

1 H.589

2 Introduced by Representatives Klein of East Montpelier and Krawczyk of

3 Bennington

4 Referred to Committee on

5 Date:

6 Subject: Energy; public service; nuclear generation; greenfield restoration;

7 spent fuel management; trusts

8 Statement of purpose: This bill proposes to require that each nuclear energy
9 generation plant in the state institute two trusts, one with sufficient funds to
10 support return of the site to a “greenfield” condition and the other with
11 sufficient funds to support long-term spent fuel management.

12 An act relating to nuclear energy generation and the institution of trusts for
13 greenfield restoration and spent fuel management

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 30 V.S.A. § 260 is added to read:

16 § 260. GREENFIELD RESTORATION; SPENT FUEL MANAGEMENT;

17 TRUSTS; NUCLEAR GENERATION

18 (a) Requirement for trusts. On and after March 22, 2012, any person or
19 entity owning or controlling a nuclear energy generation plant located in this

1 state, whether or not the plant is in operation, shall have in place the trusts
2 required by this section.

3 (b) Greenfield restoration trust. Such person or entity as provided in
4 subsection (a) of this section shall have in place a trust that the public service
5 board has determined to be adequate to fund the full projected cost of restoring
6 the site of the plant to a greenfield condition following decommissioning of the
7 plant. For the purpose of this section, “greenfield condition” means the site
8 has been restored by removal of all structures, equipment, and foundations and,
9 if appropriate, regrading and reseeding the land. It does not include
10 radiological decontamination.

11 (c) Spent fuel management trust. Separately from the trust required by
12 subsection (b) of this section, such person or entity as provided in subsection
13 (a) of this section shall have in place a trust that the public service board has
14 determined to be adequate to fund the full projected cost of managing spent
15 fuel associated with the plant. For the purpose of this section, “managing spent
16 fuel” means the control and supervision of uranium fuel that has been used in
17 and removed from the reactor of a nuclear energy generation plant until such
18 time as the fuel is removed from Vermont to a federally certified long-term
19 storage facility. It includes the storage of such fuel at the site of a nuclear
20 energy generation plant and all associated operations, security, and
21 maintenance.

1 (d) In determining that a trust is adequate under this section, the board:

2 (1) May allow periodic additions of funds to the trust rather than
3 requiring that the full projected amount be in place on March 22, 2012,
4 provided that the trust is fully funded by March 22, 2022.

5 (2) Shall find that the trust conforms to all requirements of this section.

6 (3) May include such conditions and requirements as it deems necessary
7 to protect the public good.

8 (e) This section does not require the inclusion in a trust of funds necessary
9 for radiological decontamination of a plant in accordance with regulations of
10 the Nuclear Regulatory Commission (NRC). A trust under this section shall be
11 separate from any decommissioning trust fund required for a plant by the NRC.

12 (f) A trust under this section shall be funded by cash or a financial
13 instrument or both as long as the instrument is approved by the public service
14 board. Such an instrument may include a guarantee by a parent corporation.

15 (g) A trust under this section and any included funds and financial
16 instruments shall be subject to the laws of Vermont, shall be usable by the
17 beneficiary only for the purpose set out in subsection (b) or (c) of this section,
18 and shall include a spendthrift provision sufficient under Vermont law to
19 restrain both voluntary and involuntary transfers of the beneficiary's interest.

20 (h) In determining the adequacy of a trust under subsection (c) of this
21 section, the board shall not:

1 (1) Assume or account for any payment by the federal government for
2 managing spent fuel associated with the plant unless and until such payment is
3 made.

4 (2) Assume that moneys from a decommissioning trust fund required by
5 the NRC for the plant are available for managing spent fuel unless and until the
6 NRC has affirmatively approved a request by the plant owner for such use.

7 (i) An existing nuclear energy generation plant in the state shall petition the
8 board no later than January 31, 2011, for a determination under this section,
9 and the board shall render its decision on such petition on or before
10 December 31, 2011.