



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

April 8, 2010

Mr. Michael Colomb
Site Vice President
Entergy Nuclear Operations, Inc.
Vermont Yankee Nuclear Power Station
PO Box 250
Vernon, VT 05354

SUBJECT: DEVIATION FROM THE REACTOR OVERSIGHT PROCESS TO PROVIDE
INCREASED NRC OVERSIGHT OF SPECIFIC ISSUES AT VERMONT
YANKEE NUCLEAR POWER STATION

Dear Mr. Colomb:

I am writing to inform you of the NRC staff's determination to deviate from the Reactor Oversight Process (ROP) in order to provide increased oversight of the Vermont Yankee Nuclear Power Station (Vermont Yankee). Specifically, the NRC staff will conduct additional inspections and stakeholder communications related to the on-site groundwater contamination, and will conduct assessment, follow-up actions, and stakeholder communications related to the Demand for Information (DFI) that was issued by the NRC on March 1, 2010 (ML100570237)¹.

On January 7, 2010, Entergy received positive sample results for tritium from a groundwater monitoring well that was installed in support of an industry initiative to detect groundwater contamination. Upon discovery of tritium in the on-site groundwater monitoring well, Entergy developed a plan to identify, mitigate, characterize, and remediate the source of the contamination. Entergy's plan, in part, included enhanced groundwater monitoring, visual inspections, on-site excavation, hydrological evaluations, and increased offsite radiological monitoring. The NRC staff has been closely monitoring Entergy's actions. Regional specialists have been sent to the site to inspect Entergy's implementation of the industry groundwater initiative at Vermont Yankee. Regional inspectors, as well as managers, continue to provide oversight of Entergy's actions through direct observations and independent assessments.

On February 24, 2010, Entergy verbally informed the NRC of actions that Entergy had taken regarding certain employees, including some of whom were removed from their site positions at Vermont Yankee and placed on administrative leave. According to Entergy, these actions were taken as a result of Entergy's independent internal investigation into alleged contradictory or misleading information provided to the State of Vermont that was not corrected. In light of Entergy's investigation and resulting actions, the NRC issued a DFI requiring Entergy, in part, to

¹ Designation in parentheses refers to an Agencywide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

confirm whether communications over the past five years to the NRC by these individuals that were material to NRC-regulated activities were complete and accurate. Entergy provided the NRC its response to the DFI on March 31, 2010 (ML100910420). The NRC staff will evaluate Entergy's response to the DFI, which will entail inspections, audits, and other reviews by the NRC staff. This may include in-office and on-site examination of the documents considered by Entergy in its DFI response. Following completion of the detailed review, the NRC staff will evaluate whether enforcement action, if any, is warranted. The NRC staff will communicate the results of its detailed review to Entergy in separate correspondence.

In order to provide for increased inspection focus in these areas, a deviation from the ROP enabling enhanced NRC oversight of Entergy's activities was approved by the NRC Executive Director for Operations on April 5, 2010. A copy of the ROP Deviation Memorandum is attached for your information. The ROP deviation described in the attached NRC memorandum represents a customized approach for VY that considers factors beyond its Action Matrix characterization. This approach is consistent with the underlying concepts of NRC Inspection Manual Chapter 0305, "Operating Reactor Assessment Program." The staff plans to return to normal NRC monitoring efforts at Vermont Yankee consistent with the Action Matrix upon confirmation of the following:

- The NRC has concluded that Entergy has established and implemented effluent control and environmental monitoring procedures that provide reasonable assurance that the existing groundwater conditions will continue to be effectively monitored and assessed; that the procedures will detect new or changed conditions in a timely manner; and that the procedures are sufficient to monitor remediation efforts associated with the Vermont Yankee groundwater contamination plume.
- The NRC has concluded that Entergy has appropriately addressed the information requested in the DFI, and that sufficient information is available for the NRC to determine whether further regulatory action, if any, is warranted.

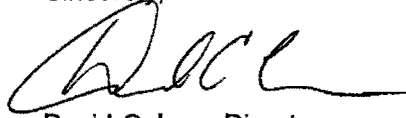
In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (if any) will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web Site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

M Colomb

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Please contact Donald Jackson, Chief, Projects Branch 5, at (610) 337-5306 with any questions you may have regarding this letter or the enclosed ROP Deviation Memorandum.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lew", written in a cursive style.

David C. Lew, Director
Division of Reactor Projects

Docket No. 50-271
License Nos. DPR-28

Enclosure: ROP Deviation Memorandum for Vermont Yankee Nuclear Power Station

cc w/encl: Distribution via ListServ

M. Colomb

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Please contact Donald Jackson, Chief, Projects Branch 5, at (610) 337-5306 with any questions you may have regarding this letter or the enclosed ROP Deviation Memorandum.

Sincerely,

/RA/

David C. Lew, Director
Division of Reactor Projects

Docket No. 50-271
License Nos. DPR-28

Enclosure: ROP Deviation Memorandum for Vermont Yankee Nuclear Power Station

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S. Collins, RA (R1ORAMAIL RESOURCE)

M. Dapas, DRA (R1ORAMAIL RESOURCE)

D. Lew, DRP (R1DRPMAIL RESOURCE)

J. Clifford, DRP (R1DRPMAIL RESOURCE)

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P. Wilson, DRS (R1DRSMail Resource)

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J. Gitter, NRR

R. Nelson, NRR

N. Salgado, NRR

J. Kim, NRR

RidsNrrPMVermontYankee Resource

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ROPreportsResource@nrc.gov