



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

June 18, 2014

Site Vice President
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
EXEMPTION FROM THE REQUIREMENTS OF 10 CFR 50.54(m)
(TAC NO. MF2990)

Dear Sir or Madam:

By letter dated October 31, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13325B016), Entergy Nuclear Operations, Inc. (the licensee) requested an exemption from certain requirements of Title 10 of the *Code of Federal Regulations* (10 CFR or §), Section 50.54(m) for Vermont Yankee Nuclear Power Station (VY) to be effective following submittal of the certifications required by 10 CFR 50.82(a)(1). These requirements establish the minimum staffing for reactor operators and senior reactor operators at licensed nuclear power reactors. The purpose of this letter is to provide you with the results of the U.S. Nuclear Regulatory Commission (NRC) staff's evaluation.

Pursuant to 10 CFR 50.12, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when: (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present.

The NRC staff reviewed the proposed exemption from § 50.54(m) to determine the applicability of the license conditions established by § 50.54(m) to VY. The staff determined that § 50.54(m) prescribes the conditions of applicability in terms of operational modes (consistent with definition of modes in technical specifications) for each section in § 50.54(m). The operational mode statements within § 50.54(m) indicate that this regulation is not intended to be applicable to reactors that are decommissioning. Specifically, a facility that has submitted certifications under § 50.82(a)(1)(i) and (ii), is no longer authorized to operate the reactor or load fuel into the reactor vessel. Therefore, facilities in this configuration are no longer in a condition under which the operational modes described in § 50.54(m) apply. For example, § 50.54(m)(1) discusses startup, shutdown, and refueling modes; Footnote 2 of the table in § 50.54(m)(2)(i) describes a nuclear power unit as operating when it is in a mode other than cold shutdown or refueling; § 50.54(m)(2)(ii) refers to fueled units; § 50.54(m)(2)(iii) applies to units in a mode other than cold shutdown or refueling; and § 50.54(m)(2)(iv) concerns core alterations. Since all the subsections in § 50.54(m) refer to modes that require fuel to be in the core or anticipate a return to an operational mode, the regulation is not applicable to a permanently shut down and defueled reactor.

Therefore, the NRC staff concludes that the requirements in § 50.54(m) do not apply and an exemption would not be needed for facilities that have submitted certifications under § 50.82(a)(1)(i) and (ii).

By letter dated September 23, 2013 (ADAMS Accession No. ML13273A204), the licensee submitted "Notification Of Permanent Cessation Of Power Operations" for VY. 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 its intent to supplement the letter certifying the date on which operations have ceased, or will cease, in accordance with § 50.82(a)(1)(i) and § 50.4(b)(8). With the certifications required by 10 CFR 50.82(a)(1) in place, the requirements of § 50.54(m) will be no longer applicable and an exemption from 10 CFR 50.54(m) for VY will be unnecessary. Therefore, the NRC staff will not process the exemption request and is terminating its review.

Since no further action is required on this licensing request, the NRC staff will close Technical Assignment Control (TAC) No. MF2990. If you have any questions, please contact me at (301) 415-4125 or via e-mail at James.Kim@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "James Kim". The signature is written in a cursive style with a long horizontal stroke at the end.

James Kim, Project Manager
Plant Licensing IV-2 and Decommissioning
Transition Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-271

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Sincerely,

/RA/

James Kim, Project Manager
Plant Licensing IV-2 and Decommissioning
Transition Branch
Division of Operating Reactor Licensing
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NAME	JKim	KGoldstein	SUttal	DBroaddus	JKim
DATE	06/02/14	06/02/14	06/11/14	06/18/14	06/18/14

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