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September 9, 2015

**VIA CERTIFIED MAIL & EMAIL**

Chuck Schwer  
Director  
Waste Management & Prevention Division  
Vermont Agency of Natural Resources  
1 National Life Drive—Davis 1  
Montpelier, VT 05620

**Re: Notice of Alleged Violation  
May 18, 2015 Hazardous Waste Compliance Evaluation Inspection  
EPA ID # VTR000504167**

Dear Director Schwer:

On behalf of Entergy Nuclear Vermont Yankee, LLC (“Vermont Yankee”), I am writing in response to the Agency of Natural Resources’ (“ANR”) Notice of Alleged Violation (“NOAV”) dated July 31, 2015, which the station received via certified mail on August 5, 2015.

We appreciate your scheduling the time to meet with us on May 18, 2015, and the feedback we received from ANR Staff during that site inspection concerning our efforts to adapt our existing hazardous waste management program to our current and future decommissioning efforts.

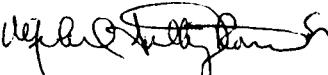
We believe that continued collaboration between ANR Staff and Vermont Yankee personnel will not only ensure that the site remains, as ANR Staff indicated during the site visit, “better than most,” but also that we continue to improve in our management of products and materials that have fulfilled their useful lives. To that end, we continue to welcome the opportunity to have our team (led by myself or Joe Lynch, our Governmental Affairs Manager) meet with ANR Staff to discuss the NOAV and our planned decommissioning efforts. We believe communication builds strong relationships and fosters trust, the building blocks for an effective partnership that meets ANR’s and Entergy’s shared commitment to environmental stewardship, as well as my personal goal for the successful decommissioning of the site.

We also appreciate the opportunity to respond to the NOAV, which identified six categories of technical considerations under the Vermont Hazardous Waste Management Regulations. Our response, which has been developed by Vermont Yankee’s technical staff with assistance from the site’s regulatory counsel, is included as Attachment A.

As explained in the attached technical and legal response, specifically with respect to the issues raised in the NOAV about the disposition of Vermont Yankee's waste ethylene glycol by its transporter, Clean Harbors, Inc. ("Clean Harbors"), Vermont Yankee has learned that there may have been ethylene glycol shipments (besides those identified in the NOAV) that Clean Harbors disposed of via incineration, instead of recycling the material as Vermont Yankee instructed. Vermont Yankee continues to investigate the underlying facts and circumstances, and expects to follow up with ANR in the near future as additional information becomes available. We also have included supporting documents.

We are looking forward to working together. As always, please do not hesitate to contact either Joe Lynch (802-258-4107) or me on these matters.

Sincerely,

 for CJW per telephone communication.

Christopher Wamser  
Site Vice President  
Vermont Yankee Nuclear Power Station  
Entergy Nuclear Operations, Inc.

Attachment  
Enclosures

cc: T. Michael Twomey, Vice President of External Affairs, Entergy Nuclear Operations, Inc.  
Joseph Lynch, Manager of Governmental Affairs, Entergy Nuclear Operations, Inc.  
Bill Glew, Esq., Entergy Services, Inc.  
Timothy Ngau, Esq., Entergy Services, Inc.  
Kelli M. Dowell, Esq., Entergy Services, Inc.  
Susan H. Raimo, Esq., Entergy Services, Inc.  
Daniel Dorman, Regional Administrator, U.S. Nuclear Regulatory Commission, Region I  
Jeffrey Fowley, Regional Counsel, Environmental Protection Agency, Region I  
Scott Kline, Assistant Attorney General, Vermont Office of the Attorney General  
Christopher Recchia, Commissioner, Vermont Department of Public Service  
Dr. Harry Chen, Commissioner, Vermont Department of Health  
Perry Plummer, Director, New Hampshire Department of Safety  
John Giarrusso, Jr., Nuclear Preparedness Manager, Commonwealth of Massachusetts

September 9, 2015

**VIA CERTIFIED MAIL & E-MAIL**

Chuck Schwer  
Director  
Vermont Agency of Natural Resources  
Department of Environmental Conservation  
Waste Management & Prevention Division  
1 National Life Drive—Davis 1  
Montpelier, VT 05620-3704

Re: **Notice of Alleged Violation**  
**May 18, 2015, Hazardous Waste Compliance Evaluation Inspection**  
**EPA ID # VTR000504167**

Dear Director Schwer:

On behalf of Entergy Nuclear Vermont Yankee, LLC (“Vermont Yankee”), and as stated in the accompanying letter from Christopher Wamser, this letter respectfully provides the response by Vermont Yankee’s technical team, with the assistance of legal counsel, to the Notice of Alleged Violation (“NOAV”) dated July 31, 2015, which we understand that Vermont Yankee received via certified mail on August 5, 2015. The NOAV suggests five categories of alleged violations of the Vermont Hazardous Waste Management Regulations (“VHWMR”) arising out of the Vermont Agency of Natural Resources (“ANR”) Staff’s site inspection on May 18, 2015. The NOAV specifically requests (no later than September 9, 2015) information and documentation that is responsive to ANR’s allegations.<sup>1</sup>

On behalf of Vermont Yankee, we appreciate the opportunity to respond to the NOAV, including by seeking clarification from ANR on certain aspects of the allegations. Below, we summarize information from Vermont Yankee personnel and Clean Harbors, Inc. (“Clean Harbors”) that reflects our understanding of the circumstances underlying each of ANR’s allegations, as well as our understanding

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<sup>1</sup> The NOAV also requests that Vermont Yankee provide, within the same timeframe, “[c]opies of any documentation that describes non-radiological wastes shipped off-site since January 1, 2013, using the VT99 non-hazardous waste code and the ‘Non Hazardous, Non DOT Regulated Material’ description.” NOAV at 6. We have included this requested documentation in the Enclosures.

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of the regulations identified by ANR in the NOAV. On balance, we believe that ANR's site inspection has served the valuable role of advancing Entergy's commitment to environmental stewardship, as well as Entergy's management of products and materials that have fulfilled their useful lives, consistent with the VHWMR. We look forward to continued collaboration with ANR on these matters.

## 1. Issues Concerning Hazardous Waste Determinations Under VHWMR § 7-303

### a. Ethylene Glycol

To clarify the facts and application of the law, we respond as follows:

Vermont Yankee has retained national waste handler Clean Harbors for management, transportation and disposal of Vermont Yankee's chemical recycling and hazardous waste. Per this contractual relationship, Vermont Yankee has directed Clean Harbors that ethylene glycol (including relative to lines 6 and 8 of manifest #007790512 FLE) is to be recycled, and accordingly that the appropriate VT99 non-hazardous waste code is to be used. *See* Vermont Yankee's June 5, 2015 Response, Attachment C, Waste Material Profile Sheet, Clean Harbors Profile No. CH160807; *see also* VHWMR § 7-204(i). Specifically, the Waste Material Profile for ethylene glycol that Vermont Yankee established with Clean Harbors describes the relevant material as "Ethylene Glycol *for Recycle*," and its DOT/TDG information as "Non DOT Regulated Material (Ethylene Glycol)." *See* Vermont Yankee's June 5, 2015 Response, Attachment C, Waste Material Profile Sheet, Clean Harbors Profile No. CH160807, §§ B, G (emphasis added). Recycling ethylene glycol is consistent with Entergy's commitment to recycling, including as set forth in Entergy's Sustainability Policy, and cost-effectiveness. *See* "Entergy Sustainability," <http://www.entergy.com/sustainability/main.aspx>.

Consistent with Vermont Yankee's direction and the Waste Material Profile, the relevant Clean Harbors' CleanPack Container Packing Lists applied waste code VT99 to the ethylene glycol at issue. *See* Vermont Yankee's June 5, 2015 Response, Attachment C, Clean Harbors CleanPack Container Packing List, Container #C-000001063 and -064. Thus, Clean Harbors both was aware of and properly recorded, in its operative commercial records, Vermont Yankee's direction with respect to ethylene glycol.<sup>2</sup>

Had Vermont Yankee's instructions been followed, the application of the VT99 non-hazardous waste code to the ethylene glycol sent for recycling would have been proper under VHWMR § 7-204(i). However, subsequent to Clean Harbors removing (in mid-February 2015) the ethylene glycol associated with manifest #007790512 FLE, *and without first advising Vermont Yankee*, Clean Harbors departed from Vermont Yankee's direction by disposing of the ethylene glycol via incineration. *See* Enclosures

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<sup>2</sup> In other words, Vermont Yankee in fact made a determination that the ethylene glycol is exempt under the VHWMR based on its directive to Clean Harbors that the ethylene glycol be sent for recycling for reuse. *See* VHWMR § 7-204(i).

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(returned manifests showing disposition of ethylene glycol shipments and correspondence explaining lab codes).<sup>3</sup>

Clean Harbors has since acknowledged that its mistaken disposition of ethylene glycol was inconsistent with (1) Vermont Yankee's express direction, and (2) Clean Harbor's representations regarding the handling of that material to Vermont Yankee. We believe that Clean Harbors is now sensitized to this sort of error.

For all of these reasons, we respectfully submit that an alleged violation against Vermont Yankee is not appropriate under the circumstances. *See* 10 V.S.A. § 6601(e) (reciting purposes of Vermont's hazardous waste statutes as including the encouragement of "individual responsibility" on the part of regulated entities); VHWMR § 7-702(b)(8) (instructing generators of hazardous waste, upon being informed that the transporter "is unable to deliver the hazardous waste to the designated facility or the alternate facility," to "immediately either designate another facility or instruct the transporter to return the waste").

In the course of investigating the factual basis of the NOAV's allegations, Vermont Yankee has learned that there may have been other instances in which ethylene glycol was shipped for incineration by Clean Harbors in a manner contrary to Vermont Yankee's express instructions that it be recycled. As a result, Vermont Yankee's investigation into other occasions on which Clean Harbors erroneously may have transported ethylene glycol for incineration should be viewed as continuing.

#### **b. Sherwin Williams Primer**

To clarify the facts and application of the law, we respond as follows:

At the time of the site inspection on May 18, 2015, Vermont Yankee had not yet completed its final evaluation of certain products stored in the hazardous waste short-term storage area, including the one-quart container of primer to determine (a) whether it was truly a "waste," and if so (b) whether it was a hazardous waste. Under the VHWMR, material can be "hazardous waste" only if it is "waste," *i.e.*, "material that is discarded ... or has served its original intended use and is normally discarded." VHWMR § 7-103. The can of primer, a useful product, was approximately half full when it was observed by ANR Staff. Designated Vermont Yankee staff had not yet determined whether it had, in fact, "served [the] original intended use" that Vermont Yankee had for it, or whether it might be put to further use in connection with a different project. Consequently, the can of primer is not properly classified as a "waste," let alone a "hazardous waste," on May 18, 2015.

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<sup>3</sup> Vermont Yankee received Clean Harbors' disposition form relating to those shipments, reflecting the signature of the disposal facility operator on the original manifest as well as various codes, but no express statement of incineration. *See* Enclosures. Based on this experience, Vermont Yankee personnel have compiled a glossary of those codes and in the future will scrutinize disposition forms to reduce the risk that its disposal directions have been disregarded.

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Pending a waste determination, Vermont Yankee stored the can of primer in the “Outer” short-term storage area,<sup>4</sup> a building that possesses secondary spill containment and fire suppression and that complies with the short-term storage area design and operation standards contained in VHWMR § 7-311(a) and (b). Vermont Yankee’s decision to do so reflects its prudent treatment of such products: Pending determination and classification, it is safer for materials that may be (but have not yet been determined to be) “waste” or “hazardous waste” to be stored within a short-term storage area with secondary spill containment and fire suppression than in another location lacking these characteristics.

In the case of the can of primer discussed in the NOAV, the above determinations—*i.e.*, whether it is “waste” and whether it is “hazardous waste”—were subsequently completed, on the basis of the Safety Data Sheet (“SDS”) and other information as required under VHWMR § 7-203. The result of those determinations was that Vermont Yankee determined that it had no further use for the can of primer, making it a “waste,” and that it was further properly classified as a “hazardous waste.” Accordingly, Vermont Yankee sent the can of primer via Clean Harbors to an approved disposal facility on June 16, 2015. Prior to shipment, it was identified appropriately in the relevant manifest as hazardous waste (using code D001, indicating ignitable waste, *see* VHWMR § 7-205(b)). *See* Enclosures (manifest #008138541 FLE, line 2, documenting shipment of can of primer).

## 2. Issues Concerning Hazardous Wastes Inventories

To clarify the facts and application of the law, we respectfully provide the following information:

First, we respectfully submit that the roll-top structure<sup>5</sup> properly was considered a “satellite accumulation area,” with the result that it was not subject to the inventory requirements of VHWMR § 7-311(d)(1). This is because the roll-top structure’s sole purpose was as a temporary collection point associated with the draining of hydraulic fluid from a particular Vermont Yankee transformer, *i.e.*, located “at or near any point of generation where wastes initially accumulate.” VHWMR § 7-310(a). Once the transformer-related project for which the roll-top structure was set up was completed, the oily rags were transferred to Vermont Yankee’s designated short-term storage areas, and the roll-top structure was disassembled. As a “satellite accumulation area,” the roll-top structure was subject to the requirements of VHWMR § 7-310(a)(1)-(8), which contain no inventory requirements. While no

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<sup>4</sup> The “Outer” short-term storage area referenced in the NOAV is the same as the “Gate 1” short-term storage area discussed below.

<sup>5</sup> The “absorbent storage shed” to which the NOAV refers here is sometimes also referred to in the NOAV as the “roll-top structure.” *See* NOAV at 3. For consistency, we refer to the building as the “roll-top structure” in this response.

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inventory requirements applied, Vermont Yankee acknowledges that it kept three 55-gallon containers within the roll-top structure, instead of one such container. *See* VHWMR § 7-311(a).<sup>6</sup>

Second, and with respect to ANR's request for clarification concerning the form of Vermont Yankee's hazardous waste inventories for its designated short-term storage areas, we respectfully submit that no violation of the VHWMR has occurred. The governing regulation states that the inventory must consist of "a list of all hazardous waste currently in storage" and of "[a]ny waste being accumulated within a short-term storage area," which also must "identify each container being stored and the type of hazardous waste held by each container." VHWMR § 7-311(d)(1). Vermont Yankee complies with these requirements, and did so prior to the site inspection on May 18, 2015. Before the May 18, 2015 site inspection, Vermont Yankee maintained inventory lists for its designated short-term storage areas. In 2015 prior to the inspection, those inventory lists were titled "Hazardous Waste Log," and the lists included the number of containers, the weight or volume of each, and the containers' contents. *See* Enclosures. The title of the document alone sufficiently communicated that every item on the list was or potentially was hazardous waste. Further, the list of materials itself detailed "all hazardous waste currently in storage," and "each container being stored and the type of hazardous waste held by each container." VHWMR § 7-311(d)(1). We respectfully submit that nothing more was required under VHWMR § 7-311(d)(1), and that no more relevant information would have been communicated had each item on these "Hazardous Waste Logs" been individually described using the phrase "hazardous waste."

Nonetheless, Vermont Yankee voluntarily revised its inventory lists after the site inspection, incorporating suggestions from ANR Staff. Vermont Yankee continues to maintain a separate inventory list for each designated short-term storage area, *i.e.*, the Gate 1 storage area and the Tool Crib storage area. Those inventories list all products stored in the designated short-term storage areas, including those that are pending a determination whether they are properly classified as "waste," including but not limited to "hazardous waste." With respect to those products on its inventory lists that have not yet been classified as wastes, of course, no waste codes are listed, because the proper code(s) have yet to be determined. As those determinations are made, on a monthly basis, Vermont Yankee updates its inventory lists to reflect those determinations. In the course of doing so, Vermont Yankee includes next to each product on its inventory lists the specific waste code(s) associated with each product that ANR and other agencies have mandated (*e.g.*, D001, VT02, etc.). *See* Enclosures.

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<sup>6</sup> Vermont Yankee also acknowledges that the containers with the oily rags were not labeled with the words "Hazardous Waste." *See* VHWMR § 7-310(a)(5). Oily rags are subject to alternative treatment under VHWMR § 7-203(w). That regulation allows that containers holding such rags, if subsequently laundered, need only be "[m]arked with words that identify the contents as used rags or wipes destined for laundering," properly stored on an impervious surface, kept in good condition, and kept closed except to add or remove spent material. *Id.* § 7-203(w)(3). The containers holding oily rags in the roll-top structure met these requirements, and consequently would have been exempt had they been sent for laundering.

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### 3. Issues Concerning Daily Inspections of Short-Term Hazardous Waste Storage Areas

To clarify the facts and application of the law, we respectfully provide the following information:

The applicable regulation requires “daily inspections during regular business days of each short-term storage area,” but defines “regular business days” to include only “days when personnel are normally scheduled to be on site,” and in no event less frequently than once per week. VHWMR § 7-311(d)(2) & Note. In other words, while defined as “daily inspections” in the regulation, inspections for some generators may be performed as infrequently as weekly.

In the case of Vermont Yankee, ANR since at least September 2012 has interpreted “daily inspections” to mean inspections occurring from Monday through Thursday of each week, excluding legal holidays, when personnel authorized to perform hazardous waste management activities are scheduled to be present on the site. *See* Enclosures (email correspondence between ANR’s Lynn Metcalf and Vermont Yankee’s George Crowley). Thus, over an average year, Vermont Yankee inspectors would expect to perform fewer than 200 inspections, assuming perfect employee presence.

Over the past 12 months (*i.e.*, from September 2014 through August 2015), logs reflect that, except during the winter months from December 2014 through March 2015, Vermont Yankee did not log, on average, one daily inspection each month. We respectfully submit that this reflects material compliance. Log records indicate that, during the winter months from December 2014 through March 2015, the number of days for which an inspection was not logged average to about seven days for those months. The missing inspection days occurred coincident with the shutdown of electric-generating operations at a facility that had previously operated consistently for more than 40 years, combined with the unusually severe winter storm season that included, *e.g.*, Winter Storm Neptune on February 16, 2015. As a consequence, Vermont Yankee over the past 12 months still has performed 174 inspections of its short-term storage areas—more than three times as many as the minimum one inspection per week that the regulation authorizes some generators to perform. *See* VHWMR § 7-311(d)(2) & Note.

The inspection requirement is designed to ensure that hazardous wastes are not removed from the site or degraded in a manner that may cause adverse environmental or human-health impacts (*e.g.*, through spilling, leaching, theft by trespassers, etc.), consistent with the Vermont legislature’s purpose of establishing a comprehensive, “cradle-to-grave” framework for managing waste. *See State v. Ben-Mont Corp.*, 163 Vt. 53, 58 (1994). To the extent the Agency’s concern is unauthorized removal, the highly secure Vermont Yankee site offers no such risk. To the extent ANR’s concern is accidental spilling or leaching, Vermont Yankee’s short-term storage and satellite accumulation areas are located on the required impervious surface, *see* VHWMR § 7-311(a)(1), and some additionally possess secondary spill containment. The instances in which no inspection was logged are generally few, eliminating any realistic possibility that a spill or leak would have gone undetected.



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As explained above, the roll-top structure was not a short-term storage area, but a satellite accumulation area that was established on a temporary basis for approximately three weeks in order to assist in draining hydraulic fluid from a nearby transformer. As a satellite accumulation area, it was governed by the requirements of VHWMR § 7-310(a), which includes no inspection requirement, though Vermont Yankee voluntarily added the structure to its daily inspection rounds following the May 18, 2015 site inspection, as documented in Attachment C to Vermont Yankee's June 5, 2015 response.

#### **4. Issues Concerning Signage Associated with Short-Term Storage Areas**

To clarify the facts and application of the law, we respond as follows:

As explained above, the roll-top structure was a satellite accumulation area. Accordingly, the signage requirement of VHWMR § 7-311(e)(1) also did not apply to it, as that requirement applies only to "short-term hazardous waste storage area[s]." VHWMR § 7-311(e)(1).

Vermont Yankee continually has maintained the signs required by VHWMR § 7-311(e)(1) at its short-term storage areas—the Gate 1 short-term storage area and the Tool Crib short-term storage area—including at the time of ANR Staff's site inspection. The NOAV makes no allegation that the signs posted at the Gate 1 short-term storage area were non-compliant at the time of the May 18, 2015 site inspection, and to be clear, they fully complied with VHWMR § 7-311(e)(1)'s requirements—*i.e.*, the signs have and had the required legend, which is visible at a distance of 25 feet. That remains true, as the enclosed photographs, which were taken from a distance of 25 feet, demonstrate. *See* Enclosures.

With respect to the Tool Crib short-term storage area, we respectfully submit that the NOAV errs in stating that "[a] sign with the required legend ... was not posted at ... the 'Tool Crib' short-term storage area." NOAV at 4. The Tool Crib had posted signs which read "Hazardous Waste Storage Area—Authorized Personnel Only." We respectfully submit that those signs complied with VHWMR § 7-311(e)(1)'s requirements, which explicitly allow "[e]xisting signs with a similar legend [to the one specified in the regulation and quoted in the NOAV] [to] be used if the legend on the sign indicates that only authorized personnel are allowed to enter the storage area, and that entry into the storage area can be dangerous." VHWMR § 7-311(e)(1). The Tool Crib sign posted at the time of the site inspection communicated both required messages. The first required message was expressly communicated in as many words, and any reader would understand the second required message simply from reading the words "*Hazardous Waste*" (emphasis added). The Tool Crib's configuration also makes it impossible to enter the storage area without first encountering the sign up close, such that it necessarily will be fully visible before one enters the storage area. This reality ensures that any persons who might enter the Tool Crib will be informed of the Tool Crib's status as a hazardous waste storage area and that only authorized persons may enter, satisfying the purpose of VHWMR § 7-311(e)(1)'s requirement.

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Nonetheless, Vermont Yankee has prepared new signs for the Tool Crib short-term storage area identical to those that are posted at the Gate 1 short-term storage area, consistent with ANR Staff's suggestion. *See* Enclosures (photographs of new signs).<sup>7</sup>

### **5. Issues Concerning Labeling of Containers of Hazardous Wastes and Maintenance of Packing Lists**

We respectfully submit that the NOAV is not clear as to what the specific alleged violations are on these points. For example, the NOAV does not specify the nature of the “numerous non-radiological containers” referred to here. NOAV at 5. As we understand the NOAV and ANR Staff's comments during the May 18, 2015 site inspection, ANR takes the position that every container holding material that is even potentially hazardous waste—including the individual products themselves, *e.g.*, cans of bug spray—must either be individually labeled with the information required by VHWMR § 7-311(f)(1), or must be placed within a larger container that bears such a label, such as an over-pack.

We respectfully are unaware of any regulatory basis for such a requirement, in VHWMR § 7-311 or otherwise. The requirements provided in VHWMR § 7-311, including the labeling requirements of subsection (f)(1), apply only to products that are first determined to be “wastes,” that is, “a material that is discarded ... or has served its original intended use.” VHWMR § 7-103. As already discussed above, a product is not properly considered a “waste” until that determination is made, *i.e.*, whether its usefulness to Vermont Yankee is over or whether it has some value for future projects that warrants its retention. Until that determination has been made, the container-storage and labeling requirements of VHWMR § 7-311(f)(1) do not yet apply. *See* VHWMR § 7-311(f)(1) (“containers and packages used for the storage of hazardous *wastes* shall be clearly marked” with the required information (emphasis added)); *id.*, Note (“Containers used to store *waste* that is in the process of having a hazardous waste determination made, and for which the hazardous waste identification code(s) are not known, do not need to be marked to include the hazardous waste identification codes.” (emphasis added)). And the mere fact that a product may later have been classified as a hazardous waste does not allow those requirements to be applied retroactively.

For these reasons, Vermont Yankee respectfully requests further clarification by the Agency of the alleged violations referenced on the upper portion of page 5 of the NOAV, as well as an explanation from the Agency of what it asserts is required with respect to labeling of containers (including perhaps individual product containers) that are kept within a short-term storage area, and the regulatory basis for those requirements under VHWMR § 7-311(f)(1) or otherwise. In the meantime, Vermont Yankee has instituted the practice of storing all products in the short-term storage areas within labeled over-pack

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<sup>7</sup> Although the NOAV does not comment on it, it quotes the requirement of VHWMR § 7-311(e)(1) that signs containing the required legend must be bilingual (English and French) if the facility is located in a county bordering the Canadian province of Quebec. NOAV at 4. Our understanding is that Vermont Yankee's signs need not be posted in French because the Vermont Yankee site is not located in a county that borders Quebec. *See* VHWMR § 7-311(e)(1).

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containers, pending their removal by Clean Harbors. This practice was suggested by ANR Staff during the May 18, 2015 site inspection. Vermont Yankee's implementation of this practice is documented in the photographs that have been included with Vermont Yankee's Enclosures. *See Enclosures.*

Finally, Vermont Yankee respectfully disagrees with ANR's statement that "packing lists must be maintained for overpack containers." NOAV at 5. The only regulatory basis cited for this requirement is VHWMR § 7-311(f)(1)(A)-(C), which discusses only marking or labeling requirements for containers of hazardous waste within short-term storage areas. The cited provisions do not discuss the need to maintain "packing lists" for overpack containers or otherwise, and as far as Vermont Yankee can tell, the term "packing list" does not appear anywhere in the VHWMR. Such a requirement also would be duplicative of the inventory requirements that already apply to short-term storage areas under VHWMR § 7-311(d)(1). Vermont Yankee therefore respectfully requests additional explanation from ANR as to the source under Vermont regulations of any requirement that "packing lists must be maintained for overpack containers."

#### **6. Issue Concerning a Certain Hazardous Waste Transport Manifest**

The NOAV states that "this alleged violation has been resolved," obviating the need for response. NOAV at 5.

\* \* \*

In conclusion, Vermont Yankee respectfully suggests that the above discussion confirms the sense expressed by ANR Staff during its May 18, 2015 site inspection, *i.e.*, that Vermont Yankee's compliance with the VHWMR and best practices is "better than most." As importantly, most of the alleged violations, while taken seriously by Vermont Yankee and its dedicated personnel, do not constitute non-compliance with the VHWMR, and the remaining two have been reasonably explained. Finally, and importantly to Vermont Yankee, none has resulted in any risk to the environment or human health. Given all that, and in light of Vermont Yankee's continued commitment to managing the small quantity of hazardous waste it generates consistent with applicable law and best practices, we respectfully submit that no further administrative or judicial process is warranted.

Vermont Yankee also acknowledges the NOAV's inclusion of a request for further investigation and follow-up concerning a certain floor drain located in the Edson Garage that was discussed during the site inspection on May 18, 2015. *See* NOAV at 6. Vermont Yankee is in the process of completing the requested investigation and will follow up with ANR separately regarding our findings and next steps.

As discussed above, we also expect to follow up with ANR in the near future concerning the issues surrounding Clean Harbors' handling of ethylene glycol intended for recycling.

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Please do not hesitate to contact me if you have any questions or would like to discuss these matters further.

Sincerely,

*Elise N. Zoli (by permission/mj)*

Elise N. Zoli

ENZ  
Enclosures

cc: T. Michael Twomey, Vice President of External Affairs, Entergy Nuclear Operations, Inc.  
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Christopher Wamsler, Site Vice President, Entergy Nuclear Vermont Yankee, LLC  
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Scott Kline, Assistant Attorney General, Vermont Office of the Attorney General  
Christopher Recchia, Commissioner, Vermont Department of Public Service  
Dr. Harry Chen, Commissioner, Vermont Department of Health  
Perry Plummer, Director, New Hampshire Department of Safety  
John Giarrusso, Jr., Nuclear Preparedness Manager, Commonwealth of Massachusetts