

To: Cindy Bladley, Office of Administration, Mail Stop: 3WFN-06-A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

Re: **Docket ID NRC-2015-0004**

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From: Christopher Williams for the Vermont Yankee Decommissioning Alliance, PO Box 132 Hancock, Vermont 05748

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RE: Public Comment on Vermont Yankee PSDAR

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March 20, 2015

The Vermont Yankee Decommissioning Alliance (VYDA) is an all-volunteer, citizen organization. We opposed the building of the Vermont Yankee nuclear power plant, diligently worked to shut it down for 42 years and, are now engaged in ensuring its safe and reliable decommissioning. Our highest concern is for the people and the environment that are affected by Vermont Yankee. This includes those within the Emergency Planning Zone, the people and environment affected by larger nuclear events, as well as, the workers who carry out the decommissioning of Vermont Yankee and those to whom we ship our high level waste.

Our specific concerns regarding the Vermont Yankee Post Shutdown Decommissioning Activities Report follow. We expect the Nuclear Regulatory Commission to seriously consider our concerns in its role of safety monitor regarding all nuclear power plants in the United States.

**1) Retention of the Emergency Planning Zone until at least 2020.**

Entergy has stated that it plans to curtail the EPZ in the near term and has cited the permanent reactor shutdown as its reason. We believe the transfer of thousands of spent fuel assemblies from the spent fuel pool to dry casks between now and 2020 poses substantial risks to the surrounding communities. At a recent public meeting in Brattleboro Bruce Watson of the NRC stated that moving spent fuel to dry casks is a "fairly high risk operation". The company has raised cost as a primary driver in their decision making process. We believe the modest cost of retaining the already established EPZ is a non-negotiable requirement as the casks are being loaded.

**2) The Vernon Elementary School**

As pointed out in the PSDAR, The Vernon Elementary School is located fifteen hundred feet due west of the reactor building. The proximity of one hundred fifty plus students and faculty to the reactor building during the spent fuel transfer process is unacceptable. Entergy has stated that their own children attend the school which makes it okay for other children to be at the school. We feel the time has come to stop subjecting school age children to unnecessary radiation exposure. Please see the following studies conducted in Germany and France:

- <http://www.beyondnuclear.org/france-whats-new/2012/1/13/study-finds-childhood-leukemia-doubled-around-french-reactor.html> (French study)
- <http://www.beyondnuclear.org/radiation-health-whats-new/2014/8/27/childhood-leukemias-increased-37-near-nuclear-power-faciliti.html>. (German Study)

**3) Independent Spent Fuel Storage Installation (ISFSI):**

Given the small area of the VT Yankee site, just 125 acres, it is of prime importance that the pads for the deposit of dry cask storage of spent fuel not be sited and constructed over areas where previous leaks have occurred. Otherwise, full decontamination of the site, for subsequent

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usage, will be obstructed and final costs will be increased.

**4) The Connecticut River Floodplain**

The location of the present ISFSI and the location of the yet to be constructed ISFSI are very close to the Connecticut River. The effects of climate change demand that previous assumptions regarding the characteristics of the floodplain be revisited. A thorough study of the floodplain should be conducted and the results included in high-level waste placement planning.

**5) Advanced Off Gas (AOG) building:**

In 2010, there were significant leakages of tritium-contaminated water on site. The leakages were initially declared to be small, but turned out to be much larger than admitted by Entergy and the NRC. The leaked water contained tritium as well as strontium, cesium and other radioactive isotopes. The recovered contaminated water has been stored in the AOG building. Four recent tests on site have found a significant amount of strontium-90 leeching into the ground. Almost certainly, these leaks are coming from the AOG building, where contaminated water is stored, and it is highly likely that such seepage will continue. Should such leakage reach the ground water, off site wells, and eventually the Connecticut River, the leakage would no longer be a radiological issue, but an environmental issue. Environmental issues fall under the jurisdiction of the State of Vermont. It is not sufficient that seepage be merely monitored until it becomes an imminent danger. The contaminated water stored in the AOG building must be removed from the building, stored or processed off site, the AOG building dismantled and the underlying grounds cleaned up, as soon as possible. These steps would remove potential litigation costs between the State of Vermont and Entergy (to the benefit of both) while obviating the environmental risk. In addition, it would reduce the long-run overall cost of decommissioning VT Yankee. This should be a high priority in any approved decommissioning plan.

**6) Decommissioning Funds**

When Entergy Corporation purchased Vermont Yankee in 2002, it assumed full responsibility for the safe and orderly decommissioning of the plant within the regulatory framework of the Nuclear Regulatory Commission (NRC). It also assumed stewardship of the Decommissioning Trust Fund (DTF). While the terms of the sale did not obligate Entergy to contribute to the fund, neither did the terms absolve Entergy of its responsibility to complete decommissioning "whatever the costs" within the sixty-year time frame prescribed by the NRC.

VYDA supports the Department of Public Service (DPS) decision to question Entergy's interpretation of NRC regulations that allow Entergy to withdraw funds for a variety of activities, most significantly for spent fuel management and disposition, from the DTF. VYDA strongly opposes Entergy's request for an exemption to this restriction (which NRC previously ruled as not eligible) and share DPS's concern that the more the fund is drawn down, the longer it will be before it can mature to a level allowing for full-scale decommissioning.

We expect the NRC to conduct a full review of Entergy's legal responsibilities regarding DTF expenditures and to transparently clarify, in no uncertain terms, where those responsibilities lie. Recent remarks before a joint House and Senate Natural Resources and Energy Committee by T. Michael Twomey, Vice President of External Affairs for Entergy, that there will be litigation between Entergy and the State of Vermont if the DTF is not adequate to complete the job within the 60 year time frame points to the urgency of clarifying these issues now. It should not be the responsibility of the State of Vermont, or any other state faced with a similar prospect, to have to take Entergy to court to live up to the regulatory requirements of the NRC.

Ratepayers financed growth of the DTF for thirty years. After decommissioning, half of the remaining balance belongs to them. It is the ratepayer's right and responsibility to oversee the growth and the just and prudent disposition of those funds. The recent charge to the DTF by Entergy of \$12 million for decommissioning "planning" begs an explanation. VYDA expects the NRC to implement safeguards that guarantee the appropriateness of Entergy's \$1.24 billion estimate of decommissioning costs.

The Vermont Attorney General's office is demanding the right, through the State Auditor, to *monitor the growth and use of the DTF*. We support these demands.