

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Kristine L. Svinicki, Chairman
Jeff Baran
Stephen G. Burns

In the Matter of

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

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-LT-2

CLI-18-03

MEMORANDUM AND ORDER

In this license transfer proceeding involving the Vermont Yankee Nuclear Power Station, both the State of Vermont and the New England Coalition (NEC) requested a hearing and petitioned to intervene.¹ Both petitioners recently informed us that they anticipate withdrawing from this adjudicatory proceeding.² Specifically, both state that they have signed a Settlement Agreement with the Applicants³ regarding the proposed license transfer. Vermont and NEC

¹ See *State of Vermont's Petition for Leave to Intervene and Hearing Request* (June 13, 2017); *New England Coalition's Request for a Hearing and Petition for Leave to Intervene* (June 27, 2017).

² See *State of Vermont's Notice of Anticipated Withdrawal of the State's Petition for Leave to Intervene and Hearing Request* (Mar. 7, 2018) (Vermont Notice); *Amended Motion to Hold in Abeyance Action on New England Coalition's Petition for Leave to Intervene and Hearing Request in Consideration of Anticipated Withdrawal* (Mar. 12, 2018) (NEC Amended Motion) (amending motion filed on Mar. 7, 2018).

³ Entergy Nuclear Operations, Inc., the licensed operator of the power station, filed the license transfer application on behalf of itself, Entergy Nuclear Vermont Yankee, LLC (the station's licensed owner), and the NorthStar Nuclear Decommissioning Company, LLC (together, the Applicants). As proposed in the application, authority to possess, maintain, and decommission

state that they intend to formally withdraw their respective petitions to intervene and requests for hearing if the Settlement Agreement remains in place without substantial alteration.

Because the Settlement Agreement specifies a deadline and terms under which any party to the Agreement may withdraw, the petitioners have filed notices of anticipated—not immediate—withdrawal from this proceeding.⁴ NEC requests that we hold in abeyance its intervention petition and request for hearing until the Vermont Public Utility Commission “issues a final order and time for any party wishing to withdraw from the Settlement Agreement has lapsed.”⁵ NEC additionally states that it contacted counsel for the Applicants, who do not oppose NEC’s motion.

In light of the Settlement Agreement and the NEC and Vermont notices of anticipated withdrawal, and having received no objection to NEC’s motion, we grant the motion. We will hold in abeyance the NEC petition for leave to intervene and request for hearing, pending further notification from NEC, Vermont, or the Applicants, or further Commission order. Because the Vermont intervention petition and hearing request are similarly situated, we likewise hold them in abeyance. In all cases, the litigants should file a joint status report with us by no later than August 13, 2018.

the facility, including the Independent Spent Fuel Storage Facility, would transfer to NorthStar. See Letter from A. Christopher Bakken, III, President and Chief Executive Officer, Entergy Nuclear Operations, Inc., to NRC Document Control Desk, Application for Order Consenting to Direct and Indirect Transfers of Control of Licenses and Approving Conforming License Amendment and Notification of Amendment to Decommissioning Trust Agreement (Feb. 9, 2017), Attach. 1 at 1-2, 8 (ADAMS accession no. ML17045A140 (package)).

⁴ The Settlement Agreement provides that if, by July 31, 2018, the Vermont Public Utility Commission has not issued an order that approves the proposed transaction and incorporates the terms and conditions of the Settlement Agreement substantially in their entirety without material alterations, any party to the Settlement Agreement may withdraw from it by providing written notice within 10 days of July 31, 2018, or the date the PUC issues an order. See Vermont Notice at 1-2 (referencing attached Settlement Agreement at 18); NEC Amended Motion at 2.

⁵ NEC Amended Motion at 2.

IT IS SO ORDERED.

For the Commission

NRC Seal

/RA/

Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland,
this 12th day of April, 2018

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(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **COMMISSION MEMORANDUM AND ORDER CLI-18-03** have been served upon the following persons by the Electronic Information Exchange.

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DOCKET NO. 50-271-LT-2
COMMISSION MEMORANDUM AND ORDER CLI-18-03

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[Original signed by Clara Sola _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of April, 2018