

STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., for a Certificate of Public Good authorizing the construction of a second independent spent fuel storage installation storage pad and related improvements, including installation of a new diesel generator with an electrical rating of approximately 200 kW, at the Vermont Yankee Nuclear Power Station in the Town of Vernon, Vermont

May 16, 2016
Docket No. 8300

NEW ENGLAND COALITION'S DISCLOSURE OF NEW INFORMATION ADVERSE TO PREVIOUSLY FILED NEW ENGLAND COALITION POSITIONS

I. INTRODUCTION

In keeping with New England Coalition's ("NEC") responsibility to disclose new material information, especially information adverse to NEC positions previously stated, NEC, through its *pro se* representatives Clay Turnbull and Raymond Shadis, provides herein (attached) an e-mail letter from U.S Nuclear Regulatory Commission staff, NRC Staff's Responses to Questions Regarding Vermont Yankee ISFSI Security Requirements, received by NEC at the close of business on Thursday, May 12, 2016 is responsive to an inquiry filed with the NRC on April 23, 2016. In the manner of e-mail, in the attached document the Response precedes the Inquiry.

II. DISCUSSION

NRC Staff's Responses makes several points which contradict or otherwise neutralize NEC comments included in earlier filings, most notably comments with regard to Entergy Nuclear Vermont Yankee ("ENVY") assertions that (as summed by the Department of Public Service Brief at pp.11-12). "Entergy has proposed not to install additional aesthetic mitigation measures

around the Project, including the extension of the screening wall along the north side of the existing ISFSI to shield the Project on the north side. The Department does not object to this decision. Entergy has represented that it is unable to extend the existing screening wall or execute other mitigation measures around the Project due to line of visibility security requirements pursuant to NRC regulations".[Emphasis added].

NEC took the position, based on a review of applicable NRC regulation that there were no line-of-visibility requirements outside of a very narrow "isolation zone" typically 20 feet in width. *10 C.F.R. § 73.51 (d) Physical protection systems, components, and procedures.*

Further NEC contended that it was unlikely that NRC would require the VY ISFSI to have more stringent line-of-visibility than other New England ISFSIs. To support its contention NEC offered photographs of three New England ISFSIs showing view screening foliage and at Maine Yankee both foliage plantings and an earthen berm.

NRC Staff has offered several clarifying and opposing points, among them:

1. NRC Staff may require site specific security measures.
2. All security measures are safeguards information and thus may not be released to the public.
3. Vermont Yankee and Maine Yankee may be treated differently with regard to security because One has a stand-alone ISFSI; the other has additional [adjoining] structures requiring security [presumably here reactor and spent fuel pool].

It would appear the Entergy Nuclear Vermont Yankee ("ENVY") has neatly tucked away (out of sight, out of reach, beyond confirmation) the question of visual screening within the protected zone, that is, the area fenced and marked with security measures warning signs.

The NRC Staff does not however consider visual screening (as does witness Dodson) in the event of the ISFSI surviving removal of the reactor building or even the security reduction that is

bound to follow removal of all fuel now stored in the spent fuel pool to dry cask.

The NRC Staff does say that there are no visibility requirements outside of the protected zone. Entergy has not considered in its petition mitigating measures such as ISFSI burial or partial burial or grading to lower the profile of the site or screening outside of the protected zone. Of a consequence, NEC alters its rating of Entergy testimony regarding mitigation from "false" to simply disingenuous and misleading.

III. CONCLUSION

NEC has no basis for disagreeing with anything that NRC Staff says. NEC will however ask for clarification on several points, for example on the Staff's apparent confusion between line-of-visibility and "visibility of the ISFSI" requirements. However, NEC assumes that the word of NRC Staff is dispositive when it comes to ISFSI security requirements.

The Board is respectfully invited to strike or ignore such NEC representations as are contradicted or neutralized by the NRC Staff Responses.

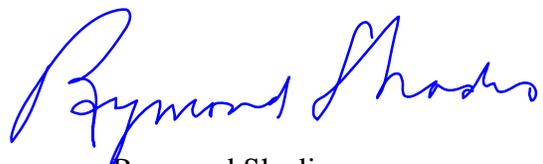
Accordingly, NEC will undertake to amend and clarify its complaints as set forth in its Motion for an Interim Order (05/10/2016) and to file within the next few days an Amended Motion for a Interim Order.

Respectfully Submitted
on Behalf of New England Coalition
This Sixteenth Day of May, 2016



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