



Overview of State Decommissioning Activities November 2015

Tony Leshinskie

VT State Nuclear Engineer

September 24, 2015 NDCAP Meeting

(You'll still have ~1 hour to see Al Roker once this is done!)



On-Going Public Service Department Filings

- ▶ Appeal Discontinuation Emergency Response Data System (ERDS) feed for VT Radiological Emergency Response Plan
- ▶ Continued NRC Dialogue on Valid Uses of the VY Decommissioning Trust Fund (DTF)
- ▶ Oppose EPZ Reduction to the VY Site fence line – *still awaiting NRC Commissioners action*



ERDS Discontinuation Appeal

- NRC Commissioners Uphold Atomic Safety Licensing Board (ASLB) ruling that VT Yankee's ERDS feed is no longer required (10/1/15)
- NRC notified VT (letter dated 10/28/15) that State's access to ERDS would terminate
 - Justified by VY's permanently shutdown & defueled state
 - NRC must still provide action recommendations during VY Emergency Conditions
 - VY must still provide Emergency Declaration & Facility Status for assessing potential radiological releases

A potential work-around is being explored



Valid Uses of DTF Dialogue

State Petition to Intervene on VY Request for eliminating 30-Day Notifications for DTF Withdrawals:

- ▶ VY previously opted to withdraw this Request
- ▶ ASLB granted Motion to Withdraw (10/15) with conditions:
 - VY must notify State when DTF disbursement request includes:
 - Payment to \$5 Million State settlement agreement
 - Emergency Preparedness Costs
 - Shipments of non-radiological asbestos waste
 - Insurance or Property Taxes
 - Replacement of Structures related to Dry Cask Storage
 - Legal Costs associated with these categories
 - VY must notify State whenever any new License Amendment Request related to the VY DTF is submitted to the NRC (requirement in force prior to ASLB Ruling)



Valid Uses of DTF Dialogue

State Petitions NRC Commissioners for detailed review of Entergy's proposed VY DTF Uses:

- ▶ November 4 Petition requests a “robust, comprehensive, & participatory review of Entergy’s use of” VY DTF.
- ▶ Concern that multitude of requests are resulting in VY DTF uses for purposes other than radiological decommissioning as defined in NRC regulations, potential to “undermine the radiological decommissioning work that is the very purpose of” the DTF.
- ▶ NRC Commissioners or a single designated ASLB are requested to address the interrelated DTF-use requests to assure DTF adequacy and integrity.
- ▶ Green Mountain Power & its Vermont Yankee Nuclear Power Corporation subsidiary are co-Petitioners (would receive 55% of any DTF left over).



Construction of Second VY Spent Fuel Dry Cask Storage Pad

Certificate of Public Good Proceedings continue:

- ▶ Responses to VY Discovery on Pre-Filed Testimony all received by September 30 (mostly ANR & WRC responses)
- ▶ VY Rebuttal Filings received October 21
- ▶ ANR & PSD Discovery on VY Rebuttal filed November 4
- ▶ VY Responses to Rebuttal Discovery due November 25
- ▶ ANR / PSD / Other Parties Surrebuttals due December 23
- ▶ Discovery on Surrebuttal due January 8, 2016
- ▶ Responses to Surrebuttal Discovery due February 3, 2016
- ▶ Depositions & Technical Hearings in February-March, 2016



Additional State – NRC Interactions

- ▶ PSD Commissioner & State Nuclear Engineer attend NRC's National State Liaison Officers Conference
 - Conference discussed various on-going NRC topics, including Reactor Decommissioning & NRC's realignment of resources (AIM 2020)
 - PSD & ANR Representatives meet with Director of Nuclear Reactor Regulation (Bill Dean) & discuss concerns in current Decommissioning Regulatory Process, DTF Uses, Site Restoration Standards and Need for National Spent Fuel Repository
 - **NRC Outlines Decommissioning Rulemaking Schedule**



NRC Decommissioning Rulemaking Schedule

- ▶ A 45 Day Advanced Notice of Proposed Rulemaking (ANPR) comment period will start in mid-November
 - Opportunity to identify what NRC should consider in establishing new decommissioning rules
 - NRC expects to provide a questionnaire of potential topics
 - NRC requests that comments be expressed in terms of current regulations
- ▶ Draft Regulatory Bases (i.e. topics that will be incorporated into rulemaking) published in late 2016
- ▶ Final Regulatory Bases Published in 2017
- ▶ Proposed Rules & Draft Regulatory Guidance Published in 2018
- ▶ Final Rules & Regulatory Guidance Submitted to NRC Commissioners in 2019



NRC Decommissioning Rulemaking Schedule

► Schedule Notes:

- Publishing Draft & Final Regulatory Bases, Proposed Rules & Draft Regulatory Guidance will each include a public comment period
- Public Meetings are also planned during the ANPR, Draft Regulatory Bases & Final Regulatory Bases public comment periods
- While NRC expects the ANPR Public Meeting will occur in December, no specific date or location has been announced yet.



NRC Decommissioning Rulemaking Schedule

► Schedule Caveats:

- NRC has warned that the schedule could be delayed if “a significant number” of additional plant closures are announced.
- Extensive public feedback in any of the schedule steps could delay subsequent steps.
- NRC Commissioners’ deliberations on the submitted Rules & Regulatory Guidance could also delay the final approval of the Rulemaking.



Additional State Activities

- ▶ PSD Reps & NDCAP Chair made presentations at Nuclear Energy Insider's Nuclear Decommissioning & Spent Fuel Storage Summit (OCT 5 & 6)
- ▶ ANR & PSD Reps attended the first Institute of Nuclear Host Communities Conference (OCT 21)
- ▶ State Nuclear Engineer attending upcoming DOE High Level Rad-Waste Transportation Planning meetings
 - Railroad Transportation Working Group meeting (Des Moines, IA – NOV 17 & 18)
 - Regional Council of State Governments Conference (Portsmouth, NH – DEC 16 & 17)



State Decommissioning Reminders

- ▶ All presentations made at NDCAP meetings & info regarding future NDCAP activities may be found at:
<http://publicservice.vermont.gov/topics/electric/nuclear>
- ▶ Comments / Questions for NDCAP may be emailed to PSD.NDCAP@vermont.gov or through PSD's Consumer Affairs & Public Information Division:
http://publicservice.vermont.gov/about_us/contact_us
802-828-2811 or 800-622-4496



- ▶ Any additional comments from PSD, ANR or VDOH?
- ▶ Questions?