), Entergy Nuclear Operations, Inc. (ENO) proposed an amendment to Renewed Facility Operating License (OL) DPR-28 for Vermont Yankee Nuclear Power Station (VY). Part of this amendment requested elimination of the Mitigation Strategy License Condition (License Condition 3.N) from the VY OL. In Reference 2, the NRC provided VY with a draft Request for Additional Information (RAI) regarding the proposed elimination of License Condition 3.N.

The draft RAI and associated VY response is provided in Attachment 1 to this letter. Attachment 1 contains security related information and pages marked as "Security-Related Information - Withhold Under 10 CFR 2.390" should be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1). When separated from Attachment 1, this cover letter is uncontrolled.

The conclusions of the no significant hazards consideration and the environmental considerations contained in Reference 1 are not affected by, and remain applicable to, this supplement.

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 April 24, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Recchia", followed by a long horizontal line extending to the right.

CJW/plc

Attachment: 1. Response to Draft Request for Additional Information

cc: Mr. William M. Dean
Region 1 Administrator
U.S. Nuclear Regulatory Commission
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King of Prussia, PA 19406-2713

Mr. James S. Kim, Project Manager
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Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
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USNRC Resident Inspector
Vermont Yankee Nuclear Power Station
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Mr. Christopher Recchia, Commissioner
VT Department of Public Service
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Montpelier, VT 05620-2601

Attachment 1

Vermont Yankee Nuclear Power Station

Response to Draft Request for Additional Information

SECURITY-RELATED INFORMATION - WITHHOLD UNDER 10 CFR 2.390

**DRAFT REQUEST FOR ADDITIONAL INFORMATION REGARDING
VERMONT YANKEE NUCLEAR POWER STATION LICENSE AMENDMENT REQUEST TO
ELIMINATE THE MITIGATING STRATEGY LICENSE CONDITION**

By letter dated October 31, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13316A004), Entergy Nuclear Operations, Inc. (Entergy) submitted a license amendment request (LAR) to revise its License and Technical Specifications (TS) for Vermont Yankee Nuclear Power Station. The U.S. Nuclear Regulatory Commission (NRC) staff has performed a preliminary review of the LAR and found that further information is needed to complete the staff's review in a timely manner.

These items are identified as draft at this time to confirm your understanding of the items of information needed to complete our evaluation. If the items are understood, please respond to this request for additional information within 30 days of the date of this letter.

RAI-1:

The licensee is requesting to remove License Condition N. Mitigation Strategy License Condition from the license. This License Condition requires the licensee to develop and maintain strategies for addressing large fires and explosions. As stated in the amendment request, in accordance with 10 CFR 50.54(hh)(3), the requirements in 10 CFR 50.54(hh)(2) will not apply after both certifications have been filed under 50.82.

The Commission added 50.54(hh)(3) in the Power Reactor Security Requirements final rule in response to a comment that the requirements of §50.54(hh) should not apply to "reactor facilities currently in decommissioning and for which the certifications required under § 50.82(a)(1) have been submitted" because "it is inappropriate that §50.54(hh) should apply to a permanently shut-down and defueled reactor where the fuel was *removed from the site or moved to an [ISFSI]*." 74 Fed. Reg. 13933 (Mar. 27, 2009) (emphasis added). The NRC stated in the Statement of Considerations for the final rule that it "agree[d] with this comment and revised the final requirements in § 50.54(hh) so they do not apply to facilities for which certifications have been filed under §50.82(a)(1) or §52.110(a)(1)." *Id.* The NRC staff position expressed in this Statement of Considerations does not express a conclusion that continued storage of fuel in the spent fuel pool of a reactor facility without the mitigating strategies would provide reasonable assurance that the health and safety of the public would not be endangered and would not be inimical to the common defense and security, which is necessary to conclude that amendment of License [Insert license no. here] to remove License Condition [insert number here] would be appropriate.

While the plain language of §50.54(hh)(3) exempts all facilities that have submitted cessation of operation certifications without regard to whether there is still fuel onsite that is not in an ISFSI – i.e. fuel in the pool, NRR has recognized that this may not be an proper resolution of the comment to the Power Reactor Security Rulemaking and currently has rulemaking planned to affect changes to apply the § 50.54(hh)(2) requirements to decommissioning facilities with fuel still in the spent fuel pool.

SECURITY-RELATED INFORMATION - WITHHOLD UNDER 10 CFR 2.390

Given that the licensee must continue to provide adequate emergency response under 50.47, and that the spent fuel must be protected against the design basis threat of radiological sabotage under 73.55, for each element of the License Condition N, provide justification that elimination of that element will not result in operations that would endanger the health and safety of the public or be inimical to the common defense and security:

N. Mitigation Strategy License Condition

Develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
 - 1. Pre-defined coordinated fire response strategy and guidance
 - 2. Assessment of mutual aid fire fighting assets
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel

- (b) Operations to mitigate fuel damage considering the following:
 - 1. Protection and use of personnel assets
 - 2. Communications
 - 3. Minimizing fire spread
 - 4. Procedures for implementing integrated fire response strategy
 - 5. Identification of readily-available pre-staged equipment
 - 6. Training on integrated fire response strategy
 - 7. Spent fuel pool mitigation measures

- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

Response

Entergy Nuclear Operations, Inc. (ENO) withdraws its request to remove License Condition 3.N, "Mitigation Strategy License Condition," from the Vermont Yankee Nuclear Power Station (VY) Renewed Facility Operating License (OL). License Condition 3.N will continue to be maintained in effect at VY. ENO may elect to apply for removal of License Condition 3.N upon removal of all spent fuel from the VY spent fuel pool in a future submittal.

Because the removal of License Condition 3.N was the only proposed change to the OL in Reference 1, no revised markup is provided. However, the proposed removal of the license condition was reflected in the markups provided in Reference 2. A supplement to Reference 2 to provide revised markups will be provided in separate correspondence.

References

1. Letter, Entergy Nuclear Operations, Inc. to USNRC, "Technical Specifications Proposed Change No. 307, Revision to Mitigation Strategy License Condition and Technical Specification Administrative Controls for Permanently Defueled Condition," BVY 13-096, dated October 31, 2013 (ML13316A004)
2. Letter, Entergy Nuclear Operations, Inc. to USNRC, "Technical Specifications Proposed Change No. 309, Defueled Technical Specifications and Revised License Conditions for Permanently Defueled Condition," BVY 14-010, dated March 28, 2014