

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**Before the Commission**

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|--|---|------------------------|
| In the Matter of                               | ) |                        |
|  | ) |                        |
| Entergy Nuclear Vermont Yankee, LLC,           | ) |                        |
| Entergy Nuclear Operations, Inc., and          | ) | Docket No. 50-271-LT-2 |
| NorthStar Nuclear Decommissioning Company, LLC | ) |                        |
|  | ) |                        |
| (Vermont Yankee Nuclear Power Station)         | ) |                        |

**SECOND JOINT STATUS REPORT**

In furtherance of the Commission’s Memorandum and Order of April 12, 2018, CLI-18-03, Entergy Nuclear Operations Inc., on behalf of itself, Entergy Nuclear Vermont Yankee, LLC (“ENVY”) and NorthStar Nuclear Decommissioning Company, LLC (together, “Applicants”), and on behalf of the State of Vermont and the New England Coalition (together, “Participants”), hereby submits this Second Joint Status Report. The Commission’s Memorandum and Order held the Participants’ hearing requests in this license transfer proceeding in abeyance based on Participants’ anticipated notices of withdrawal pursuant to a Settlement Agreement<sup>1</sup> and pending further notification from the Applicants or Participants. At the time, the Settlement Agreement permitted a party to withdraw from the Settlement Agreement upon ten days written notice if the Vermont Public Utility Commission, (“PUC”), which is reviewing the proposed sale of ENVY to NorthStar, materially altered the terms of the Settlement Agreement or did not issue an order approving the proposed sale by July 31, 2018. Consequently, the Commission’s Memorandum and Order required the Applicants and Participants to file a joint status report by no later than August 13, 2018.

On August 13, 2018, the Applicants and Participants filed their Joint Status Report, which informed the Commission that the PUC had announced—after recommendations from the Applicants regarding relative timing of a final order and briefing on the timing issue from the

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<sup>1</sup> The Settlement Agreement was appended to the State of Vermont’s Notice of Anticipated Withdrawal of the State Petition for Leave to Intervene and Hearing Request (Mar. 7, 2018). An amendment to the Settlement Agreement was appended to the Joint Status Report (Aug. 13, 2018).

parties to the PUC proceeding—that it would not issue a final order until after the NRC did so, and that as a result, Applicants and the Participants had agreed to amend the Settlement Agreement to permit a party to withdraw from the Settlement Agreement upon ten days written notice if the PUC materially altered the terms of that Agreement or did not issue an order approving the proposed sale of ENVY by October 31, 2018. The Joint Status Report proposed submittal of a further joint status report by November 15, 2018.

On October 12, 2018, the NRC Staff issued its Order approving the license transfer required for the sale of ENVY to NorthStar.<sup>2</sup> Applicants notified the PUC and provided a copy of the NRC’s Order to the PUC that same day. On October 24, 2018, the PUC issued an Order styled, “Procedural Order Concerning Ruling by U.S. Nuclear Regulatory Commission and Related Party Filings.” The PUC’s Order indicates that the PUC does not anticipate any further process or proceedings prior to the issuance of its decision. The PUC Order also states that the PUC will seek to issue a decision in a timely manner but cannot commit to issue a decision by October 31, 2018 or within 30 days of notification of the NRC ruling as Applicants had proposed in various filings. The Applicants and Participants therefore further amended the Settlement Agreement. That amendment extends, from October 31, 2018, to November 30, 2018, the date after which a party may withdraw from the Settlement Agreement if a PUC decision has not yet been issued or has materially altered the terms of the Settlement Agreement. A copy of the amendment is attached.

The Applicants and Participants continue to support the sale of ENVY subject to the terms and conditions of the Settlement Agreement, which includes important mechanisms to ensure funding for and oversight of the work that will promptly decommission and restore the site of the Vermont Yankee Nuclear Power Station. Therefore, the Applicants and Participants request that the Commission continue to hold the Participants’ hearing requests and intervention petitions in abeyance pending issuance of a PUC decision. Unless the PUC decision materially alters the terms of the Settlement Agreement to the material detriment of the Participants, the Participants anticipate that they will withdraw their NRC hearing requests and intervention petitions at that time. The Applicants and Participants will file a further joint status report by

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<sup>2</sup> The Order, along with the Safety Evaluation and the conforming license amendments, is available in ADAMS at Accession No. ML18242A638.

December 15, 2018 if the PUC has not rendered its decision and/or the Participants have not withdrawn their NRC hearing requests and intervention petitions by that date.

The Participants have reviewed this Joint Status Report and authorized Applicants to submit it on their behalf.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

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Dated: November 15, 2018.

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NUCLEAR REGULATORY COMMISSION**

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Entergy Nuclear Operations, Inc., and ) Docket No. 50-271-LT-2  
NorthStar Nuclear Decommissioning Company, LLC )  
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(Vermont Yankee Nuclear Power Station) )

**CERTIFICATE OF SERVICE**

I certify that the foregoing “Second Joint Status Report” has been served through the NRC’s E-Filing System on the participants in the above-captioned proceeding, this 15<sup>th</sup> day of November, 2018.

*Signed (electronically) by David R. Lewis*  
David R. Lewis