STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket 7440

Petition of Entergy Nuclear Vermont Yankee, LLC,	)
and Entergy Nuclear Operations, Inc., for an	)
amendment of their certificates of public good and	)
other approvals required under 10 V.S.A. §§ 6501-	)
6504 and 30 V.S.A. §§ 231(a), 248 and 254, for	)
authority to continue after March 21, 2012,	)
operation of the Vermont Yankee Nuclear Power	)
Station, including the storage of spent-nuclear fuel.	)

PREFILED TESTIMONY OF THOMAS BUCHANAN ON BEHALF OF THE WINDHAM REGIONAL COMMISSION

January 22, 2008

Q1 Please state your name and place of residence.

A1 My name is Thomas Buchanan and I live in Londonderry, Vermont.

Q2 Have you testified before the board in this or other proceedings?

A2 No, I have not.

Q3 Please state your professional role and background relative to this proceeding.

A3 I am one of two Windham Regional Commissioners representing the Town of Londonderry. I am a member of the Windham Regional Commission (WRC) Executive Board, and serve on the Project Review Committee which is responsible for review of all Act 250 and Section 248 applications on behalf of our 27 member towns. I also chair the WRC Energy Committee. As chair of that committee, I have the responsibility to guide and participate in the WRC's review of materials presented to us by Entergy, and to generally oversee the WRC's activities regarding public hearings and reports to the Board in this docket.

Q4 Please tell us about the relationship between the Project Review Committee and the Energy Committee?

A4 The Project Review Committee is generally responsible for reviewing all Act 250 and Section 248 applications on behalf of the Regional Commission. When the Entergy application was initially being developed the Project Review Committee

was already tasked with the review of several other major projects, and the WRC Executive Board asked that the Energy Committee take the lead on evaluating this application for a Certificate of Public Good. We began that review process in October of 2007 and maintain overall responsibility for this application. Several members of the Energy Committee also sit on the Project Review Committee and have brought their expertise in project review to this task.

Q5 Please tell us about the composition of the Energy Committee.

A5 The Energy Committee was formed in 2006 to focus on broad issues of energy planning within our region. When we took on the review of the Entergy application our Committee had 13 members. Several of those members support nuclear power generally, and several generally oppose it, but we have limited our discussion and review in this case to the specifics of the application. In May 2008 our committee took on two new commissioners, bringing membership to 15. I will note that our committee includes Paul Peterson, an Associate at Synapse Energy Economics which is contracted to provide information and assistance to the legislature in this issue, who is a Windham Regional Commissioner representing the Town of Putney. Additionally Peter Bradford, one of ten Citizen Interest Commissioners at the WRC and also a member of our Energy Committee, is a member of the Public Oversight Panel that reports to the legislature in this matter. Both were members of the WRC Energy Committee prior to assuming those roles.

Q6 Is the WRC supporting or opposing this petition?

A6 The WRC neither supports nor opposes this petition. Rather, our task has been to highlight specific questions and issues that we believe require scrutiny by the Board. In developing these areas of concern we have listened carefully to the general public through an extensive outreach program. We also have a responsibility to support public awareness and understanding of major public policy issues and to assist public participation in related policy decisions. We pursue those goals primarily via public meetings and hearings, and by participation as a party as we are in this docket.

Q7 Is the testimony you are giving today supported by the Windham Regional Commission?

A7 Yes. It has been reviewed and approved by the WRC Energy Committee and the WRC Executive Board.

Q8 What is the purpose of your testimony?

A8 My primary purpose is to enter into the record the WRC's memo to Entergy dated November 15, 2007, and formal letters to the Board and to Entergy dated January 18, 2008 and April 16, 2008 and related documents regarding the petition to extend operations at Vermont Yankee Nuclear Power Station after March 21, 2012. The two formal letters were submitted to the Board and the Petitioners under Board Rule 5.402(A).

Both letters were based on a great deal of discussion and interaction between the WRC and interested parties and significant public outreach. Background information relied on by the WRC includes:

1. A tour of Vermont Yankee on October 31, 2007 that was attended by members of the WRC Energy Committee, in anticipation of this petition;

2. Entergy's initial filing to the WRC, received on December 7, 2007;

3. A public meeting of the WRC Energy Committee with Entergy representatives on December 13, 2007;

4. A public hearing conducted by the WRC on January 7, 2008 attended by approximately 150 people and at which 43 people spoke, most of them opposing the petition;

5. A letter from Entergy dated January 28, 2008 that addressed some of the questions raised by the Energy Committee at the December 13, 2007 public meeting.

6. Entergy's petition to the Board, received on March 4, 2008;

7. A second public meeting of the WRC Energy Committee with Entergy representatives on March 20, 2008;

8. A public meeting of the WRC Energy Committee with Vermont State Nuclear Engineer Uldis Vanags on March 24, 2008;

9. A second Public hearing on March 27, 2008 attended by over 100 people and at which 60 people spoke, most of them supporting the petition;

10. Public comments received by WRC in writing and via email; and

11. A jointly sponsored public meeting with the Department of Public Service on March 31, 2008 to hear from Entergy corporate representatives about the proposed restructuring (Docket 7404).

Q9 What are your concerns regarding this petition?

A9 The WRC identified several issues that required additional review and made those public in our memo dated November 15, 2007, and our letter dated January 18, 2008. The WRC made specific recommendations under several broad categories in its April 16, 2008 letter to the Board, which is attached as exhibit WRC-TB-3. The principal recommendations are to:

1. Require a new Decommissioning Cost Analysis, one that is based on reliable cost estimates and not driven by fund balance projections;

2. Require the petitioner to commit to some minimal rate guarantees to benefit Vermont ratepayers, which could be based on the cost of generation, not market rates for power generated in some other way.

3. Require that the remediation plan that underlies the Decommissioning Cost Analysis be revised to reflect a "greenfield" approach, leaving behind a site that is ready for new use, instead of the proposed action, which would effectively leave behind a "brownfield" for others to fully remediate in the future;

4. Require that the Spent Fuel Management Plan be updated to include reduced density in the spent fuel pool and the addition of a long term ISFSI; and

5. Require maintenance of full core offload capability at all times during the plant's operating life.

Q10 Has any of this material been filed with the Public Service Board prior to today?

A10 Yes. As noted earlier, the two formal letters were submitted to the Board and the Petitioners under Board Rule 5.402(A). Transcripts of the two public hearings, and all comments received by the WRC from the public have also submitted to The Board prior to today. However, when this material was initially provided to The Board a docket had not yet been established. We made a commitment to the participating members of the public that we would officially file all comments received so that the Board would be made formally aware of public opinion. We also stated we would provide our conclusions and recommendations to the Board and parties so they also would be included in the official docket.

Q11 Are there any changes to the letters you have filed today that you would like to bring to the attention of The Board?

A11 There are three corrections I would like to make to the letter dated April 16, 2008. On page four we note that Entergy first met with our committee on December 7. In fact, we received their prefiled material on December 7, but our committee first formally met with Entergy on December 13, 2007. Many WRC Commissioners also participated in a tour of the plant on October 31, 2007, and that tour included several members of the Energy Committee. Second, on page ten there is a paraphrase of Title 32, Chapter 213, §8661 that was inadvertently enclosed in quotation marks. The text should not have been included in quotation. The actual statute reads:

> (b) If an entity subject to this tax generates no electricity during the tax year due to termination or expiration of a necessary license, or due to permanent cessation of operations, no tax shall be due for that year.

This same language is included in Title 32, Chapter 135, §5402a(b). Third, on page 16 we note a discussion with Entergy that occurred at our meeting of December 13, but misidentified the year. That meeting occurred on December 13, 2007.

Q11Does this conclude your testimony?

A11 Yes, it does.