

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

ENTERGY NUCLEAR VERMONT
YANKEE, LLC and ENTERGY NUCLEAR
OPERATIONS, INC.,

Plaintiffs

v.

Civil Action No. 11-cv-99

PETER SHUMLIN, in his official capacity as
GOVERNOR OF THE STATE OF
VERMONT; WILLIAM SORRELL, in his
official capacity as the ATTORNEY
GENERAL OF THE STATE OF VERMONT,
and JAMES VOLZ, JOHN BURKE, and
DAVID COEN, in their official capacities as
members of THE VERMONT PUBLIC
SERVICE BOARD,

Declaration of Timothy A. Ngau In Support
Of Plaintiffs' Motion For Preliminary
Injunction

Defendants

Timothy A. Ngau declares as follows pursuant to 28 U.S.C. § 1746:

1. My name is Timothy A. Ngau. I am Associate General Counsel – Nuclear Northeast for Entergy Services, Inc, an affiliate of Plaintiffs Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. My business address is 1340 Echelon Parkway, Jackson, Mississippi, 39213

2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of Bob Kinzel's report for Vermont Public Radio News, dated March 31, 2011, entitled "Yankee Owner Tries New Strategy To Win Over Vermonters."

3. Attached hereto as Exhibit 2 is a true and correct copy of a Press Release from the Nuclear Regulatory Commission, dated March 10, 2011, entitled “NRC Will Renew Vermont Yankee Operating License For An Additional 20 Years.”

4. Attached hereto as Exhibit 3 is a true and correct copy of the Memorandum of Understanding between ENVY, Vermont Yankee Nuclear Power Corp., Central Vermont Public Service Corp., Green Mountain Power Corp., and the Vermont Department of Public Service, dated March 4, 2002.

5. Attached hereto as Exhibit 4 is a true and correct copy of an Order of the Vermont Public Service Board in Docket No. 7082, entered April 26, 2006.

6. Attached hereto as Exhibit 5 is a true and correct copy of an article by Louis Porter published in the RUTLAND HERALD & TIMES ARGUS, dated April 28, 2006, entitled “House to Streamline Vermont Yankee Process.”

7. Attached hereto as Exhibit 6 is a true and correct copy of the article entitled “Douglas Signs Bill Giving Lawmakers Say in Nuke’s Future,” published in the RUTLAND HERALD & TIMES ARGUS, dated May 21, 2006.

8. Attached hereto as Exhibit 7 is a true and correct copy of the article entitled “Vt. Yankee Gets Federal License Renewal,” published in the TIMES ARGUS (Montpelier-Barre, Vt.), dated March 11, 2011.

9. Attached hereto as Exhibit 8 is a true and correct copy of an article by Stephanie Kraft published in the VALLEY ADVOCATE (Northampton, Mass.), dated January 22, 2009, entitled “Vermont, ENVY Square Off.”

10. Attached hereto as Exhibit 9 is a true and correct copy of a letter from state Senator Peter Shumlin and state Representative Shapleigh Smith to Jay Thayer, ENVY, dated February 9, 2009.

11. Attached hereto as Exhibit 10 is a true and correct copy of a letter from Senator Patrick Leahy, Senator Bernard Sanders, and Representative Peter Welch, members of Vermont's congressional delegation, to Gregory B. Jaczko, Chairman of the Nuclear Regulatory Commission, dated February 28, 2011.

12. Attached hereto as Exhibit 11 is a true and correct copy of a transcript of Sharif Abdel Kouddous's interview with Governor Peter Shumlin for DEMOCRACY NOW!, dated March 15, 2011, entitled "Vermont Gov. Fights to Close Vermont Yankee."

13. Attached hereto as Exhibit 12 is a true and correct copy of an article by Alan Wirzbicki published in the BOSTON GLOBE, dated March 23, 2011, and entitled "Vermont's Unique Nuclear Power Veto."

14. Attached hereto as Exhibit 13 is a true and correct copy of an article by Bob Audette published in the BRATTLEBORO REFORMER, dated November 14, 2008, entitled "Vt. Legislators Seek Radiation Rule Review."

15. Attached hereto as Exhibit 14 is a true and correct copy of an article published in the TIMES ARGUS (Montpelier-Barre, Vt.), on October 11, 2010, entitled "Yankee Becomes Big Issue in Governor's Race; Shumlin Addresses Leaks."

16. Attached hereto as Exhibit 15 is a true and correct copy of an article published in the TIMES ARGUS (Montpelier-Barre, Vt.), on March 10, 2005, entitled "PSB Asked to Hold Off on Yankee Ruling."

17. Attached hereto as Exhibit 16 is a true and correct copy of an article by Louis Porter published in the TIMES ARGUS (Montpelier-Barre, Vt.), dated June 4, 2005, entitled “Yankee ‘Dry Cask’ Bill Is Approved in Senate.”

18. Attached hereto as Exhibit 17 is a true and correct copy of an op-ed article by Representative Steve Darrow, D-Dummerston, and Representative Sarah Edwards, P-Brattleboro, published in the TIMES ARGUS (Montpelier-Barre, Vt.), dated May 28, 2006, entitled “Bill Sets Stage for Public Debate on Yankee.”

19. Attached hereto as Exhibit 18 is a true and correct copy of a letter from Governor James H. Douglas, Governor of the State of Vermont, to the Honorable Donald G. Milne, Clerk of the Vermont House of Representatives, dated May 22, 2009.

20. Attached hereto as Exhibit 19 is a true and correct copy of an Order of the Vermont Public Service Board regarding a Motion for Declaration of Board Jurisdiction, Docket No. 6270, dated September 18, 2001.

21. Attached hereto as Exhibit 20 is a true and correct copy of an Order of the Vermont Public Service Board approving the sale of Vermont Yankee to ENVY, Docket No. 6545, dated June 13, 2002.

22. Attached hereto as Exhibit 21 is a true and correct copy of an order of the Federal Energy Regulatory Commission in *Entergy Nuclear Vermont Yankee LLC*, Docket No. ER02-564-006, dated January 7, 2009.

23. Attached hereto as Exhibit 22 is a true and correct copy of an order of the Federal Energy Regulatory Commission in *Entergy Nuclear Generation Co.*, Docket No. ER99-1004-007, dated October 11, 2006.

24. Attached hereto as Exhibit 23 is a true and correct copy of an order of the Federal Energy Regulatory Commission in *Entergy Nuclear Vermont Yankee, LLC*, Docket No. ER02-564-000, dated February 5, 2002.

25. Attached hereto as Exhibit 24 is a true and correct copy of the Report of the Public Oversight Panel on the Comprehensive Reliability Assessment of the Vermont Yankee Nuclear Power Plant, dated March 17, 2009.

26. Attached hereto as Exhibit 25 is a true and correct copy of a Press Release, dated February 10, 2011, entitled “Business and Labor Leaders: Vermont Yankee Closure Will Jeopardize Jobs and State’s Economic Recovery.”

27. Attached hereto as Exhibit 26 is a true and correct copy of the transcript of a Vermont Public Radio News broadcast, dated August 12, 2010, entitled “Utilities Formally Sign Contract With Hydro-Quebec For Power.”

28. Attached hereto as Exhibit 27 is a true and correct copy of the transcript of a Vermont Public Radio News broadcast, dated January 27-28, 2011, entitled “Shumlin Tackles New Energy Plan, Without Yankee in the Mix.”

29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from Defendants’ and Defendant-Intervenors’ Proposed Findings Of Fact, submitted to the District Court of Vermont on June 15, 2007, in *Association of International Automobile Manufacturers. v. Crombie*, Docket No. 2:05-cv-00302.

30. Attached hereto as Exhibit 29 is a true and correct copy of the redacted version of the Supplemental Report To The Comprehensive Reliability Assessment Of The Vermont Yankee Nuclear Facility, prepared by Nuclear Safety Associates, dated April 30, 2010.

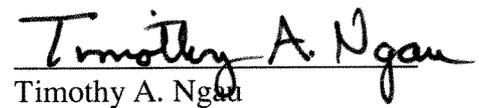
31. Attached hereto as Exhibit 30 is a true and correct copy of a letter from Darrell J. Roberts, Director, Division of Reactor Safety, to Michael Colomb, Site Vice President, Entergy Nuclear Operations, Inc., dated April 16, 2010.

32. Attached hereto as Exhibit 31 is a true and correct copy of the Prefiled Testimony of Richard Spiese, filed with the Vermont Public Service Board, Docket No. 7600, dated July 2, 2010.

33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts of the transcript of the Testimony of Uldis Vanags, Vermont State Nuclear Engineer, given before the Vermont Public Service Board, Docket No. 7600, dated January 13, 2011.

34. Attached hereto as Exhibit 33 is a true and correct copy of the redacted public version of a report by Nuclear Safety Associates, dated December 22, 2008, entitled "Reliability Assessment of the Vermont Yankee Nuclear Facility."

I declare under penalty of perjury that the foregoing is true and correct. Executed April 22, 2011.


Timothy A. Ngau