

1 S.84

2 Introduced by Senators Flory, Benning, Mazza and Starr

3 Referred to Committee on

4 Date:

5 Subject: Public service; energy; nuclear power

6 Statement of purpose: This bill proposes to remove the requirements for
7 legislative approval of: (1) continued operation of a nuclear energy generating
8 plant beyond the date in the plant's current certificate of public good; and
9 (2) storage of spent fuel at the plant beyond that date.

10 An act relating to removing the requirement of legislative approval of
11 continued operation of a nuclear power plant

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

13 Sec. 1. 30 V.S.A. § 248(e)(2) is amended to read:

14 (2) No nuclear energy generating plant within this state may be operated
15 beyond the date permitted in any certificate of public good granted pursuant to
16 this title, including any certificate in force as of January 1, 2006, unless ~~the~~
17 ~~general assembly approves and determines that the operation will promote the~~
18 ~~general welfare~~, and until the public service board issues a certificate of public
19 good under this section. ~~If the general assembly has not acted under this~~
20 ~~subsection by July 1, 2008, the board may commence proceedings under this~~

1 ~~section and under 10 V.S.A. chapter 157, relating to the storage of radioactive~~
2 ~~material, but may not issue a final order or certificate of public good until the~~
3 ~~general assembly determines that operation will promote the general welfare~~
4 ~~and grants approval for that operation.~~

5 Sec. 2. 10 V.S.A. § 6503(d) is amended to read:

6 (d) No temporary storage facility which is a part of a nuclear fission plant
7 ~~approved by the general assembly pursuant to subsection 248(e) of Title 30~~
8 shall be required to obtain the additional approval required by this section.

9 Sec. 3. 10 V.S.A. § 6522(c)(4) is amended to read:

10 (4) Compliance with the provisions of this subchapter shall constitute
11 compliance with the provisions of this chapter that require that approval be
12 obtained from the general assembly before construction or establishment of a
13 facility for the deposit or storage of spent nuclear fuel, but only to the extent
14 specified in this subchapter or authorized under this subchapter. The public
15 service board is authorized to hear and issue a certificate of public good for
16 such a facility under 30 V.S.A. § 248, to the extent specified or authorized in
17 this subchapter. Other agencies of the state also may receive and act on
18 applications related to the construction or establishment of such a facility,
19 provided that any approval for such a facility applies only to the extent
20 specified or authorized in this subchapter. ~~Storage of spent fuel derived from~~

1 ~~the operation of Vermont Yankee after March 21, 2012 shall require the~~
2 ~~approval of the general assembly under this chapter.~~

3 Sec. 4. Sec. 1 of No. 160 of the Acts of the 2005 Adj. Sess. (2006) is amended
4 to read:

5 Sec. 1. LEGISLATIVE POLICY AND PURPOSE

6 (a) It remains the policy of the state that a nuclear energy generating plant
7 may be operated in Vermont only ~~with the explicit approval of the General~~
8 ~~Assembly expressed in law~~ after full, open, and informed public ~~deliberation~~
9 review and discussion with respect to pertinent factors, including the state's
10 need for power, the economics and environmental impacts of long-term storage
11 of nuclear waste, and choice of power sources among various alternatives.

12 (b) It is the purpose of this act to establish a statutory process to implement
13 this policy with respect to the operation of any nuclear energy generating plant
14 in the state beyond the date of any certificate of public good granted and in
15 force, including any in force as of January 1, 2006.

16 (c) Pursuant to No. 74 of the Acts of ~~the 2005 session~~, the owner of the
17 Vermont Yankee nuclear power station:

18 ~~(1) is required to obtain the approval of the general assembly before~~
19 ~~storage of spent fuel derived from the operation of Vermont Yankee nuclear~~
20 ~~power station after March 21, 2012, and also~~

1 (2) is required to obtain a section 248 certificate of public good from the
2 public service board before operation beyond that date.

3 (d) It is appropriate that the spent fuel storage issue be framed and
4 addressed as a part of the larger societal discussion of broader economic and
5 environmental issues relating to the operation of a nuclear facility in the state,
6 including an assessment of the potential need for the operation of the facility
7 and its economic benefits, risks, and costs; and in order to allow opportunity to
8 assess alternatives that may be more cost-effective or that otherwise may better
9 promote the general welfare.

10 (e) It is appropriate ~~for the general assembly to require~~ that when the public
11 service board addresses the issue of whether to issue a certificate of public
12 good for the operation of the plant beyond the date specified in a previous
13 certificate of public good, it evaluate the issue under present day cost benefit
14 assumptions and analyses forming the basis of the certificate of public good for
15 the current operation of the facility.

16 (f) ~~For the foregoing reasons, the general assembly shall consider~~
17 ~~concurrently the issue of storage of spent nuclear fuel derived from the~~
18 ~~operation of Vermont Yankee nuclear power station after March 21, 2012 as~~
19 ~~set forth in No. 74 of the Acts of the 2005 session and the operation of~~
20 ~~Vermont Yankee after March 21, 2012 as set forth in 30 V.S.A. § 248, and~~
21 ~~shall grant the approval or deny the approval of such activities concurrently.~~

1 ~~Accordingly, if the general assembly approves and determines that the~~
2 ~~operation of the facility beyond the date permitted in any certificate of public~~
3 ~~good granted pursuant to this title will promote the public welfare, then the~~
4 ~~approval of the general assembly for the storage of spent fuel derived from the~~
5 ~~operation of the Vermont Yankee nuclear power station after March 21, 2012~~
6 ~~will also be deemed approval as required in 10 V.S.A. § 6522.~~

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on passage.