

December 3, 2001

Mr. Ross P. Barkhurst  
President and Chief Executive Officer  
Vermont Yankee Nuclear Power Corporation  
185 Old Ferry Road  
P.O. Box 7002  
Brattleboro, VT 05302-7002

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. MB3154)

Dear Mr. 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 submitted under cover of a letter dated October 5, 2001, filed by the Vermont Yankee Nuclear Power Corporation (VYNPC), Entergy Nuclear Vermont Yankee, LLC (Entergy Nuclear VY), and Entergy Nuclear Operations, Inc. (ENO), as supplemented by letter dated November 7, 2001, by VYNPC and letter dated November 8, 2001, by Entergy Nuclear VY. In the application, the applicants seek, pursuant to 10 CFR 50.80, the approval of the transfer of Facility Operating License No. DPR-28 for Vermont Yankee Nuclear Power Station from VYNPC to Entergy Nuclear VY and ENO. Pursuant to 10 CFR 50.90, the applicants also seek the issuance of a conforming amendment to the license to reflect the transfer as described in the application.

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

Sincerely,

*/RA/*

Robert M. Pulsifer, 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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Office of Nuclear Reactor Regulation

Docket No. 50-271  
Enclosure: Notice  
cc w/encl: See next page  
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DATE	11/19/2001	11/19/2001 11/29/2001	11/27/2001	11/29/2001	

OFFICIAL RECORD COPY

Vermont Yankee Nuclear Power Station

cc:

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Mr. Michael H. Dworkin, Chairman  
Public Service Board  
State of Vermont  
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UNITED STATES NUCLEAR REGULATORY COMMISSION

VERMONT YANKEE NUCLEAR POWER CORPORATION

VERMONT YANKEE NUCLEAR POWER STATION

DOCKET NO. 50-271

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER  
OF FACILITY OPERATING 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 currently held by Vermont Yankee Nuclear Power Corporation (VYNPC), as owner and licensed operator of Vermont Yankee Nuclear Power Station (VYNPS). The transfer would be to Entergy Nuclear Vermont Yankee, LLC (Entergy Nuclear VY), the proposed owner of VYNPS, and to Entergy Nuclear Operations, Inc. (ENO), the proposed entity to operate VYNPS. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by VYNPC, Entergy Nuclear VY, and ENO, Entergy Nuclear VY would assume title to the facility following approval of the proposed license transfer, and ENO would operate and maintain VYNPS. VYNPC will transfer all decommissioning trust funds to a decommissioning trust established by Entergy Nuclear VY. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendment would replace references to VYNPC in the license with references to Entergy Nuclear VY and/or ENO, as appropriate, and make other necessary administrative changes to reflect the proposed transfer.

Entergy Nuclear VY, a Delaware limited liability company, is an indirect wholly owned subsidiary of Entergy Corporation, and an indirect wholly owned subsidiary of Entergy Nuclear Holding Company #3.

ENO, a Delaware corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a direct wholly owned subsidiary of Entergy Nuclear Holdings Company #2.

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 December 27, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, 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 David R. Lewis, Esq., Shaw, Pittman, LLP, 2300 N Street, N.W., Washington, DC 20037-1128, Phone: (202) 663-8474, Fax: (202) 663-8007, E-mail: [david.lewis@shawpittman.com](mailto:david.lewis@shawpittman.com); and Douglas Levanway, Esq., Wise Carter Child & Caraway, 600 Heritage Building, 401 East Capitol Street, P.O. Box 651, Jackson, MS 39201-5519, Phone: (601) 968-5524, Fax: (601) 968-5519, E-mail: [del@wisecarter.com](mailto:del@wisecarter.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](mailto: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 January 7, 2002, 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.

Further details with respect to this action, see the initial application dated October 5, 2001, and supplements dated November 7 and November 8, 2001, available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/ADAMS/index.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC

Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209, 301-415-4737  
or by E-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 3rd day of December 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

*/RA/*

Robert M. Pulsifer, Project Manager, Section 2  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation