

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 8880

Joint Petition of NorthStar Decommissioning Holdings, LLC, NorthStar Nuclear Decommissioning Company, LLC, NorthStar Group Services, Inc., LVI Parent Corporation, NorthStar Group Holdings, LLC, Entergy Nuclear Vermont Investment Company, LLC and Entergy Nuclear Operations, Inc., and any other necessary affiliated entities to transfer ownership of Entergy Nuclear Vermont Yankee, LLC, and for certain ancillary approvals, pursuant to 30 V.S.A. §§ 107, 231, and 232

Order entered: 10/24/2018

**PROCEDURAL ORDER CONCERNING RULING BY
U.S. NUCLEAR REGULATORY COMMISSION AND RELATED PARTY FILINGS**

On July 6, 2018, the Vermont Public Utility Commission (“Commission”) issued an Order advising the parties of its determination to postpone a decision in this matter until after the ruling by the U.S. Nuclear Regulatory Commission (“NRC”) on the proposed license transfer. The Commission provided in that Order for the filing of notice of and a copy of the ruling and, if appropriate, supplemental prefiled testimony and a proposed schedule for further process.

On October 12, 2018, the Joint Petitioners¹ notified the Commission of an NRC order approving the Joint Petitioners’ license transfer application. The filing also included a copy of the NRC order, the amended facility operating license, and a safety evaluation report by NRC staff related to the license transfer.

On October 16, 2018, the Joint Petitioners submitted a copy of an exemption granted by the NRC related to use of decommissioning trust funds for spent fuel management activities.

On October 17, 2018, the Conservation Law Foundation (“CLF”) filed comments regarding further proceedings. CLF maintained that the Joint Petitioners should file

¹ The Joint Petitioners include NorthStar Decommissioning Holdings, LLC, NorthStar Nuclear Decommissioning Company, LLC, NorthStar Group Services, Inc., LVI Parent Corporation, NorthStar Group Holdings, LLC, Entergy Nuclear Vermont Investment Company, LLC and Entergy Nuclear Operations, Inc.

supplemental prefiled testimony related to the NRC ruling and that “[t]his supplemental filing should incorporate into the record in this proceeding the additional assurances included in the NRC decision.”²

On October 19, 2018, the Joint Petitioners filed supplemental testimony related to the NRC decision, which included the previously submitted NRC documents as exhibits. The Joint Petitioners also state that they consulted with other active parties in this case about the need for additional process following this filing of supplemental testimony. They report that:

- CLF “indicated that it was possible that [CLF] would conclude that no such process would be necessary, but that CLF could not make that determination before reviewing the prefiled testimony”;³
- the New England Coalition takes no position on whether additional process is necessary following the filing of the supplemental testimony;
- the other parties consulted by the Joint Petitioners, namely the Vermont Department of Public Service (“Department”), the Vermont Attorney General’s Office, the Vermont Agency of Natural Resources (“ANR”), Windham Regional Commission, the Town of Vernon, the Elnu Abenaki Tribe, and the Missisquoi Abenaki Tribe, agree that no additional process is necessary following the filing of the supplemental testimony.

On October 22, 2018, the Department on behalf of itself, the Attorney General’s Office, and ANR confirmed that they agree that additional process is unnecessary following the NRC orders. However, these parties would not object if the Commission determines that additional process would be helpful.

No other filings were made by any party to this case by the October 22 deadline⁴ for parties to submit proposals for scheduling additional process.

The Commission proposes to admit into this case’s evidentiary record on its own motion the following filings made by the Joint Petitioners after the completion of the evidentiary hearings:

² CLF comments at 2.

³ Letter, dated October 19, 2018, from Sanford I. Weisburst to the Clerk of the Commission at 2.

⁴ Order of July 6, 2018, at 4-5.

- supplemental testimony of Scott State filed on May 23, June 21, July 3, and October 19, 2018, and all exhibits filed with such testimony (exhibits JP-SES-19 through JP-SES-27); and
- supplemental testimony of Michael Twomey filed on June 21, 2018.

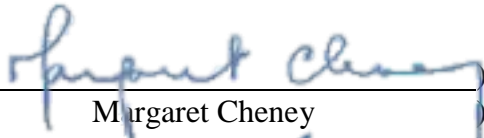
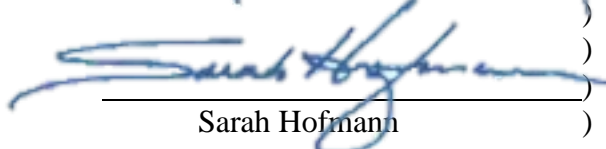
Any objection to the admission of any of these documents shall be filed with the Commission by October 29, 2018. Based on the filings of the parties and its own requirements, the Commission does not anticipate any further process or proceedings in this matter prior to the issuance of its decision except as it relates to any objections to the proposed admission of additional evidence.

As the Commission stated in its July 6 Order, it will seek to issue a decision resolving this case in a timely manner but cannot commit to issue a decision in this matter by October 31, 2018 (as requested by the Joint Petitioners in their October 12 and 19 filings) or within 30 days of notification of the NRC ruling⁵ (as requested by the Joint Petitioners in their reply brief of June 25, 2018).

SO ORDERED.

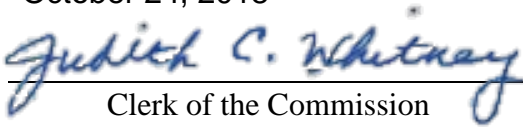
⁵ See Order of July 6, 2018, at 4.

Dated at Montpelier, Vermont, this 24th day of October, 2018.

)	
_____ Margaret Cheney)	PUBLIC UTILITY
)	
_____ Sarah Hofmann)	COMMISSION OF VERMONT

OFFICE OF THE CLERK

Filed: October 24, 2018

Attest: 

Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 8880 - SERVICE LIST

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