



State of Vermont
Nuclear Decommissioning Citizens Advisory Panel
c/o Department of Public Service

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March 7, 2016

Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Re: Docket 8300 - Second Spent Fuel Storage Facility at the Vermont Yankee Nuclear Power Station.

The Vermont Nuclear Decommissioning Citizens Advisory Panel (NDCAP) would like to submit the attached comments ("Advisory Opinion") on Docket 8300 – Second Spent Fuel Storage Facility at the Vermont Yankee Nuclear Power Station.

NDCAP is the nineteen member panel formed by the Vermont Legislature in 2014 in response to Entergy Corporation's announcement that it would close Vermont Yankee. We recognize that evidentiary hearings are closed; this opinion was finalized after they closed and is offered as part of our legislated mandate: "To advise the Governor, the General Assembly, the agencies of the State, and the public on issues related to the decommissioning of the VYNPS. . . ." (18 V.S.A. Section 1701).

The panel reached consensus on everything in the comments with the exception of Number 3 under the Recommendation section on page 3. In the end, two versions of Number 3 were drafted (A and B). The document we are forwarding to you includes both A and B, along with the names of the panel members who supported each version.

Thank you for your consideration. We appreciate the opportunity to share our thoughts with you.

Sincerely,

A handwritten signature in cursive script that reads "Kate O'Connor".

Kate O'Connor
Chair

Enclosure

Nuclear Decommissioning Citizens Advisory Panel

Advisory Opinion

February 25, 2016

A Second Independent Spent Fuel Storage Installation Storage Pad Should Be Constructed in the Location Currently Proposed by Entergy Vermont Yankee.

BACKGROUND:

Entergy Nuclear Vermont Yankee (ENVY) has proposed an expanded Independent Spent Fuel Storage Installation (ISFSI) at the VY station. This proposal is for a second ISFSI pad to be constructed 30 feet to the west of the existing ISFSI beginning in mid-2016 to facilitate the completion of the transfer of all fuel from the spent fuel pool to the ISFSI by the end of 2020. In December 2015, ENVY announced plans to accelerate the initiation of the fuel transfer process by two years, beginning in 2017.

The Nuclear Decommissioning Citizens Advisory Panel acknowledges that dry fuel storage is an acceptable alternative to wet storage and supports ENVY's plans to transfer all spent fuel to the ISFSI by the end of 2020.

Consistent with the above, ENVY's Site Assessment Study (SAS), prepared in October 2014 as part of the settlement agreement negotiated with State agencies, stated that

"...we believe that moving all of the VYNPS spent nuclear fuel into robust dry fuel storage containers on a seismically-hardened Independent Spent Fuel Storage Installation (ISFSI) in the short term is in the best interest of all parties, and that will be our primary focus over the next several years." (SAS, October 2014, page 1)

ENVY has committed to fund the construction of the second ISFSI pad as designed, procurement of dry storage systems and transfer of the fuel from the spent fuel pool to the ISFSI totaling approximately \$145 million from external credit lines, rather than from the Nuclear Decommissioning Trust Fund.

ENVY states that it considered several alternative locations for a second ISFSI elsewhere on the VY Station site, including making that second ISFSI a single consolidated storage site for all of VY's spent nuclear fuel (including the fuel now stored on the existing ISFSI pad). However, each of the other potential locations that were evaluated has distinct disadvantages, as compared to the current proposed location. In its pre-filed witness testimony in PSB Docket No. 8300, ENVY states those disadvantages include the potential for increased radiation dose to members of the public and additional aesthetic impacts to neighboring residential properties. In addition, ENVY notes that constructing an ISFSI at another location on the VY Station site would signifi-

cantly delay the transfer of spent fuel from the spent fuel pool to dry cask storage beyond 2020.

On January 29, 2016, the U.S. Nuclear Regulatory Commission (NRC) issued a letter documenting its review of the Post Shutdown Decommissioning Activities Report (PSDAR) and Decommissioning Cost Estimate (DCE) submitted by ENVY. The PSDAR and DCE provided estimated dates for the initiation and completion of major decommissioning activities, including Preparations for Dormancy, Dormancy, Preparations for Decommissioning, Decommissioning, and Site Restoration. These estimated dates were based on various planning assumptions, including assumed dates concerning the removal of spent fuel from the Vermont Yankee site by the U.S. Department of Energy (DOE). After conducting a comprehensive review of the PSDAR and DCE, the NRC staff found, among other things, that: (1) ENVY had adequately described the activities associated with the major decommissioning periods; (2) ENVY's schedule for decommissioning activities is adequate to achieve VY license termination within 60 years of permanent cessation of operations, as required by NRC regulations; and (3) ENVY's DCE was reasonable.

NDCAP is concerned with site restoration, including the timing thereof, a process which will begin after radiological decommissioning is completed and, as described in ENVY's PSDAR, is considered the last phase in the sequence of the overall decommissioning process. The impact of the proposed ISFSI pad on the eventual reuse of the Vermont Yankee site is an issue that is currently being considered and will be addressed by the PSB in Docket No. 8300. Additionally, restoration of the entire Vermont Yankee site cannot be completed until all used fuel is removed by the US DOE. Therefore it is imperative that, separate from other actions, Congress acts to find a solution for the timely removal of used fuel from Vermont Yankee.

RECOMMENDATION:

The Vermont Nuclear Decommissioning Citizens Advisory Panel recommends approval of the construction of a second ISFSI storage pad in the location as proposed by ENVY in its petition for a certificate of public good in Docket No. 8300 to ensure the timely, cost-effective transfer of fuel from wet to dry storage starting in 2017 and completion by the end of 2020, provided that relevant regulatory bodies obtain reliable assurances that:

1. The existence of the Dry Fuel Storage (DFS) casks in the proposed location will not unduly delay the commencement of site restoration,
2. Any site restoration activities that can be conducted while the DFS casks remain in their current and proposed locations will be borne by the Site Restoration Fund and if required supplemented by the owner of the property, and

3.

- A. The presence of dry fuel storage (DFS) casks in the proposed location will not inhibit demolition or restrict the methodologies available for demolishing the Reactor Building and/or structures adjacent to the stored spent fuel such that site restoration will be unduly delayed. In the event the presence of the DFS casks will cause an undue delay in the demolition of the reactor building and/or structures, ENVY or any subsequent owner will commit to remedying the delay in a manner that does not encumber the decommissioning trust or site restoration funds, and which will not burden taxpayers beyond recoverable costs from the U. S. Department of Energy.

Approved by: Chris Company, Windham Regional Commission; Diane Becker, State of New Hampshire; Dr. William Irwin, Vermont Department of Health; Derrik Jordan, Appointee of Speaker Shap Smith; Trey Martin, Agency of Natural Resources; Jim Matteau, Appointee of Senate President John Campbell; Patricia Moulton, Agency of Commerce; Kate O'Connor, Appointee of Gov. Peter Shumlin.

- B. The presence of Dry Fuel Storage (DFS) casks in the proposed location will not inhibit demolition or restrict the methodologies available for demolishing the Reactor Building and/or structures adjacent to the stored spent fuel such that site restoration will be unduly delayed beyond the schedule provided in the Vermont Yankee PSDAR. Under NRC regulations, in the event the presence of the DFS casks will cause an undue delay in the demolition of the Reactor Building and/or structures, ENVY, or any subsequent owner of the property, will be required to update the PSDAR and DCE as well, if there are resulting significant increases in costs. ENVY or any subsequent owner of the property will be responsible for providing any additional funds needed to maintain the site consistent with applicable regulations in effect at the time, including, for example, funds or damages recovered from the U.S. Department of Energy.

Approved by: David Andrews, Representing current and former employees at Vermont Yankee; Jack Boyle, Entergy Vermont Yankee; Martin Langeveld, Appointee of Gov. Peter Shumlin; Paul Paradis, Entergy Vermont Yankee; Steve Skibniowsky, Town of Vernon.

Furthermore, because full site restoration cannot be completed until the removal of the used fuel from the site, NDCAP further recommends that Vermont Congressional delegation take immediate legislative actions that will facilitate DOE acceptance and removal of spent fuel from Vermont Yankee and the State of Vermont, as expeditiously as possible.

—END—