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December 23, 2011

William Dean, Regional Administrator  
U.S. NRC Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

Re: Commitment Change Process

Dear Mr. Dean:

On December 22, 2011, the U.S. Nuclear Regulatory Commission (NRC) issued inspection report 05000271/2011011 regarding the Vermont Yankee Nuclear Power Station (VY) and Entergy's completion of the commitments it made during the license renewal application. The inspection report says that "Entergy had removed the use of FatiguePro as part of Commitment 6" after notifying NRC that it would be switching from the computerized model (FatiguePro) to "manual cycle counting."

The inspectors noted that his change, in essence, rescinded the commitment, as manual cycle counting had been the existing method at the time of the application submittal and would not have necessitated an enhancement and subsequent commitment. Also, the Entergy letter did not request approval of the rescinding, as indicated by the statement that no action was required of NRC.

Ultimately, the inspectors couldn't determine if Entergy had met the expectations of the commitment changes processes because there were "various possible interpretations" of the NRC-endorsed NEI guideline and the Entergy procedure.

The Department of Public Service has questions, which follow, about what happened in this instance and the process in general.

1. When a licensee makes commitments in the license renewal process, can the licensee change the commitment with notice to NRC but no approval? Please explain if the answer is yes, including if there is any "materiality" test and where such test is codified.
2. It says the NEI guidance (NEI 99-04) was endorsed by NRC. I was able to find the NEI document on the NRC website and to review it. Is this document binding on Entergy and if so by what authority (eg. commitment in license renewal, a regulation, MOU . . .)?



3. Can you please provide me with a copy of Entergy procedure EN-LI-110 cited in the inspection report?
4. What does NRC expect a licensee to do when changing a license commitment?
5. Are there any NRC regulations or guidance documents regarding changing a license commitment? If so, can you please provide me with citations?
6. In this instance, the inspectors "could not clearly determine whether Entergy had met the expectations of the commitment change process as specified in the license conditions of the renew Vermont Yankee license." Is there additional process to make that determination, and if so, what is that process?
7. Why was Entergy required to use FatiguePro as a license commitment when it previously had used manual cycle counting?
8. Does NRC find one method of determining cumulative fatigue usage factors preferable to the other, and if so, why?

Thank you very much for reviewing my questions. This is of great importance to Vermont to understand how license commitments can be changed. From Vermont's perspective, a commitment is just that and should not be changed unilaterally by the licensee. I hope your answers will clarify what the procedure is.

I look forward to getting answers to our questions.

Very truly yours,



Sarah Hofmann  
Deputy Commissioner