

January 27, 2000

Gerald R. Rainey
Chief Executive Officer
AmerGen Vermont, LLC
965 Chesterbrook Boulevard
Wayne, PA 19087

Ross P. Barkhurst
President and Chief Executive Officer
Vermont Yankee Nuclear Power
Corporation
185 Old Ferry Road
Brattleboro, VT 05301

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY
OPERATING LICENSE AND CONFORMING AMENDMENT, AND
OPPORTUNITY FOR A HEARING - VERMONT YANKEE NUCLEAR POWER
STATION (TAC NO. MA7875)

Dear Messrs. Rainey and Barkhurst:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing" related to the application dated January 6, 2000, filed by AmerGen Vermont, LLC (AmerGen Vermont) and Vermont Yankee Nuclear Power Corporation (VYNPC). The application (pursuant to 10 CFR 50.80) seeks approval of the transfer of Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station to AmerGen Vermont. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer described in the application.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Richard P. Croteau, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-271

Enclosure: Notice

cc w/encl: See next page

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185 Old Ferry Road
Brattleboro, VT 05301

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY OPERATING LICENSE AND CONFORMING AMENDMENT, AND OPPORTUNITY FOR A HEARING - VERMONT YANKEE NUCLEAR POWER STATION (TAC NO. MA7875)

Dear Messrs. Rainey and Barkhurst:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing" related to the application dated January 6, 2000, filed by AmerGen Vermont, LLC (AmerGen Vermont) and Vermont Yankee Nuclear Power Corporation (VYNPC). The application (pursuant to 10 CFR 50.80) seeks approval of the transfer of Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station to AmerGen Vermont. The application also seeks (pursuant to 10 CFR 50.90) the issuance of a conforming amendment to the license to reflect the transfer described in the application.

This notice is being forwarded to the Office of the Federal Register for publication.

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OFFICIAL RECORD COPY

UNITED STATES NUCLEAR REGULATORY COMMISSIONVERMONT YANKEE NUCLEAR POWER CORPORATIONVERMONT YANKEE NUCLEAR POWER STATIONDOCKET NO. 50-271NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITYOPERATING LICENSE AND CONFORMING AMENDMENT,AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station (Vermont Yankee). The transfer would be to AmerGen Vermont, LLC (AmerGen Vermont). The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer. Vermont Yankee is located in Vernon, Vermont.

According to an application for approval of the transfer and a conforming license amendment filed by AmerGen Vermont and Vermont Yankee Nuclear Power Corporation (VYNPC), the current license holder, AmerGen Vermont would assume title to the facility following approval of the proposed license transfer, and would be responsible for the operation, maintenance and eventual decommissioning of Vermont Yankee. In addition, substantially all of VYNPC's employees located at Vermont Yankee involved in operation and maintenance will assume similar roles and responsibilities for AmerGen Vermont at Vermont Yankee. No physical changes to the Vermont Yankee facility or operational changes are being proposed in the application.

AmerGen Vermont is a Vermont limited liability company established by AmerGen Energy Company, LLC (AmerGen) to own and operate Vermont Yankee. AmerGen Vermont is a wholly owned subsidiary of AmerGen. AmerGen is a Delaware limited liability company formed to acquire and operate nuclear power plants in the United States. AmerGen is owned by PECO Energy Company and British Energy, Inc.

The proposed license amendment would remove references to VYNPC in the license, add references to AmerGen Vermont, and make other administrative changes of a similar nature to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By February 23, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon counsel for VYNPC, John Ritscher, at One International Place, Boston, Massachusetts, 02110 (tel: 617-951-7000; fax: 617-951-7050; e-mail: jritsher@ropesgray.com), and counsel for AmerGen Vermont, Kevin P. Gallen, at Morgan, Lewis & Bockius LLP, 1800 M Street, NW., Washington, DC 20036-5869 (tel: 202-467-7462; fax: 202-467-7176; e-mail: kpgallen@mlb.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by March 3, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated January 6, 2000, submitted under cover of letter dated January 6, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC., and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site, <http://www.nrc.gov>.

Dated at Rockville, Maryland this 27th day of January 2000.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Richard P. Croteau, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Vermont Yankee Nuclear Power Station

cc:

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