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Vermont Nuclear Decommissioning Citizens Advisory Panel  
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Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

Re: Docket ID NRC-2015-0070

We are writing as the six citizen members of the Vermont Nuclear Decommissioning Citizens Advisory Panel. Vermont's nineteen member panel was formed by the Vermont legislature in 2014 in response to Entergy Corporation's announcement that it would close the Vermont Yankee Nuclear Power Station in Vernon, Vt.

We are pleased that the Nuclear Regulatory Commission has begun the process of developing rules for the decommissioning of nuclear power reactors and appreciate the opportunity to comment.

We believe that having clear and well defined decommissioning rules will be beneficial to the plant licensees and all stakeholders – including the public. It is our hope that the rules will recognize the genuine interest the public has in playing a constructive role in the decommissioning process. Communities that host nuclear power plants face long-term health, safety, environmental, and economic challenges when a plant shutters.

We write from the public's perspective and the comments we provide are based on our experiences and observations to date with the decommissioning of Vermont Yankee.

**Emergency Preparedness Requirements for Decommissioning Power Reactor Licensees**

A tiered approach to emergency preparedness that acknowledges the risks that a nuclear plant poses to public health and safety should be adopted. To that end, all emergency response and security requirements (including the 10-mile Emergency Planning Zone and Emergency Response Data System) should be kept in place until all of the spent nuclear fuel stored at the site has been moved into dry casks. As long as the fuel is in the pool there remains a risk to public health and safety making emergency off-site response critical. When the fuel is

transferred from the reactor and the risk of radiological release is reduced the emergency response requirements on and off-site can be adjusted accordingly.

General environmental surveillance for radiological and non-radiological materials should continue. The licensee should be required to work collaboratively with the host state to put in place a monitoring program that ensures compliance with all state and federal regulations until final decontamination is complete.

### **Current Regulatory Approach for Decommissioning Power Reactor Licensees**

#### **Decommissioning method**

SAFSTOR should be limited to a period of 10 years, not 60 years, with exemptions only in instances where one or more reactors in a multi-reactor complex is placed in SAFSTOR until the entire complex can be decommissioned, in any case no later than 10 years after the shutdown of the last reactor. The purpose of the 10-year period should only be to augment radiological safety for decommissioning workers, and in no instance should SAFSTOR be permitted in order to allow decommissioning trust funds to grow to sufficient amounts based on investment in securities markets. If decommissioning trust funds are insufficient to begin full decommissioning activities after 10 years of SAFSTOR following the retirement of the last reactor at any complex, then the licensee must supply sufficient funding to make up the difference.

Prompt decommissioning should always be the preferred method. It reduces the impact on the local economy, as jobs are changed and phased out on a sloping curve instead of a cliff as a site is prepared for potential reuse sooner and allows for the retention of institutional memory that would contribute to a more efficient, safer process.

#### **Post-Shutdown Decommissioning Activities Report**

The Post-Shutdown Decommissioning Activities Report (PSDAR) and amendments to the report should be formally approved by the NRC. Approval should include a process that allows for input from the state where the facility is located and the host community (defined as those where nuclear facilities are sited, and include all those within the operational facility's 10-mile Emergency Planning Zone).

An approved PSDAR would set clear expectations for the licensee and would give the public confidence that the licensee will be held accountable for the schedule, cost, and cleanup commitments it makes in the plan.

### **Public opportunities to review and provide comments on the decommissioning process**

The Vermont Nuclear Decommissioning Citizens Advisory Panel has played an essential role in providing a forum for public engagement in the decommissioning of the Vermont Yankee plant. The panel has allowed for the dissemination of information from all parties involved; allowed the public to express its views and concerns; provided a forum for open and transparent discussion; and has established a working relationship between parties who might not otherwise have worked together.

We would recommend a community advisory panel to all communities facing a plant decommissioning. However, we do not believe public engagement panels should be mandated by the NRC since such panels would be formed by the licensee. Instead, the NRC should recommend that advisory panels be formed by the states, using past and present state panels as models. The licensee should be required to have one or more representatives on the advisory panel and provide the financial resources necessary for the panel to run effectively. Entergy's involvement on the Vermont panel has been important to our success.

The Vermont Nuclear Decommissioning Citizens Advisory Panel was established as an independent body by the Vermont legislature, not the licensee. This has worked well for us and we believe the host state and local community, in consultation with the licensee, should have the flexibility to establish a panel that will best serve their needs.

We want to stress that a community advisory panel should supplement, not take the place of the NRC's obligation to seek public comment or engage with the public through meetings, hearings or other means.

### **Decommissioning Trust Funds**

Decommissioning trust funds (DTF) should only be used for radiological decommissioning and, if sufficient funds remain available following that, subsequent site restoration. Draining the fund for non-radiological expenses delays decommissioning, which in turn delays restoration and re-use of the site. The rules should clearly define the appropriate – and inappropriate – uses of the fund.

The use of the fund for non-radiological expenses will have an impact on Vermonters and the decommissioning of Vermont Yankee. Currently, license termination is scheduled for 2073, a timeframe dictated in part by the amount of money in the DTF. (The fund balance as of December 31, 2015 was \$595,443,076. The estimated cost of decommissioning is \$1.242 billion and Entergy plans to use \$225 million from the fund for long-term spent fuel management.) Using the funds for non-radiological expenses also means the funds are not available for

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reinvestment, which in Vermont is the only way the fund grows. Because Vermont Yankee is a merchant plant and Entergy is not making payments into the DTF, the fund's growth depends on continued growth in the securities market, which is subject to volatility and potentially debilitating periods of decline rather than growth.

We believe there should be transparency in how the funds are used. Therefore, the licensee should be required to provide thirty-day notice before funds are withdrawn and provide a full accounting of the purpose of the expenditures.

Thank you for the opportunity to comment. As the rulemaking moves forward we urge the NRC to provide opportunities for host states and communities to be actively and substantively engaged in the process. We hope this will include public hearings in the impacted communities. Through our work on the Vermont Nuclear Decommissioning Citizens Advisory Panel we have seen firsthand the benefits of involving the public and we are ready and willing to help the NRC facilitate constructive public engagement in any way we can.

Sincerely,



Kate O'Connor, *Chair*

*Appointed by Vermont Gov. Peter Shumlin on behalf of:*

Martin Langeveld, *Vice Chair*

*Appointed by Vermont Gov. Peter Shumlin*

Rep. David Deen

*Appointed by Vermont House Speaker Shap Smith*

Derrik Jordan

*Appointed by Vermont House Speaker Shap Smith*

Jim Matteau

*Appointed by Vermont Senate President Pro Tempore John Campbell*

Jim Tonkovich

*Appointed by Vermont Senate President Pro Tempore John Campbell*