January 16, 2014

Ms. Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street
Montpelier, VT 05620-2701

Dear Ms. Hudson:

It is the understanding of the Windham Regional Commission that the technical hearings scheduled for January 30-31, 2014 will relate only to the MOU and Settlement Agreement filed on December 23, 2013 by Entergy VY, the Department of Public Service, and the Agency of Natural Resources (MOU Signatories). The WRC was not involved in the negotiations that resulted in the MOU, and is not a Party to the agreement.

The MOU Signatories have established that the MOU may terminate unless it is approved by the Board “substantially in its entirety and contains conditions that do not materially alter, add to, or reject what is provided for”\(^1\) in the MOU. Based on this position, WRC believes the MOU should stand or fall on its own.\(^2\)

WRC neither supports nor opposes continued operation of the VY Station, nor does WRC advocate for the granting or denial of a CPG. Rather, WRC has raised multiple concerns that should be addressed by the Board to serve the general good of the State of Vermont and the orderly development of the region whether or not a CPG is granted.

Our concerns have been many, with most falling into three broad categories. First, WRC has sought to have responsibility for operations and decommissioning held jointly and severally by Entergy Nuclear Vermont Yankee, Entergy Nuclear Operations, and Entergy Corporation. Second, WRC has sought to ensure the Decommissioning Trust Fund will be adequately funded to cover all reasonable costs associated with prompt and complete decommissioning upon shutdown whenever that might occur.

\(^1\) Docket 7862, MOU Paragraph 1
\(^2\) January 2, 2014 Docket 7862 Status Conference Transcript Page 7:7: “Windham Regional Commission still feels that the MOU should be able to stand on its own. What we had suggested to the other parties was that the non-signatories to the MOU be allowed to file written briefs but that additional hearings and testimony was not necessary.”
Third, WRC has sought to clarify the extent of decommissioning and accuracy of the decommissioning budget, such that it will meet standards agreed to by Entergy VY at the time of the sale, and will promptly return the 148-acre industrial site to productive economic use without the use of SAFSTOR. WRC continues to advocate for the prompt movement of spent fuel from wet to dry storage as a means of addressing the related costs as an operational expense, rather than allowing those costs to be shifted onto the Decommissioning Trust Fund.3

Our interests and positions should be clear, as should the interests and positions of each of the other Parties. The Board is now well positioned to evaluate the MOU based on the extensive existing record. As such, WRC will not be serving discovery or participating in the upcoming technical hearings, although we reserve the right to file a concluding brief related to the MOU and Settlement Agreement, and the material covered in the technical hearings on January 30-31, 2014.

Thank you for your continuing focus on this docket. We would appreciate clarification if the Board feels our understanding of the purpose, scope, and intent of the technical hearings is inaccurate or incorrect.

Sincerely,

L. Christopher Campany, AICP
Executive Director

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3 The description of the three elements identified here has been drawn from the introduction to the docket 7862 WRC Reply Brief dated October 25, 2013
I, Chris Campany, hereby certify that on the 16th day of January 2014, a copy of the attached filing regarding Docket No. 7862 was sent via U.S. Mail, postage prepaid, to the following:

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