

United States Court of Appeals,
District of Columbia Circuit

New England Coalition,)	Case No. 11-1177
Petitioner)	[Consolidated with No. 11-1168]
)	
v.)	
)	
United States Nuclear)	
Regulatory Commission and)	
United States of America,)	
Respondents)	

PETITIONER'S NONBINDING STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's Order of May 23, 2011, Petitioner New England Coalition ("NEC") hereby submits its statement of issues to be raised regarding its challenge to the United States Nuclear Regulatory Commission's ("NRC") Issuance of Renewed Facility Operating License No. DPR-28 for the Vermont Yankee Nuclear Power Station issued March 21, 2011. *See* 76 Fed. Reg. 17162 (March 28, 2011). Without waiving any rights to submit additional issues, as set forth below, NEC intends to raise the following issues in support of its challenge of the agency action:

- (1) Whether the NRC acted arbitrarily, abused its discretion, and violated the clear mandate of the Clean Water Act (33 U.S.C. §§ 1341(a) and (d)) by issuing a license to operate the Vermont Yankee Nuclear Power facility without seeking or obtaining

from the State of Vermont or the license applicant (Entergy Nuclear Operations, Inc. and Entergy Nuclear Vermont Yankee, LLC) a certification “that any . . . [water] discharge [from the Vermont Yankee Nuclear Power Station] will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this Act [33 USCS §§ 1311, 1312, 1313, 1316, 1317]” (33 U.S.C. § 1341(a)(1)) and that operation of the Vermont Yankee Nuclear Power Station will comply with “any other appropriate requirement of State law” (33 U.S.C. § 1341(d)).

Dated this 20th day of June, 2011.

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