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From: "Gjessing, Catherine" <Catherine.Gjessing@state.vt.us>
To: <VermontYankeeEIS@nrc.gov>
Date: Fri, Jun 23, 2006 5:21 PM
Subject: Scoping Comments

71FR20733

Good afternoon,

Attached are scoping comments from the Vermont Agency of Natural Resources. Please feel free to contact Catherine Gjessing at 241-3618 or Julie Moore 241-3687 with any questions. Thank you.

CC: "Moore, Julie" <Julie.Moore@state.vt.us>, "Sayles, John" <John.Sayles@state.vt.us>

4/31/06

71FR20733

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SUNSI Review Complete

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Subject: Scoping Comments
Creation Date Fri, Jun 23, 2006 5:20 PM
From: "Gjessing, Catherine" <Catherine.Gjessing@state.vt.us>

Created By: Catherine.Gjessing@state.vt.us

Recipients

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TWGWPO03.HQGWDO01

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John.Sayles CC (John Sayles)

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State of Vermont Agency of Natural Resources
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MEMORANDUM

TO: NUCLEAR REGULATORY COMMISSION

FROM: VERMONT AGENCY OF NATURAL RESOURCES

DATE: JUNE 23, 2006

**SUBJECT: SCOPING COMMENTS FOR VERMONT YANKEE NUCLEAR
POWER STATION LICENSE RENEWAL**

The primary purpose of these scoping comments is to request site specific analysis of various issues in the context of the license renewal process for Vermont Yankee Nuclear Power Station. The Vermont Agency of Natural Resources (Agency) has referred to the list of NEPA issues for license renewal set forth in Table A-1 of NUREG-1850, *Frequently Asked Questions on License Renewal of Nuclear Power Reactors* (March 2006). It is the Agency's understanding that this comprehensive list also indicates whether the issue is subject to a generic or site specific Environmental Impact Statement. The Agency is suggesting that some of the generic issues be examined in more detail in order to determine whether a site specific environmental impact analysis should be performed. The Agency has the following comments regarding the generic environmental impact analysis:

- ***Issues 18, 20, 23, 24, and 28 through 30 (Thermal plume barrier to migrating fish, Premature emergence of aquatic insects, Losses among organisms exposed to sublethal stresses, Stimulation of nuisance organisms, Entrainment, Impingement, and Heat shock)*** As we understand it, these issues are associated with intake structures and thermal discharge issues which require a NPDES permit. The requirements of the Clean Water Act and the NPDES permit will provide assurance that the impacts of permitted intake structures and discharges meet the applicable federal and state requirements. It would be helpful, however, to have some limited site specific review of these issues. For example, have recent scientific studies regarding intake structure and thermal impacts on migrating fish species and aquatic organisms, in similar habitats or within this region, led to new knowledge applicable to these issues? Are there any organisms present in the Vernon area which are particularly susceptible to sublethal stresses or heat shock? Are there any specific study protocols recommended for determining the impacts of intake and discharges on species present in the affected regions of the Connecticut River?
- ***Issues 43 and 46 (Bird collisions).*** The Agency is interested in bird mortality rates. In particular, the Agency is interested in whether the numbers and species of birds which

have experienced mortalities with the cooling towers and the power lines are an issue of concern. This concern is also applicable to the met towers on site.

- **Issue 45 (Power line right of way management).** The Agency is interested in this issue as it relates to rare, threatened and endangered species which may be present in proximity to the power lines. In addition, the Agency is interested in preserving undisturbed riparian buffers in areas of surface water or stream crossings.
- **Issue 75 (Design-basis accidents).** Is there new knowledge or technology that is applicable to this issue and should be applied in the context of the license renewal? See comments on External Design Basis Events below.
- **Issue 87 (Waste Management)** The Agency is suggesting that low level radioactive waste issue should be evaluated on a site specific basis. Title 10 Vermont Statue Annotated contains §7066 (c) states:

No generator of low-level radioactive waste in the state existing on the date of enactment of this section may increase its generation of waste in a year by more than 20 percent of the total annual volume of waste from all generators estimated for disposal by the secretary of natural resources, under subdivision 7065(a)(3) of this title, unless that generator receives a favorable determination from the secretary of natural resources that disposal capacity will be available as provided by section 3.04(11) of the compact agreement.

The Agency would like to know whether Entergy Vermont Yankee will increase production of low-level radioactive waste as a consequence of the renewal and, if so, will any increase remain in compliance with the state statutory requirements regarding low level radioactive waste generation, minimization, and reporting. See also, Issue 89 below.

- **Issue 89 (Water Quality)** The Agency believes that groundwater and surface water quality are issues of great importance to Vermonters and should be subject to a site specific analysis. With respect to groundwater, it would be very useful to determine the natural background levels of radionuclides at the Entergy Vermont Yankee facility and in the vicinity of regional monitoring devices. What is the potential contribution to groundwater of constituents from land spreading of low-level constituents on site? How will both the natural and anthropogenic background levels be used when determining whether future releases from the facility exceed health standards

In addition to the issues listed above the Agency is suggesting that the scope of the NEPA review also include an inquiry about whether there is new site specific knowledge and technology or scientific knowledge which is relevant to the nuclear plant Design Basis for External Events, such as seismic or flood events. For example, how should the operating basis (OBE) and safe shutdown seismic (SSE) events be determined in 2006? It appears that accelerations for a 500-year event were used as the starting place for determining OBE and SSE in 1966. The International Building Code (IBC) standards suggest that accelerations for a 2,500-year return interval are now the base standard for design of industrial/commercial structures. Are the OBE and SSE as determined in 1966 consistent with recent advances in

seismic engineering and current scientific knowledge? Is there current knowledge or technology applicable to the Design Basis for floods?