



State of Vermont
Department of Environmental Conservation
Waste Management & Prevention Division
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AGENCY OF NATURAL RESOURCES

May 5, 2016

Christopher J. Wamser
VYNPS Site Vice President
Entergy Nuclear Vermont Yankee, LLC
320 Governor Hunt Road
Vernon, VT 05354

SUBJECT: March 23, 2016 Notification Pursuant to 40 C.F.R. Part 266, Subpart N; VHWMR § 7-109(b)(2)

Dear Mr. Wamser,

The Agency has reviewed the March 23, 2016 *Notification Pursuant to 40 C.F.R. Part 266, Subpart N; VHWMR § 7-109(b)(2)* submitted by Entergy Nuclear Vermont Yankee, LLC (ENVY) (the "Notification"). The Notification claims the conditional exemption for on-site storage and treatment of low-level mixed waste (LLMW) associated with the planned disassembly and demolition of the North Warehouse at the Vermont Yankee Nuclear Power Station Site.¹ The Notification satisfies the informational requirements for the storage and treatment conditional exemption outlined in 40 C.F.R. § 266.230(a).

In addition to the notification requirements of § 266.230(a), to qualify for and maintain the conditional exemption for storage and treatment of eligible LLMW, ENVY must also meet the following conditions of 40 C.F.R. § 266.230(b):

- (1) Store LLMW waste in containers in compliance with the requirements ENVY's NRC license that apply to the proper storage of low-level radioactive waste (not including those license requirements that relate solely to recordkeeping);
- (2) Store LLMW in containers in compliance with chemical compatibility requirements of 40 C.F.R. 265.177;
- (3) Certify that facility personnel who manage stored LLMW are trained in a manner that ensures that the waste is safely managed and includes training in chemical waste management and hazardous materials incidents response that meets the personnel training standards found in 40 C.F.R. 265.16(a)(3);

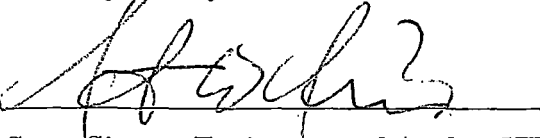
¹ The last sentence of the last paragraph of the Notification states that: "This notification creates an authorization that, consistent with the Mixed Waste Rule, is continuous through ENVY's transfer of the mixed waste in question for transportation and disposal in accordance with the Mixed Waste Rule." It is the Agency's understanding, after consultation with ENVY representatives, that the Notification does not claim the Transportation and Disposal Conditional Exemption under 40 C.F.R. Subpart N. If ENVY intends to claim the Transportation and Disposal Conditional Exemption for management of LLMW, ENVY shall notify the Agency of ENVY's intention to claim such condition in accordance with 40 C.F.R. § 266.345.

- (4) Conduct an inventory of stored LLMW at least annually and inspect it at least quarterly for compliance with subpart N of this part (including the conditions in § 266.230); and
- (5) Maintain an accurate emergency plan and provide it to all local authorities who may have to respond to a fire, explosion, or release of hazardous waste or hazardous constituents. The plan must describe emergency response arrangements with local authorities; describe evacuation plans; list the names, addresses, and telephone numbers of all facility personnel qualified to work with local authorities as emergency coordinators; and list emergency equipment."

The Agency implements the Mixed Waste Rule (40 C.F.R. Part 266, Subpart N) ("MWR") as part of its administration of the Vermont Hazardous Waste Management Regulations (VHWMR). See VHWMR § 7-109(b)(2). For purposes of its oversight of the MWR, and to better understand how ENVY will meet and continue to meet the conditions specified under 40 C.F.R. § 266.230(b) and Subpart N generally, the Agency requests the following additional information regarding ENVY's plan to manage LLMW under the March 23 Notification:

- What are the requirements in ENVY's NRC license applicable to storing LLMW in containers for the purposes of § 266.230(b)(1)?
- What is the process by which ENVY will transfer to and load the LLMW demolition debris into the containers?
- How long does ENVY intend to store full containers of the LLMW demolition debris prior to shipment off-site?
- Where does ENVY intend to store containers of the LLMW demolition debris on-site (both those that are accumulating the LLMW and full containers of the LLMW)?
- How does ENVY's emergency plan address a potential release of non-radiological hazardous waste or non-radiological hazardous constituents for purposes of § 266.230(b)(5)?
- Does ENVY intend to treat the LLMW on-site? (While it is the Agency's understanding that ENVY does not intend to treat the LLMW on-site, 40 C.F.R. § 266.235 specifies that the only treatment allowed under the storage and treatment exemption is that which occurs within a tank or container in accordance with the terms of your NRC license.)

Thank you for your attention to this matter. Please contact me if you have questions about this letter.



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