

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7208

Petition of Entergy Nuclear Vermont Yankee, LLC, and)
Entergy Nuclear Operations, Inc., for a certificate of)
public good, pursuant to 30 V.S.A. Section 248(j),)
authorizing the continued use of a modular office)
building located on the site of the Vermont Yankee)
Nuclear Power Station in Vernon, Vermont)

Order entered: 12/8/2006

I. INTRODUCTION AND PROCEDURAL HISTORY

This case involves a petition filed by Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., (jointly "Entergy") on June 26, 2006, requesting that the Vermont Public Service Board ("Board") issue, pursuant to 30 V.S.A. § 248(j), a certificate of public good ("CPG") authorizing the continued use of a modular office building located on the site of the Vermont Yankee Nuclear Power Station (the "Station") in Vernon, Vermont. Entergy filed prefiled testimony, proposed findings, and a proposed order and CPG with its petition pursuant to the requirements of 30 V.S.A. § 248(j)(2).

On July 13, 2006, the Board issued a memorandum requesting additional information from Entergy by July 28, 2006, and any comments on Entergy's filing by August 10, 2006. On July 28, 2006, Entergy filed the requested information. No comments on Entergy's July 28 filing were received.

Notice of Entergy's petition was issued on August 28, 2006, to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested parties. The notice stated that persons wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 must file their comments with the Board on or before September 27, 2006. A similar notice of the filing was published in the *Brattleboro Reformer* on August 30 and September 6, 2006.

The only comments on Entergy's petition were received from the Vermont Department of Public Service ("Department"). On September 25, 2006, the Department filed a letter stating that "the CPG should be granted without further investigation or hearing."

On November 9, 2006, the Board issued a request for additional information relating to 30 V.S.A. § 248(b)(4). On November 21, 2006, Entergy filed the Supplemental Prefiled Testimony of David K. McElwee, which provided the information requested by the Board. On December 1, 2006, the Department filed a letter stating that "[t]he Department has reviewed the additional testimony provided by Entergy and has concluded that the CPG should be granted without further investigation or hearing."

On November 29, 2006, the Department filed a letter stating that the Department would not be making a determination as to whether the continued use of a modular office building at the Station was consistent with the Vermont Electric Plan.

The Board has reviewed the petition and accompanying documents and has concluded that, pursuant to 30 V.S.A. § 248(j), a CPG should be issued without the notice and hearings otherwise required by 30 V.S.A. § 248.

II. FINDINGS OF FACT

DESCRIPTION OF EXISTING CONDITIONS AND THE PROPOSED PROJECT

1. Entergy owns and operates the Station, which is an electric-generation facility in Vernon, Vermont. McElwee pf. at 1.
2. The modular office building, which is the subject of this Docket, was constructed pursuant to the Board's Order, dated March 15, 2004, in Docket No. 6812 to provide the uprate team with dedicated, on-site office space, and to avoid daily interruptions of other then-ongoing projects. The modular office building was approved on a temporary basis for use during the uprate project. McElwee pf. at 2; exhs. DKM-2 and DKM-3; letter dated July 27, 2006, from Craig T. Miskovitch and Peter D. Van Oot, Downs Rachlin Martin, PLLC, on behalf of Entergy, to Susan M. Hudson, Clerk of the Board.
3. Entergy's use of the modular office building as dedicated space for the uprate team is diminishing, and Entergy has a current need for additional space which will alleviate office space

constraints in the Station's existing administrative buildings. Over the course of the last several years, available office space at the Station has decreased as individuals holding positions that were formerly off-site or housed in the Brattleboro office building have been relocated on-site. During the uprate project's implementation, a number of individuals holding permanent engineering and staff positions on-site were reassigned to the uprate project and relocated to the modular office building. Now that the uprate project has been implemented and the final administrative tasks are nearly completed, these individuals are returning to their previous positions. However, due to office space constraints, their former office locations were reallocated to others during the uprate project. The modular office building will provide the needed office space to house these displaced individuals without additional expense to Entergy. McElwee supp. pf. at 1-2. (Entergy's request to authorize the continued use of the modular office building for general operational purposes is hereinafter referred to as the "Project.")

4. Entergy's alternatives to the Project would be to move the positions to the Brattleboro office or to seek approval for the expansion of an existing office facility at the Station. Relocation to the Brattleboro office, which is approximately 12 miles from the Station, would require commuting back and forth to the Station for meetings and normal daily work activities. The operation of the Station is better served by leaving the positions on-site in an existing building that is functional. McElwee supp. pf. at 1-2.

5. No additional employees will be employed at the Station as a result of the Project. McElwee pf. at 2.

6. No additional physical changes to the site will be required for the Project, and no additional lighting will be required for the Project. McElwee pf. at 2-3.

Discussion

Entergy's witnesses state that "[n]o additional physical changes to the site are necessary to continue the use of the modular office building for general operational purposes." In today's Order, we draw a distinction between changes to what currently physically exists at the site, and changes to what has been previously approved to exist at the site (i.e., the building was approved on a temporary basis and, in the absence of an approval in this Docket, the building would be

removed). This distinction is discussed in greater detail in the section regarding aesthetics [10 V.S.A. §§ 1424a(d)(7) through (11) and § 6086(a)(8)].

REVIEW OF THE PROJECT UNDER THE SECTION 248 CRITERIA

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

7. The Project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of the affected municipality. This finding is supported by Findings 8 through 19, below.

8. By letter dated June 5, 2006, Entergy provided the Town of Vernon Planning Commission with plans for the construction of the Project as required by subsection 248(f) and reviewed the Project with the Vernon Planning Commission. McElwee pf. at 3.

9. By letter dated June 12, 2006, the Vernon Planning Commission stated that it had agreed to waive the 45-day notice pursuant to § 248(f) and had determined that the Project would not unduly interfere with the orderly development of the region or overburden municipal and governmental services in the Town of Vernon. Exh. DKM-4.

10. By letter dated June 5, 2006, Entergy provided the Town of Vernon Selectboard with plans for the Project. McElwee pf. at 3.

11. At its meeting held on June 5, 2006, the Vernon Selectboard reviewed the Project and found that it would not unduly interfere with the orderly development of the region and would not overburden municipal and governmental services in the Town of Vernon. Exh. DM-5.

12. The Vernon Town Plan, which was adopted on November 3, 2003, was intended to be a policy document that provides guidelines to ensure that decisions made at the local, regional and state levels are in concert with the values and goals expressed in the plan. McElwee pf. at 4; exh. DKM-6 at 2.

13. The Vernon Town Plan specifically cites the Station's contribution to Vernon's tax base and its provision of varied employment opportunities as being largely responsible for Vernon's rural independence and self-sufficiency. Exh. DKM-6 at 17.

14. The Vernon Town Plan states the town's policy to encourage land uses that help to protect river corridors, scenic highways and roads, scenic views and other scenic resources. The Project will not adversely affect river corridors, scenic highways and roads, scenic views or other scenic resources because the Project will not require any additional physical changes to the site. McElwee pf. at 4-5; exh. DKM-6 at 33.

15. On June 5, 2006, Entergy provided the Windham Regional Commission ("WRC") with plans for the Project as required by Section 248(f). McElwee pf. at 5.

16. By letter dated June 7, 2006, Mr. James P. Matteau, Executive Director of the WRC, responded that "the [P]roject will not have an adverse aesthetic effect of any kind and will not unduly interfere with the orderly development of the region in any way." The WRC further waived the 45-day, pre-application review allowed under subsection 248(f). Exh. DKM-7.

17. The purpose of the Windham Regional Plan, which was adopted in December 2001, is to provide guidance for change in the Windham region. The Windham Regional Plan is to be used by the WRC, town planning commissions, selectboards, state agencies, landowners and citizens to provide guidance for local planning and development initiatives; guide basic decisions for planning programs at the WRC; serve as a basis for evaluation and review of developments and subdivisions proposed under Act 250; and assist in determining compatibility of agency plans affecting land use with regional and local planning and development priorities. Exh. DKM-8 at 2-3.

18. The Windham Regional Plan acknowledges the significant role the Station plays in providing, at the time the Windham Regional Plan was drafted, approximately 33% of Vermont's annual electrical requirements, and 38% and 36% of the electricity supplied to Vermont customers by Central Vermont Public Service Corporation ("CVPS") and Green Mountain Power Corporation ("GMP"), respectively. Exh. DKM-8 at 65.

19. The Windham Regional Plan references the *Vermont Yankee Economic Study*, 1999, prepared by the Department, which found that in the mix of power supplies for CVPS and GMP, Vermont Yankee is the lowest-cost, long-term supply. Exh. DKM-8 at 65.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

20. The Project is required to meet the need for present and future demand for service which could not otherwise have been provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by Findings 21 and 22, below.

21. Because the Project is a request to not remove an existing building that was approved on a temporary basis, the Project would avoid the costs associated with removing the temporary office space. However, the Project would involve the ongoing costs associated with the continued use of the building, such as, but not limited to, lighting and heating the office space. McElwee pf. at 3, 7; Goodell pf. at 7.

22. Although the Project is located at, and is one small part of, an electric generation facility, the office space itself is not a generation resource, and, therefore, could not otherwise have been provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. McElwee pf. at 7.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

23. The Project will not adversely affect system stability and reliability. This finding is supported by the following finding.

24. By satisfying a current need for additional space for general operational purposes, the Project will enhance the operation of the Station. McElwee pf. at 7.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

25. The Project will result in an economic benefit to the state and its residents. This finding is supported by Findings 26 through 29.

26. The Vernon Town Plan specifically cites the Station's contribution to Vernon's tax base and its provision of varied employment opportunities as being largely responsible for Vernon's rural independence and self-sufficiency. Exh. DKM-6 at 17.

27. The Project costs, if any, would be entirely borne by Entergy and in no way passed on to the ratepayers or taxpayers of Vermont. The cost to utilize the modular office building on-site would be much less than the cost to remove the building. McElwee supp. pf. at 3.

28. By satisfying a current need for additional space for general operational purposes, the Project will enhance the operation of the Station through increased administrative efficiency. McElwee pf. at 7; McElwee supp. pf. at 3.

29. Measures that enhance the administrative efficiency of the Station help to ensure that the Station's low-cost, long-term supply of power to Vermont will continue. Recognizing these benefits of administrative efficiency, the Project will have an economic benefit to the state and its residents. McElwee supp. pf. at 3.

Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

30. The Project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. § 1424a(d) and §§ 6086(a)(1) through (8) and (9)(K). This finding is supported by Findings 31 through 73, below.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

31. The Project will not have an undue adverse effect on the public health and safety. This finding is supported by the following finding.

32. The Chief of the Vernon Police Department and the Chief of the Vernon Volunteer Fire Department reviewed the Project plans. The Vernon Police Department determined that the Project would not have an unnecessary or adverse effect on the public health and safety of the residents of Vernon, and the Vernon Volunteer Fire Department determined that the Project

would not have an undue adverse effect on the public health and safety. McElwee pf. at 8; exhs. DKM-9 and DKM-10.

Air Pollution

[10 V.S.A. § 6086(a)(1)]

33. The Project will not result in undue air pollution. This finding is supported by the following finding.

34. The Project will not cause air-pollution levels that create a threat to the public health or a nuisance for nearby neighbors because no additional physical changes to the site are necessary to continue the use of the modular office building for general operational purposes. The Project does not include any additional sources of air emissions. Goodell pf. at 3.

Headwaters and Water Quality

[10 V.S.A. §§ 1424a(d)(1)&(2) and § 6086(a)(1)(A)]

35. The Project will meet any applicable Health and Environmental Conservation Department regulation regarding reduction of the quality of the ground or surface waters flowing through or upon lands which are not devoted to intensive development. This finding is supported by the following finding.

36. The Project is not located in a headwaters area, and is not located in a significant aquifer-recharge area. Goodell pf. at 3.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

37. The Project will meet any applicable Health and Environmental Conservation Department regulations regarding the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. This finding is supported by Findings 38 through 41, below.

38. The Project will continue to use the existing waste disposal system as approved in the uprate project; the existing on-site septic systems, which were sufficient to accommodate the increase in workers during the uprate project, will be able to accommodate the continued use of the modular office building for general operational purposes. Goodell pf. at 4; exhs. JG-3 and JG-4.

39. The Project will not generate industrial/manufacturing wastewater, chemicals, pesticides, batteries, radiation, hazardous wastes or any other harmful or toxic substances. Goodell pf. at 4.

40. The Project will not involve the injection of waste materials or any harmful or toxic substances into groundwater or wells. Goodell pf. at 4.

41. No soil or subsurface materials will be extracted as part of the Project. Goodell pf. at 4.

Water Conservation & Supply

[10 V.S.A. §§ 6086(a)(1)(C) and 6086(a)(2)&(3)]

42. The Project will continue to use the existing potable water and domestic wastewater disposal system as approved in the uprate project. The Project is connected to the water and wastewater systems for the Plant Support Building. A Water Supply/Wastewater Disposal Permit (WW-2-1035-1) was issued for this connection by the Vermont Department of Environmental Conservation on February 3, 2003, in connection with the uprate project and amended by Water Supply/Wastewater Disposal Permit (WW-2-1035-3). Goodell pf. at 4, 6-7; exhs. JG-3 and JG-4.

43. Potable water demand after the continuation of the use of the modular office building is not expected to increase, heating demand is expected to be the same, and the existing wells have enough capacity to serve the needs of the workers who will be on-site. Goodell pf. at 7.

Floodways, Streams, and Shorelines

[10 V.S.A. §§ 1424a(d)(3)&(12) and §§ 6086(a)(1)(D)(E) &(F)]

44. The Project site is outside of the 100-year floodway and outside of the floodway fringe. Goodell pf. at 5; exh. JG-5.

45. There are no streams in the Project area, and the closest river shoreline is that of the Connecticut River. At its closest point, the Project would be located more than 900 feet from the Connecticut River's bank. Goodell pf. at 5.

46. No construction will occur as a part of this Project. The Project will have no impact on the natural condition of the Connecticut River, its shoreline, vegetation or stability. Goodell pf. at 5.

47. The modular office building is minimally visible, if at all, from the Connecticut River because it is largely screened from view by the existing vegetation along the riverbank and by existing Station buildings and structures. Goodell pf. at 6; exh. DKM-2.

48. The visual character of the Project site will be in keeping with the industrial nature and existing lighting of the Station. Goodell pf. at 6.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

49. Based on a review of the National Wetlands Inventory Mapping, there are no significant wetlands in the area of the Project. Goodell pf. at 6; exh. JG-6.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

50. The Project will not result in unreasonable soil erosion or reduce the ability of the land to hold water so that a dangerous or unhealthy condition may result. Goodell pf. at 7.

51. Because the area disturbed was less than five acres, the modular office building constructed in connection with the uprate project did not require a Construction General Permit (General Permit 3-9001 For Stormwater Runoff From Construction Sites). Goodell pf. at 7.

52. Similarly, due to the small amount of impervious area added (less than 5,000 square feet), the Project did not require a Stormwater General Permit (General Permit 3-9015 For New Stormwater Discharges To Waters That Are Not Principally Impaired By Collected Stormwater Runoff). Goodell pf. at 7.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

53. The Project will not cause unreasonable congestion or unsafe conditions with respect to local highways, which are the only affected transportation facilities. This finding is supported by the following finding.

54. There will be no increase in the number of workers at the Station as a result of the Project; therefore, the Project's limited traffic will not cause unusual congestion or unsafe transportation conditions. Goodell pf. at 8.

Educational Services

[10 V.S.A. § 6086(a)(6)]

55. The Project will not cause an unreasonable burden on the ability of a municipality to provide educational services. Goodell pf. at 8.

56. The Project will not change employment at Vermont Yankee and therefore the number of children to be educated in the area. Goodell pf. at 8.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

57. The Project will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services. This finding is supported by Findings 58 through 61, below.

58. At its June 5, 2006, meeting, the Vernon Selectboard reviewed the Project plans and concluded that the Project would not interfere with the orderly development of the region and would not overburden municipal services; the Vernon Selectboard sent a letter to that effect on June 6, 2006. McElwee pf. at 3-4; Goodell pf. at 8; exh. DKM-5.

59. The Project will not cause an increase in the current municipal sewer or water-supply services. Goodell pf. at 9.

60. Entergy proposes no new public road construction for the Project. Goodell pf. at 9.

61. The Town of Vernon will not be required to provide any additional road maintenance services as a result of the Project. Goodell pf. at 9.

Scenic or Natural Beauty, Aesthetics, Historic Sites,**and Rare and Irreplaceable Natural Areas**

[10 V.S.A. §§ 1424a(d)(7) through (11) and § 6086(a)(8)]

62. The Project will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by Findings 63 through 65, below.

63. The Project will be located more than 900 feet away from the Connecticut River, and is minimally visible, if at all, from the Connecticut River because it is largely screened from view by the existing vegetation along the riverbank and by existing Station buildings and structures. Goodell pf. at 6; exh. DKM-2.

64. The Project would be screened from view from Governor Hunt Road by the existing vegetation and topography. Goodell pf. at 6; exh. DKM-3.

65. The visual character of the Project will be in context with the industrial nature and existing lighting of the Station, and, therefore, the Project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare irreplaceable natural areas. Goodell pf. at 6, 9.

Discussion

Based on the above findings, the Project will not have an undue adverse effect on the aesthetics or scenic and natural beauty of the area. In reaching this conclusion, we have relied on the Environmental Board's methodology for determination of "undue" adverse effects on aesthetics and scenic and natural beauty as outlined in the so-called Quechee Lakes decision.¹

As required by this decision, it is first appropriate to determine if the impact of a project will be adverse. A project will have an adverse impact on the aesthetics of the area if its design is out of context or not in harmony with the area in which it is located. If a project were found to have an adverse impact, it would then be necessary to determine whether such an impact would be "undue." Such a determination would be required if the project violated a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, if it would offend the sensibilities of the average person, or if generally available mitigating steps were not taken to improve the harmony of the project with its surroundings. The Board's assessment of whether a particular project will have an "undue" adverse effect based on these standards should be significantly informed by the overall societal benefits of the project.²

Given the facts of this case, we find that the Project will not have an adverse impact on aesthetics, and that no further analysis regarding aesthetic impacts under this criterion is necessary. This finding is based upon our conclusions that the office building would be screened from public view, and that the office building fits the context of its surroundings, which predominantly include a nuclear generation facility.

1. Quechee Lakes Corporation, Land Use Permit Application #3W0411-EB "Murphy Farm" and #3W0439-EB "Newton Inn," Findings of Fact, Conclusions of Law and Order, Dockets #254 and #255 (Nov. 4, 1985); and affirmed on reconsideration at Quechee Lakes Corporation, Land Use Permits #3W0411-EB "Murphy Farm" and #3W0439-EB "Newton Inn", Memorandum of Decision, Reconsider Motions, Dockets #254 and #255 (Jan. 13, 1986).

2. Docket 6884, Order of 4/21/04 at 20-21.

Entergy's witnesses state that "[n]o additional physical changes to the site are necessary to continue the use of the modular office building for general operational purposes." We do not accept this analysis when determining the degree of aesthetic impact because, although the building currently exists, it was approved on a temporary basis and, in the absence of an approval in this Docket, the building would be removed. Therefore, the relevant analysis under this criterion³ is the continued presence of the building versus the removal (or absence) of the building. We conclude that the continued presence of the building will not result in an adverse aesthetic impact.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. §§ 1424a(d)(4) through (6) and § 6086(a)(8)(A)]

66. The Project will not impact, destroy, or imperil necessary wildlife habitat or any endangered species. This finding is supported by the following finding.

67. There are no known occurrences of rare, threatened or endangered species in the Project area; critical wildlife habitat will not be adversely affected by the Project. Goodell pf. at 9.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

68. The Project will not unnecessarily or unreasonably endanger the public or quasi-public investments in any governmental or public-utility facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to, such facilities, services, or lands. This finding is supported by Findings 69 through 73, below.

69. The most significant public-utility facility is Entergy's electric-generating facilities and that public utility will be enhanced by the Project. Goodell pf. at 10.

70. The Project is located approximately 1700 feet away from New England Central Railroad mainline and will not affect that facility. Goodell pf. at 10.

3. Although not relevant to aesthetic impacts, the fact that the Project would not result in any physical changes from what currently exists (i.e., no new construction would be required), is relevant to other Section 248 criteria which relate to construction impacts (which were already addressed in Docket 6812).

71. The Project will have minimal affect, if any, on the Connecticut River as the Project will be located more than 900 feet away from the riverbank and will have limited, if any, scenic impact and no water-quality impact on the river. Goodell pf. at 10.

72. The Project is located approximately 2600 feet from the Vernon dam and will have no effect on the hydroelectric station located at the dam. Goodell pf. at 10.

73. The Project will have no permanent traffic impact on state or local highways. Goodell pf. at 10.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

74. As a wholesale utility that does not distribute electricity to the public, Entergy is not obligated to prepare and submit for approval an integrated-resource plan. McElwee pf. at 8.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

75. The Project is consistent with the Vermont Electric Plan. This finding is supported by Findings 76 and 77, below.

76. The 1994 and 2005 Vermont Electric Plans do not specifically mention the Project, but in general they treat the Station as a committed resource and encourage Vermont's utilities to minimize their cost of service. McElwee pf. at 8; *see generally*, the 2005 Vermont Electric Plan.⁴

77. The 2005 Vermont Electric Plan states that "[a] utility must, at a minimum, provide and carry out the planning necessary to continue providing adequate service at reasonable prices and meeting industry standards for reliability and quality of service." 2005 Vermont Electric Plan at 2-6.

Discussion

Because the Department chose not to issue a recommendation regarding the Project's consistency with the Vermont Electric Plan, the only evidence in this Docket relating to

4. We take official notice of the 2005 Vermont Electric Plan, pursuant to 3 V.S.A. § 810(4). The Vermont Electric Plan is within the proper scope of matters subject to official notice. *See* Docket 6860, Order of 8/9/04. If any party objects to the Board taking official notice of the 2005 Vermont Electric Plan, it may file a timely motion for reconsideration.

30 V.S.A. § 248(b)(7) was provided by Entergy. However, Entergy's testimony specifically addressed the 1994 Vermont Electric Plan, and did not address the current 2005 Vermont Electric Plan. In this case, we have reviewed the 2005 Vermont Electric Plan, and we have concluded that the Project is consistent with that plan for the same reasons as stated above in Findings 76 and 77.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

78. The Project will not be located on or anywhere near any segment of any outstanding resource waters, as defined by the Vermont Water Resources Board. Goodell pf. at 2; exh. JG-2.

Waste to Energy Facilities

[30 V.S.A. § 248(b)(9)]

79. The Project is not a waste-to-energy facility, and therefore this criteria is not applicable. McElwee pf. at 9.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

80. The Project can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers. McElwee pf. at 9. This finding is also supported by the following finding.

81. The Project does not include any proposal to change the generating capacity of the Station or the transmission infrastructure at the Station. McElwee pf. at 2-3, 9.

III. CONCLUSION

Based upon all of the above evidence, we conclude that the Project is of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed Project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the continued use of a modular office building located on the site of the Vermont Yankee Nuclear Power Station in Vernon, Vermont, in accordance with the evidence and plans presented in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248(j), and a certificate of public good shall be issued in the matter, subject to the following conditions:

1. Operation and maintenance of the project shall be in accordance with the plans and evidence submitted in this proceeding.
2. The Certificate of Public Good shall not be transferred without prior approval of the Board.

Dated at Montpelier, Vermont, this 8th day of December, 2006.

)	
s/James Volz)	PUBLIC SERVICE
)	
s/David C. Coen)	BOARD
)	
)	
s/John D. Burke)	OF VERMONT

OFFICE OF THE CLERK

FILED: December 8, 2006

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: psb.clerk@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.