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December 1, 2008

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

References: (1) Letter, Entergy to USNRC, Report re Vermont
Yankee Revised Spent Fuel Management Plan Pursuant to
10CFR50.54(bb), BVY 08-077, dated October 14, 2008.

Subject: **Vermont Yankee Nuclear Power Station
License No. DPR-28 (Docket 50-271)
Revised Spent Fuel Management Plan Pursuant to 10CFR50.54(bb)
Vermont Comment on Revised Spent Fuel Management Plan**

Dear Sir or Madam:

On October 14, 2008, Entergy Nuclear Operations, Inc. filed a Revised Spent Fuel Management Plan Pursuant to 10 C.F.R. 50.54(bb). It is unusual for a State to comment on a filing such as this but two assumptions in Entergy's filing caused significant concern for Vermont.

- 1) Table 2, column F, shows the escalation of the decommissioning trust fund at 2% per year. The total for 2007 is based on historic data. However, the sum for 2008 shows an escalation by 2% to \$448.358. Because of the turmoil in the markets, the Vermont Yankee Decommissioning Trust Fund has not escalated but has declined in value from the 2007 value to \$397.036 as of September 30, 2008. It only seems prudent to use the historical value for 2008 since we know the fund did not actually escalate by 2%. It certainly would be the more accurate portrayal of the fund.
- 2) The assumption used in the Revised Spent Fuel Management Plan assumes a 2017 date for Yucca Mountain to begin accepting spent fuel. Although that date is still listed as the official opening date for Yucca Mountain by the U.S. Department of Energy, even Edward F. Sproat, Director of the Office of Civilian Radioactive Waste Management for U.S. DOE regularly admits that the opening date is likely to be in 2020. Using the 2017 date does not give an accurate picture of Entergy's spent fuel management strategy or the relative health of the decommissioning fund.

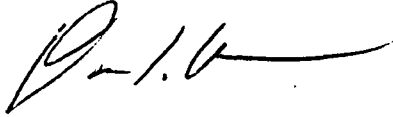


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The State of Vermont hopes the NRC Staff reviewing the Entergy Revised Spent Fuel Management Plan will take these comments into consideration when reviewing the Entergy plan. Using realistic information in formulating and reviewing a spent fuel plan seems crucial to its success.

Very truly yours,

A handwritten signature in dark ink, appearing to read "D. O'Brien", with a long horizontal flourish extending to the right.

David O'Brien, Commissioner
Vermont Department of Public Service.

cc: Michael Colomb, Site Vice President at the VYNPS
Samual Collins, Regional Administrator, NRC Region 1
James Kim, Project Manager U.S. NRC
USNRC Resident Inspector at the VYNPS