

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6812

Petition of Entergy Nuclear Vermont Yankee, LLC and )  
Entergy Nuclear Operations, Inc., for a certificate of )  
public good to modify certain generation facilities at the )  
Vermont Yankee Nuclear Power Station in order to )  
increase the Station's generation output )

Order entered: 3/15/2004

**CERTIFICATE OF PUBLIC GOOD**  
**ISSUED PURSUANT TO 30 V.S.A. § 248**

IT IS HEREBY CERTIFIED that the Public Service Board ("Board") of the State of Vermont on this date finds and adjudges that the issuance of a Certificate of Public Good ("Certificate") to Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., to make certain modifications to the Vermont Yankee Nuclear Power Station ("Vermont Yankee") will promote the general good of the State of Vermont. This Certificate is subject to the following conditions:

1. Entergy may, at its own financial risk, commence site preparation and construction of the modifications to Vermont Yankee upon issuance of this Order and the Certificate of Public Good. Prior to increasing power output at Vermont Yankee, Entergy shall meet the following conditions:
  - a. The Public Service Board will request that the federal Nuclear Regulatory Commission ("NRC) conduct an independent engineering assessment of Vermont Yankee (that request is set out in Appendix D to this Order). The Board will retain jurisdiction to modify this Certificate of Public Good based upon the result of the NRC's assessment.
  - b. Entergy shall provide assurances that Vermont utilities and ratepayers will be held harmless from incremental replacement power costs arising from the uprate if Entergy must reduce power or shutdown because of lack of spent fuel storage caused by the uprate. Entergy shall file such assurances within 30 days of the issuance of this Certificate of Public Good.

c. Entergy shall provide assurances that Vermont utilities and ratepayers will be held harmless from incremental replacement power costs if Entergy must reduce power or shutdown in order to comply with state and federal limits on fenceline radiation doses. Entergy shall file such assurances within 30 days of the issuance of this Certificate of Public Good.

d. Entergy and the Department shall amend the Memorandum of Understanding to prohibit Entergy from engaging in below-market-price sales of power from Vermont Yankee to Entergy affiliates as a means of avoiding or reducing the payments to the state of Vermont under the Memorandum of Understanding. Entergy and the Department shall file the amendment within 30 days of the issuance of this Certificate of Public Good.

e. Entergy must install the 200-hp fans that it originally proposed in the cooling towers instead of the 125-hp fans in the modified proposal.

2. Entergy shall perform all of the transmission upgrades requested by the Independent System Operator New England ("ISO New England") in its letter dated October 8, 2003 (exh. EN-JKT-13). Entergy shall perform the transmission upgrades by such time as the ISO New England specifies (including any changes that the ISO New England subsequently makes to the deadlines). If the ISO New England changes its deadlines for performing the system upgrades, Entergy shall inform the Board within 15 days of the change.

3. Consistent with Entergy's current operating practices, in the event of a waste-heat cooling system malfunction, Entergy shall reduce power at a rate of at least 10 percent per minute until the cooling water discharge returns to and remains within the temperature limits in the National Pollutant Discharge Elimination System permit.

4. Within 60 days of this Order, Entergy shall fully restore all areas of the site disrupted by Entergy's site preparation for the temporary buildings that occurred without prior Board approval. Entergy shall inform the Board when the site restoration is complete.

5. Entergy shall notify the Board if it no longer has access to a low-level nuclear waste disposal facility or if the facility is no longer expected to have sufficient capacity for the waste.

Dated at Montpelier, Vermont, this 15<sup>th</sup> day of March, 2004.

<u>s/Michael H. Dworkin</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: March 15, 2004

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*