

Security Related Information – Withhold Under 10 CFR 2.390



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10 CFR 73.5
10 CFR Part 73, Appendix B

BVY 18-018

May 24, 2018

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Request for Exemption from Certain Requirements in 10 CFR Part 73, Appendix B
Vermont Yankee Nuclear Power Station
Docket Nos. 50-271
License No. DPR-28

Dear Sir or Madam:

Pursuant to 10 CFR 73.5, "Specific Exemptions," Entergy Nuclear Operations, Inc. (ENO) requests a one-time exemption from certain scheduler requirements in 10 CFR Part 73, Appendix B, for Vermont Yankee Nuclear Power Station (VY).

Attachment 1 to this letter provides a summary of the requested exemption and the associated environmental considerations. Attachment 2 contains security-related sensitive information to be withheld from public disclosure pursuant to 10 CFR 2.390, and provides the details of the exemption request.

This cover letter and Attachment 1 do not contain sensitive information. Upon separation from Attachment 2, this cover letter and Attachment 1 may be handled as an uncontrolled document.

ENO requests approval of the proposed exemption by July 31, 2018, in order to otherwise allow time to complete activities if the exemption is not granted. The requested exemption is requested to be effective upon issuance.

This letter contains no new regulatory commitments.

*AD01
NRR*

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ATTACHMENT 2 TO THIS LETTER CONTAINS SECURITY-RELATED INFORMATION.
WHEN SEPARATED FROM ATTACHMENT 2, THIS COVER LETTER AND
ATTACHMENT 1 ARE DECONTROLLED.

Should you have any questions concerning this letter, please contact me at (802) 451-3374.

Sincerely,



CCC/tbs

Attachments:

1. Summary of the Requested Exemption and Environmental Considerations
2. Request for Exemption from Certain Requirements in 10 CFR Part 73, Appendix B (Security-Related Information)

cc: (w/o Attachment 2)

Regional Administrator, Region 1
U.S. Nuclear Regulatory Commission
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King of Prussia, PA 19406-2713

Mr. Jack D. Parrott, Sr. Project Manager
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
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Ms. June Tierney, Commissioner
Vermont Department of Public Service
112 State Street – Drawer 20
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Attachment 1

Vermont Yankee Nuclear Power Station

Summary of the Requested Exemption and
Environmental Considerations

Summary of the Requested Exemption and Environmental Considerations

SUMMARY OF THE REQUESTED EXEMPTION

Pursuant to 10 CFR 73.5, "Specific Exemptions," Entergy Nuclear Operations, Inc. (ENO) requests a one-time exemption from certain scheduler requirements of 10 CFR Part 73, Appendix B, "General Criteria for Security personnel," for Vermont Yankee Nuclear Power Station (VY). This exemption request does not modify the protection provided for the spent fuel against the design basis threat of radiological sabotage or theft as provided by the current Physical Security Plan (PSP). The exemption does not change the capabilities or attributes of the current VY PSP protected area including the vehicle barrier system, and intruder detection and neutralization capabilities.

Details of the exemption request are provided in Attachment 2 (Security-Related Information).

Additional Information

ENO has submitted a separate license amendment request pursuant to 10 CFR 50.90 for changes to License Condition 3.G "Security Plan" for the proposed VY Independent Spent Fuel Storage Installation PSP (Reference 1). This exemption request does not affect information provided in Reference 1. However, it is noted that the annual security activities which are the subject of the exemption request will no longer be required once the ISFSI PSP is approved and implemented.

Previous requests by licensees for exemptions from 10 CFR Part 73 involving scheduling requirements have been granted on occasion, including the following two examples:

- On March 16, 2010, the NRC issued an exemption, in response to a January 21, 2010, request from ENO for VYNPS, which revised the compliance date for specific provisions of 10 CFR 73.55 from March 31, 2010, to September 20, 2010 (Reference 2).
- On August 23, 2010, the NRC issued an exemption, in response to a July 7, 2010, request from Nebraska Public Power District for Cooper Nuclear Station, which revised the compliance date for specific provisions of 10 CFR 73.55 from August 31, 2010, to December 31, 2010 (Reference 3).

ENVIRONMENTAL CONSIDERATIONS

The proposed exemption has been evaluated against the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(25):

- (i) **There is no significant hazards consideration;**

ENO has evaluated the proposed exemption to determine whether or not a significant hazards consideration is involved by focusing on the three standards set forth in 10 CFR 50.92(c) as discussed below:

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

Response: No.

Spent fuel at VY is stored in the spent fuel pool and in the Independent Spent Fuel Storage Installation (ISFSI). In this configuration, the spectrum of possible accidents transients and accidents is significantly reduced compared to an operating nuclear power reactor. The design basis accident evaluated in the Defueled Safety Analysis Report (DSAR) is the fuel handling accident, which is predicated on spent fuel being stored in the spent fuel pool. Due to fuel decay since shutdown, the risk of an offsite radiological release is also significantly lower. Furthermore, at the time of this submittal, a significant majority of the spent fuel stored in the spent fuel pool shortly after shutdown has been transferred to dry storage in the ISFSI, also significantly reducing the risk of a fuel handling accident.

The proposed exemption involves changes to certain scheduler requirements delineated in specific provisions in 10 CFR Part 73, Appendix B. This proposed change has no effect on any facility structures, systems, and components (SSCs) or their capability to perform design functions, and therefore would not increase the likelihood of a malfunction of any facility SSC, or affect the performance of any SSCs relied upon to mitigate the consequences of the accident previously evaluated. The means by which SSCs are operated, maintained, modified, tested, or inspected are also not affected. The proposed exemption does not alter any inputs, assumptions or methodology associated with the previously evaluated accident described in the VY DSAR.

Therefore, the proposed exemption does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed exemption create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed exemption does not involve a physical alteration of the facility, and no new or different types of SSCs will be installed, therefore there are no physical modifications to existing equipment that could result from the exemption. The proposed exemption does not involve modifications which could the manner in which facility SSCs are operated and maintained, and does not result in any changes to parameters within which the facility is normally operated and maintained.

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

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

Response: No.

Safety margins for the facility are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the Technical Specifications. The proposed exemption does not alter the design basis or any safety limits for the facility, and therefore does not involve a change to any established safety margins as a result of this proposed exemption.

The proposed exemption involves scheduler requirements for certain physical security training activities, and does not affect other periodic training activities which ensure the proficiency of the security staff during the limited timeframe associated with the exemption. As such, the exemption would not significantly impact the capability provided by the Physical Security Plan to protect against the design basis threat of radiological sabotage or theft.

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

Based on the above, ENO has determined that the proposed exemption 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.

- (ii) There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite;**

The requested exemption will not result in changes to any facility SSCs or design functions associated with monitoring or limiting the release of effluents. There are no expected changes in the types, characteristics, or quantities of effluents discharged to the environment as a result of the exemption. The exemption would not introduce any materials or chemicals into the facility that could affect any of the amounts or types of effluents released offsite. Therefore, there is no change in the types or increase in the amounts of any effluents that may be released offsite.

- (iii) There is no significant increase in individual or cumulative public or occupational radiation exposure;**

The requested exemption does not result in any significant change to the consequences of the accident previously evaluated, and does not involve any significant change in the types of amounts of effluents that may be released offsite, as evaluated above. The exemption request does not result in any physical changes to the facility SSCs, the manner in which they are operated or maintained, and does not

involve a change to land use at the VY site. Therefore, there is no significant increase in individual or cumulative public or occupational radiation exposure.

(iv) There is no significant construction impact;

The requested exemption involves a change to certain scheduler requirements specified in 10 CFR Part 73, Appendix B, and does not result in any physical changes to the facility or the manner in which any physical changes to the facility are performed. Therefore, there is no significant construction impact.

(v) There is no significant increase in the potential for or consequences from radiological accidents;

Refer to the no significant hazards considerations discussion in item (i) above.

(vi) The requirements from which an exemption is sought involve scheduling requirements;

The purpose of the requested exemption is to change certain scheduler requirements in 10 CFR Part 73, Appendix B, related to the required completion dates for specified annual training activities, consistent with 10 CFR 51.22(c)(25)(vi)(G).

Accordingly, ENO has determined that the proposed exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(25)(i) through (vi) as an exemption involving scheduling requirements. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the consideration of this exemption request.

REFERENCES

1. Letter, Entergy Nuclear Operations, Inc. to USNRC, "Independent Spent Fuel Storage Installation Physical Security Plan, Revision 0, Proposed Change No. 315," BVY 17-003, dated March 29, 2017 (ML17117A421)
2. Letter, USNRC to Entergy Nuclear Operations, Inc., "Vermont Yankee Nuclear Power Station – Exemption from the Requirements of 10 CFR Part 73, Section 73.55 Implementation Deadline for Physical Security Plans (TAC No. ME3112)," dated March 16, 2010 (ML100600692)
3. Letter, USNRC to Nebraska Public Power District, "Cooper Nuclear Station – Exemption from the Requirements of 10 CFR Part 73, Section 73.55 (TAC No. ME4207)," dated August 23, 2010 (ML102140029)