

H.673

Introduced by Representatives O'Donnell of Vernon, Acinapura of Brandon,
Adams of Hartland, Ainsworth of Royalton, Branagan of
Georgia, Clark of Vergennes, Crawford of Burke, Devereux of
Mount Holly, Donaghy of Poultney, Donahue of Northfield,
Fagan of Rutland City, Helm of Castleton, Higley of Lowell,
Hubert of Milton, Kilmartin of Newport City, Koch of Barre
Town, Komline of Dorset, Lawrence of Lyndon, Lewis of
Derby, Marcotte of Coventry, McAllister of Highgate,
McDonald of Berlin, McNeil of Rutland Town, Morley of
Barton, Myers of Essex, Pearce of Richford, Peaslee of
Guildhall, Perley of Enosburg, Reis of St. Johnsbury, Savage of
Swanton, Scheuermann of Stowe, Shaw of Pittsford and
Winters of Williamstown

Referred to Committee on

Date:

Subject: Public service; energy; nuclear power

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

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

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

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

5 (2) No nuclear energy generating plant within this state may be operated
6 beyond the date permitted in any certificate of public good granted pursuant to
7 this title, including any certificate in force as of January 1, 2006, unless ~~the~~
8 ~~general assembly approves and determines that the operation will promote the~~
9 ~~general welfare,~~ and until the public service board issues a certificate of public
10 good under this section. ~~If the general assembly has not acted under this~~
11 ~~subsection by July 1, 2008, the board may commence proceedings under this~~
12 ~~section and under 10 V.S.A. chapter 157, relating to the storage of radioactive~~
13 ~~material, but may not issue a final order or certificate of public good until the~~
14 ~~general assembly determines that operation will promote the general welfare~~
15 ~~and grants approval for that operation.~~

16 Sec. 2. 10 V.S.A. § 6522(c)(4) is amended to read:

17 (4) Compliance with the provisions of this subchapter shall constitute
18 compliance with the provisions of this chapter that require that approval be
19 obtained from the general assembly before construction or establishment of a
20 facility for the deposit or storage of spent nuclear fuel, but only to the extent
21 specified in this subchapter or authorized under this subchapter. The public
22 service board is authorized to hear and issue a certificate of public good for

1 such a facility under 30 V.S.A. § 248, to the extent specified or authorized in
2 this subchapter. Other agencies of the state also may receive and act on
3 applications related to the construction or establishment of such a facility,
4 provided that any approval for such a facility applies only to the extent
5 specified or authorized in this subchapter. ~~Storage of spent fuel derived from~~
6 ~~the operation of Vermont Yankee after March 21, 2012 shall require the~~
7 ~~approval of the general assembly under this chapter.~~

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

10 Sec. 1. LEGISLATIVE POLICY AND PURPOSE

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

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

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

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

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

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

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

1 (f) ~~For the foregoing reasons, the general assembly shall consider~~
2 ~~concurrently the issue of storage of spent nuclear fuel derived from the~~
3 ~~operation of Vermont Yankee nuclear power station after March 21, 2012 as~~
4 ~~set forth in No. 74 of the Acts of the 2005 session and the operation of~~
5 ~~Vermont Yankee after March 21, 2012 as set forth in 30 V.S.A. § 248, and~~
6 ~~shall grant the approval or deny the approval of such activities concurrently.~~
7 ~~Accordingly, if the general assembly approves and determines that the~~
8 ~~operation of the facility beyond the date permitted in any certificate of public~~
9 ~~good granted pursuant to this title will promote the public welfare, then the~~
10 ~~approval of the general assembly for the storage of spent fuel derived from the~~
11 ~~operation of the Vermont Yankee nuclear power station after March 21, 2012~~
12 ~~will also be deemed approval as required in 10 V.S.A. § 6522.~~

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on passage.