STATE OF VERMONT
PUBLIC SERVICE BOARD

Investigation into (1) whether Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., (collectively, "Entergy VY"), should be required to cease operations at the Vermont Yankee Nuclear Power Station, or take other ameliorative actions, pending completion of repairs to stop releases of radionuclides, radioactive materials, and, potentially, other non-radioactive materials into the environment; (2) whether good cause exists to modify or revoke the 30 V.S.A. § 231 Certificate of Public Good issued to Entergy VY; and (3) whether any penalties should be imposed on Entergy VY for any identified violations of Vermont statutes or Board orders related to the releases Docket No. 7600 April 13, 2012

Request for a Status Conference

This docket was opened following the discovery of a tritium leak from underground pipes at the Vermont Yankee Station, and following identification of inaccurate statements Entergy VY had made in docket 7440 about underground pipes. On February 25, 2010 the Board ordered an investigation into the leak(s) to be handled in docket 7600. Consideration of the inaccurate statements was to be handled in docket 7440.

Docket 7600 was established to examine three elements related to the leak(s) as described in the caption. In August 2010 Parties provided briefings regarding the scope and jurisdiction of the docket. In November 2010 Parties provided statements regarding the relief each sought in the docket. In late 2010 Parties completed discovery related only to point one of the caption, and in January 2011 three days of technical hearings were held related only to point one of the caption. In February 2011 Parties filed Initial Briefs regarding point one of the caption, and in March 2011 Parties filed Reply Briefs related to point one of the caption. The Board has not issued a decision on point one of the caption, and points two and three have not been fully briefed.

This docket has been dormant for quite some time, which WRC understands to be a result of Entergy VY’s various claims of preemption filed in United States District Court beginning on April 18, 2011. Those claims were resolved by the District Court with a Decision and Order dated January 20, 2012, and are now in the appeal stage.

On March 29, 2012 the Public Service Board issued an Order in docket 7440 stating “By April 16, 2012, Entergy VY shall file an amended petition that identifies the specific approval or approvals that it is seeking from the Board, and the state-law authority under which the Board would issue each approval that Entergy VY seeks. A new docket shall be opened to consider
Entergy VY’s amended petition.” The March 29, 2012 Order also stated that the Board has “...tentatively identified May 2, 2012 as the date for a prehearing conference in the new docket, to be confirmed in a subsequent notice.”

Dockets 7440 and 7600 cover similar but distinct ground, and have a closely matched (although not identical) list of Parties. In the interest of efficiency, WRC asks the Board to consider holding a single status conference to consider the future of both dockets.

Dated at Brattleboro, Vermont this 13th day of April 2012.

Windham Regional Commission

By: ____________________________

Christopher Campany
Executive Director