

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

-----x,
THE STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE,

Petitioner,

-against-

No. 11-1168
(consolidated with
11-1177)

UNITED STATES NUCLEAR
REGULATORY COMMISSION AND
UNITED STATES OF AMERICA,
Respondents.

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NON-BINDING STATEMENT OF ISSUES TO BE RAISED

Pursuant to the Court's Order of May 20, 2011, Petitioner Vermont Department of Public Service ("Petitioner") 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, Petitioner intends to raise the following objection in support of its challenge to the issuance:

(1) Whether the NRC violated federal law by issuing Renewed Facility Operating License No. DPR-28 because it granted a federal license without obtaining either a water quality certification or a waiver thereof from the State of Vermont as required by 33 U.S.C. § 1341(a).

Dated: June 20, 2011

/s/

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