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Vermont Yankee Nuclear Power Station; Entergy Nuclear Operations, Inc.; Consideration of Approval of Transfer of License and Conforming Amendment

Comment On: NRC-2017-0125-0001

Vermont Yankee Power Station; Energy Nuclear Operations, Inc.; Consideration of Approval of Transfer of License and Conforming Amendment

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General Comment

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(GXS)

Hello,

My name is Schuyler Gould. I am a resident of Brattleboro, Vermont, and a trustee of New England Coalition on Nuclear Pollution. The following represents my personal views and should not be construed as representing the views of New England Coalition or any other organization to which I belong.

On May 25th the Vermont Nuclear Decommissioning Citizens Advisory Panel hosted its monthly meeting in Brattleboro with representatives from the Nuclear Regulatory Commission in attendance. It was an opportunity for the NRC to discuss and to take questions from the public about the proposed Vermont Yankee sale and license transfer by ENO to NorthStar Decommissioning Holdings for the purpose of decommissioning the Vermont Yankee Nuclear Power Station. Entergy and NorthStar representatives were there as well, including Scott State, the president and CEO of NorthStar Decommissioning Holdings.

I made a statement followed by several questions. I restate my concerns here.

On March 29, 2017, a judge at the Court of Chancery of the State of Delaware found that NCM Holdings ("NMC"), one of the two corporate members of NorthStar Group Holdings, "has adequately alleged facts that,

if true, demonstrate fraudulent representation," by the other corporate member of NorthStar Group Holdings, LVI Group Investments("LVI").

(<https://www.klgatesdelawaredocket.com/wp-content/uploads/2017/04/LVI-Group-Investments.pdf> - at 14:8-9)

NorthStar Decommissioning Holdings, currently seeking to purchase Vermont Yankee from ENO, is owned by NorthStar Group Services, which is owned by LVI Parent Corporation, which is owned by NorthStar Group Holdings, which is at the heart of this fraud case. Essentially, LVI is accused, in the course of the merger between the two companies into NorthStar Group Holdings, of misrepresenting its member assets and liabilities to the tune of \$213 million.

I asked the representatives from the NRC the following two questions in particular.

- 1) Do the facts of this case concern the Commission, and will the Commission fully consider this above-mentioned suit and what it may say about the integrity of the terms of the proposed sale, and
- 2) Is the Commission confident that should the plaintiff in the above case prevail, which the judge in the case has concluded is enough of a possibility to allow the case to go forward, will the structural integrity of NorthStar Group Holdings allow the decommissioning of Vermont Yankee to be completed according to regulatory requirements?

Bruce Watson, Chief of the Reactor Decommissioning Branch, took it upon himself to answer for the NRC. He stated, "We have no real comment on it . . . that is an accusation of wrongdoing, it's not an assessment of guilt until the court decides it. So, it's not part of our review at all."

Given that the monies involved constitute fully a third of NorthStar Group Holdings' annual gross revenues, a verdict in favor of the plaintiff would likely precipitate a significant change in management at both the parent company as well as at NorthStar Decommissioning Holdings. Given too that this case will likely be settled within the projected time frame of ongoing decommissioning activities at Vermont Yankee, such a shift could not help but strain the functional integrity of NorthStar's day-to-day operations at Vermont Yankee and more broadly its ability to complete the decommissioning on time, within budget, and in compliance with all state and federal regulatory requirements.

In the above-referenced document, the presiding judge gives a very precise analysis of the evidence compelling him to direct that the case move forward. The Commission should at least review the judge's order. If the plaintiff in this case should eventually prevail, will the Commission only then decide that the facts of the case are relevant to its own decision-making process, not to mention to its regulatory obligations?

Thank you for your consideration of this matter.

Schuyler Gould
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