

**From:** "Diane Curran" <dcurran@harmoncurran.com>  
**To:** <VermontYankeeEIS@nrc.gov>  
**Date:** Wed, Mar 7, 2007 12:00 PM  
**Subject:** Comments on Draft Supplemental GEIS for Vermont Yankee

Dear NRC,

Attached please find the Massachusetts Attorney General's comments on the Draft Supplemental GEIS for renewal of the operating license for the Vermont Yankee nuclear power plant.

12/21/06  
71FR 46706

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Please acknowledge receipt.

Thank you very much.

Diane Curran

**CC:** <Matthew.Brock@ago.state.ma.us>

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March 7, 2007

By first-class mail and e-mail to:

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Chief, Rules and Directives Branch  
Division of Administrative Services  
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[VermontYankeeEIS@nrc.gov](mailto:VermontYankeeEIS@nrc.gov)

SUBJECT: *Comments on Draft Supplement 30 to Generic EIS for License  
Renewal of Nuclear Plants, Vermont Yankee Nuclear Power Plant*

Dear Mr. Lesar:

On behalf of Massachusetts Attorney General Martha Coakley, we are writing to submit comments on Draft Supplement 30 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (December 2006) ("Draft Supplemental GEIS"), which purports to evaluate the environmental impacts of renewing the operating license for the Vermont Yankee nuclear power plant. The Draft Supplemental GEIS is inadequate to satisfy the requirements of the National Environmental Policy Act ("NEPA") or NRC regulations for the implementation NEPA, because it fails to address new and significant information regarding the potentially severe adverse environmental impacts of continued high-density pool storage of spent fuel at the Vermont Yankee nuclear power plant.

We hereby renew the Attorney General's June 15, 2006, comments on the scope of the Draft Supplemental GEIS, including our previous request that you consider the technical information contained in the Hearing Request which was attached to our Scoping comments.<sup>1</sup> Our Scoping Comments were ignored in the NRC Staff's October 30, 2006,

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<sup>1</sup> Letter from Diane Curran and Matthew Brock to Chief, NRC Rules and Directives Branch (June 15, 2006) ("Scoping Comments"), enclosing Massachusetts Attorney General's Request for a Hearing and Petition to Intervene With Respect to Entergy Nuclear Operations Inc.'s Application for Renewal of the Vermont Yankee Nuclear Plant Operating License, etc. (May 26, 2006) ("Hearing Request"). The

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Chief, Rules and Directives Branch  
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scoping decision.<sup>2</sup> They were also ignored in the relevant portion of the Draft Supplemental GEIS.<sup>3</sup>

As stated in our Scoping Comments, the Supplemental GEIS for the Vermont Yankee nuclear power plant should address the environmental impacts of a severe accident in the Vermont Yankee fuel pool, including accidents caused by equipment failures, natural disasters, and intentional malicious acts. The Supplemental GEIS should also consider a reasonable array of alternatives for avoiding or mitigating the impacts of a severe pool fire, including combined low-density pool storage and dry storage of spent fuel.<sup>4</sup>

In addition, the Draft Supplemental GEIS should incorporate the Commission's decision to consider the issues raised by the Attorney General's Scoping Comments and Hearing Request in a generic rulemaking proceeding.<sup>5</sup> The Commission initiated the rulemaking proceeding in November of 2006 by publishing the Attorney General's August 29, 2006 rulemaking petition in the Federal Register for public comment.<sup>6</sup> It is therefore premature for the Draft Supplement GEIS to reach any conclusions regarding the environmental impacts of high-density pool storage of spent fuel at the Vermont Yankee nuclear power plant.

Finally, the Staff should confirm that under NEPA, the Staff is precluded from issuing a permit for renewed operation of the Vermont Yankee nuclear power plant unless and until the results of the rulemaking proceeding have been taken into account in the Vermont Yankee license renewal case.

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Attorney General is not re-submitting the Scoping Comments or the Hearing Request, because the NRC already has copies.

<sup>2</sup> Letter from Richard L. Emch, Jr., Senior Project Manager, Environmental Branch B, Division of License Renewal, Office of Nuclear Reactor Regulation, to Michael R. Kansler, President of Entergy Nuclear Operations, Inc. ("Entergy").

<sup>3</sup> Draft Supplemental GEIS, Section 4.7 ("Evaluation of New and Potentially Significant Information on Impacts of Operations During the Renewal Term").

<sup>4</sup> In addition, we wish to inform you that on January 16, 2007, the U.S. Supreme Court denied a petition for review of a decision by the U.S. Court of Appeals for the Ninth Circuit that was cited in our Scoping Comments, *San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission*, 449 F.3d 1016 (9<sup>th</sup> Cir. 2007). The decision is reported at 2007 U.S. LEXIS 1028.

<sup>5</sup> *Entergy Nuclear Vermont Yankee L.L.C. and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station) and Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station)*, CLI-07-03, \_ NRC \_, slip op. at 8 (January 22, 2007).

<sup>6</sup> See Notice of Petition for Rulemaking, Docket No. PRM-51-10, 71 Fed. Reg. 64,169 (November 1, 2006).

Michael Lesar  
Chief, Rules and Directives Branch  
March 7, 2007  
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Sincerely,



Diane Curran

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