

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:

Entergy Nuclear Operations, Inc., Vermont
Yankee Nuclear Power Station September 4,
2014 License Amendment Request

Docket No. NRC-2015-0029
Docket No. 50-271

Declaration of Anthony R. Leshinskie

I declare under penalty of perjury that the foregoing is true and correct:

- (1) A true and correct copy of my CV is attached to this declaration.
- (2) Since June 2014, I have been an employee of the Vermont Department of Public Service, where I am the State Nuclear Engineer and Decommissioning Coordinator.
- (3) In my role at the Vermont Department of Public Service, I have provided technical assistance and monitoring of the Vermont Yankee Nuclear Power Station, including Entergy's plans related to decommissioning the station.
- (4) I was involved in drafting portions of the State of Vermont's March 6, 2015 Comments ("State's Comments") on Entergy's proposed Post Shutdown Decommissioning Activities Report ("PSDAR").
- (5) Without limitation as to other statements I could attest to and affirm, I specifically attest to and affirm the following factual underpinnings discussed in pages 44-45, 47-48, and 58 of the State's Comments:

- a. Entergy has provided no scientific basis for concluding that the size of a plant is the exclusive factor for determining its potential environmental and other impacts during decommissioning.
- b. To the contrary, regardless of a plant's size, other site-specific factors (such as the close proximity of an elementary school) can—and do—affect the potential environmental and other impacts of decommissioning.
- c. Another factor that is clearly not bounded by previous environmental analyses is the potential for environmental impacts associated with the storage of spent nuclear fuel. Entergy's PSDAR for Vermont Yankee raises numerous environmental, safety, and other impacts related to spent fuel storage that are not addressed by any of the environmental analyses that Entergy cites. In fact, the 2002 Decommissioning GEIS and 2007 GEIS for Vermont Yankee did not analyze any environmental, safety, or other impacts related to spent fuel storage, but rather explicitly relied on the NRC's now-vacated Waste Confidence Decision.
- d. Entergy's PSDAR also makes reference to the NRC's recently issued Continued Storage Rule (NUREG-2157), noting that this Rule "found that the generic environmental impacts of ongoing spent fuel storage are small." PSDAR at 36. Entergy fails to mention that this Rule has been directly challenged by the State of

Vermont and others in a current proceeding in the U.S. Court of Appeals for the D.C. Circuit (*New York v. NRC II*). Further, Entergy's reliance on the Continued Storage Rule requires Entergy to address the NRC's explicit recognition in that Rule that spent fuel may be stored indefinitely at each reactor site, and the assumption that, in that scenario, each reactor operator will need a Dry Fuel Transfer Station to move spent fuel into new dry casks every 100 years. Entergy's PSDAR is deficient because it fails to explain how it would address the contingency of indefinite onsite storage, including all safety and environmental concerns regarding transferring fuel into new dry casks every 100 years.

- e. In light of the NRC's recognition in the Continued Storage Rule of the possibility of indefinite onsite storage of spent nuclear fuel, Entergy's PSDAR, Decommissioning Cost Estimate, and related filings are also deficient because they fail to identify any funding source for: (a) the construction of a Dry Fuel Transfer Station; (b) the purchase of 58 new casks and all other labor and material costs for transferring the fuel every 100 years; and (c) the costs of maintaining security at the site indefinitely.
- f. Although the PSDAR claims that the 2002 Decommissioning GEIS "assessed the range of possible radiological accidents during decommissioning" and that "the risk at spent fuel pools is low and

well within the NRC's Quantitative Health Objectives" (PSDAR at page 29), this ignores the wide range of hostile-action-based scenarios that were made vividly possible after the attacks of September 11, 2001. These hostile actions, according to the National Academies of Science, could lead to a zirconium fire in the spent fuel pool or severely damage the torus where more than one million gallons of radioactive water will be stored until decontamination and dismantling. *See National Academies of Science, Committee on the Safety and Security of Commercial Spent Nuclear Fuel Storage Board on Radioactive Waste Management Division on Earth and Life Studies National Research Council, Safety And Security Of Commercial Spent Nuclear Fuel Storage [Public Report] (2006).*

(6) I further attest to and affirm the statements made in the attached February 9, 2015 declaration that I submitted in another proceeding, including my analysis of certain credible Beyond Design Basis events. Entergy has failed to fully account for these credible events, both from an emergency planning standpoint and from a financial assurance standpoint.

(7) In light of these and other concerns, there is a significant risk that the Vermont Yankee Nuclear Decommissioning Trust Fund will have a shortfall and will not be able to cover all of the costs associated with radiological contamination of the site if the Nuclear Regulatory Commission does not closely monitor withdrawals

from that fund and if Vermont and the public are not provided with the opportunity, provided by the 30 day notice provision of the current license and the Master Trust Agreement, to bring to NRC's attention problems with a proposed withdrawal of NDT funds.

Executed on April 20, 2015 in Montpelier, Vermont

/s/ Anthony R. Leshinskie

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