

Where are we and how did we get here?

Overview of VT Law on the Vermont Yankee evaluation

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Overview

I. How we got Here:

A. Act 160

- ▶ Legislative Policy and Purpose?
- ▶ How the Legislative process and the PSB process fit together
- ▶ The Act 160 VY Studies (what and when)

B. Act 189

- ▶ What is a CVA?
- ▶ Who does it?
- ▶ What is the Public Oversight Panel and its role?
- ▶ When will it be available to PSB and the General Assembly?

II. You are Here:

A. The PSB Process

- ▶ What does the PSB look at in determining public good – quick review of Section 248
- ▶ The schedule for the case
- ▶ Particular items of interest, their importance, and how they fit into the PSB process – PPA, CVA, Act 160 Studies.

B. The Legislative Process as described by Synapse in the following panel.

III. Other things you should know to navigate if time permits

The Federal Process
Enexus (aka NewCo)
Dry Fuel Storage MOU

ACT 160 – WHAT?

ACT 160 Requires that the Public Service Board not issue a final order or a CPG for Vermont Yankee's operation post March 2012,

“until the general assembly determines that the operation will promote the general welfare and grants approval for that operation.”

Act 160 –What?

- ▶ If the General Assembly approves and determines that the operation of the facility will promote the public welfare, then the approval of the General Assembly for the storage of spent fuel derived from the operation of the station after March 21, 2012 is also deemed approved.

Act 160 – Why?

- ▶ “It remains the policy of the state that a nuclear energy generating plant may be operated in Vermont only with the explicit approval of the General Assembly expressed in law after full, open, and informed public deliberation and discussion with respect to pertinent factors, including the state’s need for power, the economics and environmental impacts of long-term storage of nuclear waste, and choice of power sources among various alternatives.”

Act 160 – When?

- ▶ Act 160 said that the PSB could proceed with its process if the General Assembly hadn't acted by July 1, 2008, BUT the PSB could not issue a final order or Certificate of Public Good until the General Assembly acted.

Act 160 Studies

- ▶ The studies arranged by the department in consultation with the joint energy committee and the public engagement process, in general, shall:
- ▶ (A) identify, collect information on, and provide analysis of long-term accountability and financial responsibility issues, such as:
 - (i) funding plans for guardianship of nuclear waste after licensure but before removal of nuclear waste from the site;
 - (ii) closure obligations, dates of completion, and assurance of funds to secure fulfillment of those closure obligations;
 - (iii) federal obligations and assurance of funds to provide for any undischarged federal responsibilities;
 - (iv) funding for emergency management requirements and evacuation plans before and after plant closure; and
 - (v) any other financial responsibility related to any periods in which the facility is out of service.

ACT 160 Studies

- ▶ (B) identify, collect information on, and provide analysis of long-term environmental, economic, and public health issues, including issues relating to dry cask storage of nuclear waste and decommissioning options.
- ▶ (C) identify, collect information on, and provide analysis of current economic issues, in light of the fact that the operation of the nuclear energy generating plant beyond the date permitted in any previous certificate of public good is to be evaluated under present day cost-benefit assumptions and analyses and not as an extension of the cost-benefit assumptions and analyses forming the basis of the previous certificate of public good for the operation of the facility.

Act 160 Studies Completed

- ▶ Some of the Act 160 Studies have been completed and submitted to the PSB:
 1. Entergy's Commitments & Ability to Meet Them
 2. Nuclear Decommissioning
 3. Waste Management
 4. Economic Costs and Benefits
 5. Alternatives

All of the completed studies will be submitted to the General Assembly in January 2009.

ACT 189 – Why?

“It is the purpose of this act to provide for a thorough, independent, and public assessment of the reliability of the systems, structures, and components of the Entergy Nuclear Vermont Yankee facility.”

ACT 189 – What?

- ▶ Act 189 established:
 1. Requirements of the Comprehensive Vertical Audit and Reliability Assessment (CVA);
 2. Specific systems to be evaluated
 3. Methodology
 4. The DPS is responsible for the audit in consultation with the Public Oversight Panel
 5. The Public Oversight Panel

Act 189 – When?

1. The Comprehensive Vertical Audit is underway right now.
2. The inspection report will be filed with the PSB on December 22, 2008.
3. No later than February 27, 2008, the Public Oversight Panel “shall publicly report its finding and evaluation to the general assembly for purposes of informing the legislature in making its determination whether the Entergy Nuclear Vermont Yankee plant should be authorized to operate beyond the expiration of its current license”

Public Oversight Panel

“The comprehensive reliability assessment required by this act shall be conducted with the maximum amount of transparency and public oversight and involvement. To that end, a public oversight panel is created to include three to five members who have demonstrated expertise in nuclear technology or nuclear regulation”

Public Service Board Process

- ▶ Docket 7440 is the case before the PSB to determine if Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. should be granted a certificate of public good to operate the Vermont Yankee Nuclear Power Station beyond March 21, 2012.

30 V.S.A. § 248

How does the PSB determine if a project is in the public good?

The Board has to make a general determination of public good but a project also has to meet the criteria set by the Legislature in Section 248 of Title 30. Those criteria include:

30 V.S.A. § 248

- (b) Before the public service board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment or construction:
- ▶ will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.
 - ▶ is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost effective manner through energy conservation programs and measures and energy-efficiency and load management measures, including but not limited to those developed pursuant to the provisions of subsection 209(d), section 218c, and subsection 218(b) of this title;
 - ▶ will not adversely affect system stability and reliability;
 - ▶ will result in an economic benefit to the state and its residents;
 - ▶ will not have an undue adverse effect on esthetics, historic sites, air and water purity, the natural environment and the public health and safety, with due consideration having been given to the criteria specified in subsection 1424a(d) and subdivisions 6086(a)(1) through (8) and (9)(K) of Title 10;
 - ▶ is in compliance with the electric energy plan approved by the department under section 202 of this title, or that there exists good cause to permit the proposed action;
 - ▶ does not involve a facility affecting or located on any segment of the waters of the state that has been designated as outstanding resource waters by the water resources board;
 - ▶ can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers.

Other items to help navigate

- ▶ A. The Federal Process on license renewal
- ▶ B. Enexus (a/k/a NewCo)
- ▶ C. The Dry Fuel Storage MOU