

May 23, 2011

The Honorable Patrick Leahy
United States Senate
Washington, D.C. 20510

Dear Senator Leahy:

It was a pleasure meeting with you and the other members of the Vermont congressional delegation recently to discuss your letter of February 28, 2011, regarding how the process of decommissioning could be conducted at Vermont Yankee when it ceases to operate. I apologize for the delay in responding to you. Reactor decommissioning under the U.S. Nuclear Regulatory Commission's (NRC) regulations includes removing the facility safely from service, reducing residual radioactivity to a level that permits release of the property for use either under restricted or unrestricted conditions, and terminating the license. These regulations are intended to protect workers and the public during the entire decommissioning process and in the period after the license is terminated.

When a reactor licensee has decided to permanently cease operations, the licensee must, within 30 days, submit a written certification to the NRC that states the date it has ceased or will cease operations. This begins the decommissioning process that must then be completed within 60 years. Entergy Nuclear Operations, the owner of Vermont Yankee, has not provided any information to the NRC regarding cessation of operations at that site.

The process for decontamination and dismantlement may vary from site to site. Under NRC regulations, licensees may choose from three alternative decommissioning strategies (or some combination thereof): DECON (immediate dismantlement), SAFSTOR (often considered "delayed DECON" because the plant is maintained and monitored in a condition that allows radioactivity to decay for a time before DECON begins), or ENTOMB (permanent encasement on site). Factors that are used to make this decision include cost, worker exposure, availability of a waste disposal site, and layout and structure of the buildings. In some states, the licensee's rate regulator can also influence the choice of decommissioning alternatives. As you noted in your letter, a number of single unit reactors have chosen the DECON option, while licensees with reactors on multi-unit sites often elect to pursue the SAFSTOR option until the remaining units onsite terminate operation. NRC inspectors continue to inspect and enforce our safety requirements until decommissioning is complete and the license is terminated. The NRC reviews the licensee's decision and would require the licensee to re-evaluate its decision only if the choice (1) could not be completed as described; (2) could not be completed within 60 years; (3) included activities that would endanger the health and safety of the public; or (4) would result in a significant impact to the environment.

Public involvement is an important part of the decommissioning process. Two meetings are required: the first before major decommissioning activities begin and another when the licensee submits a license termination plan (LTP). There also are two separate public comment periods, the first following the licensee's submittal of the post-shutdown decommissioning activities report, and the second after the licensee submits a license termination plan. Although not required by regulations, the NRC holds an initial public informational meeting shortly after the licensee submits its certification of permanent cessation of operations. Additionally, an opportunity for a hearing is provided prior to issuing a license amendment approving an LTP.

During operations, licensees submit Biennial Decommissioning Reports for NRC staff review. These reports establish the means by which a licensee will provide decommissioning funding assurance. On March 31, 2011, Entergy submitted its most recent report, which is currently being evaluated along with reports from all other operating reactors. As you are aware, the NRC required Entergy to make some adjustments to how it was assuring adequate decommissioning funds subsequent to its last report two years ago. Licensees must provide a means of adjusting cost estimates and associated funding levels over any proposed storage period during decommissioning.

I assure you that the NRC is fully committed to protecting the health and safety of the public in the vicinity of Vermont Yankee, whether it is in operating or decommissioning status. I hope this information is useful to you. If you have any additional questions, please contact me or Ms. Rebecca Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko

Identical letter sent to:

The Honorable Patrick Leahy
United States Senate
Washington, D.C. 20510

The Honorable Bernard Sanders
United States Senate
Washington, D.C. 20510

The Honorable Peter Welch
United States House of Representatives
Washington, D.C. 20515