

Exhibit A

Entergy Motion for Declaratory Ruling

Vt. Public Service Bd., Dkt. 7440 (March 13, 2012)

STATE OF VERMONT
PUBLIC SERVICE BOARD

Petition of Entergy Nuclear Vermont Yankee, LLC, and)
Entergy Nuclear Operations, Inc., for amendment of)
their Certificates of Public Good and other approvals)
required under 10 V.S.A. §§ 6501-6504 and 30 V.S.A.) Docket No. 7440
§§ 231(a), 248 & 254, for authority to continue after)
March 21, 2012, operation of the Vermont Yankee)
Nuclear Power Station, including the storage of)
spent-nuclear fuel)

MOTION FOR DECLARATORY RULING CONCERNING 3 V.S.A. § 814(b) AND
CHAPTER 157 OF TITLE 10 OF THE VERMONT STATUTES ANNOTATED

Pursuant to Rule 2.403 of the Board's Rules of Practice, Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (together "Entergy VY") respectfully request that the Board issue an order declaring that:

(1) Pursuant to 3 V.S.A. § 814(b), the Vermont Yankee Nuclear Power Station ("Vermont Yankee") may continue operating, and storing spent nuclear fuel derived from such operation, while its petition for a new or amended certificate of public good remains pending.

(2) 10 V.S.A. § 6522(c)(2) does not require that the General Assembly approve the storage of spent nuclear fuel derived from post-March 21, 2012 operation of Vermont Yankee.

(3) 10 V.S.A. § 6501 does not apply because petitioners do not presently propose to construct or establish a new facility for the storage of spent nuclear fuel at the Vermont Yankee site.

MEMORANDUM

The Board's Memorandum, dated February 22, 2012, asked questions about operation of Vermont Yankee after March 21, 2012. Several of the questions concern the effect of 3 V.S.A. § 814(b) and of certain provisions of Chapter 157 of Title 10, Vermont Statutes Annotated ("Chapter 157"), that relate to operation of Vermont Yankee, and to the storage of spent nuclear fuel derived from such operation, after March 21, 2012. By its memorandum filed on March 7, 2012, Entergy VY addressed its authority to operate Vermont Yankee, and store spent nuclear fuel derived from such operation, under 3 V.S.A. § 814(b) in response to Question 3(d) and Questions 4(a)-(d) of the Board's memorandum, which responses are attached hereto and incorporated by this reference.

Entergy VY now files this motion for purposes of obtaining a declaration by the Board that it concurs with the position taken by the Department of Public Service and the Attorney General that, under 3 V.S.A. § 814(b), Vermont Yankee may continue operation and storage of spent nuclear fuel derived from operation after March 21, 2012, under the terms of its current CPG pending the Board's resolution of its petition for a renewed or amended CPG. In a filing made in response to Entergy VY's Rule 60(b) motion for an injunction pending appeal in *Entergy Nuclear Vermont Yankee, LLC, Entergy Nuclear Operations, Inc. v. Shumlin et al.*, No. 1:11-cv-99 (D. Vt. Jan 19, 2012), the Attorney General informed the Court that the "Department of Public Service and the Attorney General both take the position that, given the Court's decision, § 814(b) applies and Entergy may continue to operate under the terms of its current CPGs while its CPG petition remains pending at the Board." Defendants' Opposition to Plaintiffs' Motions for Relief From Judgment Under Rule 60(b), for Injunction Pending Appeal,

and for an ‘Indicative Ruling’ on Their Rule 60(b) Motion at 11 [hereafter referenced as “Defendants’ Opposition”]. The Defendants’ Opposition did not make a statement about individual Board members, as named Defendants in their official capacity in the District Court proceeding, except to state that “[n]o defendant has taken the position that Entergy VY’s current CPGs expire and Vermont Yankee must close after March 21, 2012 while its petition for a new or renewed CPG remains pending at the Public Service Board.” *Id.* at 15.

During the status conference held on March 9, 2012, however, Chairman Volz stated that the Attorney General was not speaking on behalf of the Board. *See* Draft Tr. 3/9/2012 at 63 (“[A]n agreement by the Department and the Attorney General’s Department... doesn’t confer jurisdiction on us or authority on us that we could then grant to you. So, you know, we still have to sort this out on our own, which is what we’re planning to do.”). This motion asks the Board to align itself with the position taken by the Attorney General and the Department of Public Service.

In addition, Entergy VY addressed in its March 7th memorandum the requirements of Chapter 157 for storage of spent nuclear fuel in response to Questions 1(a), 3(d) and 4(a)-(d), which responses are also attached hereto and incorporated by reference. This motion is filed to obtain a declaratory order, pursuant to the analysis therein, that 10 V.S.A. § 6522(c)(2) and § 6501 do not bar the storage of spent nuclear fuel at Vermont Yankee derived from operation after March 21, 2012.

At the outset of the status conference held on March 9, 2012, the Board informed the parties that they would have an additional opportunity to reply to other parties’ filings made on or before March 7, 2012, as well as to respond to the specific questions asked by the Board

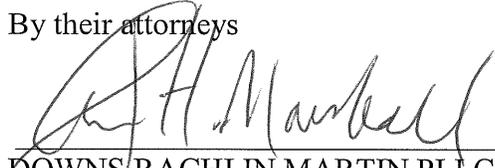
during the status conference on March 16, 2012, and the Board stated that the parties will have an opportunity to reply to the March 16th filings on March 20, 2012. Entergy VY reserves the right to brief further the Board's questions as they relate to 3 V.S.A. § 814(b) and Chapter 157 in filings it intends to make on these dates.

St. Johnsbury, Vermont. March 13, 2012.

Respectfully submitted,

ENTERGY NUCLEAR VERMONT
YANKEE, LLC, AND ENTERGY
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