

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Kristine L. Svinicki, Chairman  
Jeff Baran  
Stephen G. Burns  
Annie Caputo  
David A. Wright

In the Matter of

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

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-LT-2

**CLI-19-04**

**MEMORANDUM AND ORDER**

In this license transfer proceeding involving the Vermont Yankee Nuclear Power Station, the State of Vermont and the New England Coalition (NEC) requested a hearing and petitioned to intervene.<sup>1</sup> Both petitioners informed us in March 2018 that they anticipated withdrawing from this adjudicatory proceeding.<sup>2</sup> The petitioners had entered a Settlement Agreement with the Applicants.<sup>3</sup> The Settlement Agreement provided a deadline and terms for withdrawal,

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<sup>1</sup> *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).

<sup>2</sup> *State of Vermont's Notice of Anticipated Withdrawal of the State's Petition for Leave to Intervene and Hearing Request* (Mar. 7, 2018), at 1; *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), at 2.

<sup>3</sup> The Applicants are Entergy Nuclear Operations, Inc. (the licensed operator for decommissioning), Entergy Nuclear Vermont Yankee, LLC (the licensed owner), and NorthStar

which were related to a pending decision of the Vermont Public Utility Commission on the proposed license transfer of the Vermont Yankee Nuclear Power Station.<sup>4</sup> Shortly after the petitioners entered into the Settlement Agreement, we held in abeyance both the State's and NEC's petitions to intervene and hearing requests.<sup>5</sup> The Vermont Public Utility Commission issued its order approving the license transfer in December 2018.<sup>6</sup> The period for any party to withdraw from the Settlement Agreement has passed, and no party has withdrawn.<sup>7</sup> The State and NEC have now submitted notices withdrawing their petitions to intervene and hearing requests on the proposed license transfer.<sup>8</sup>

As a general matter, when a petitioner withdraws its petition in a contested proceeding and there are no petitions remaining, we terminate the proceeding.<sup>9</sup> Because the only two

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Nuclear Decommissioning Company, LLC (the proposed license transferee). As proposed in the application, authority to possess, maintain, and decommission the facility, including the Independent Spent Fuel Storage Installation, transferred to NorthStar Nuclear Decommissioning Company, LLC, after the transaction was completed. Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations, 84 Fed. Reg. 489, 499-500 (Jan. 30, 2019) (Notice of Amendment Issuance); In the Matter of Entergy Nuclear Vermont Yankee, LLC; Entergy Nuclear Operations, Inc.; NorthStar Vermont Yankee LLC; NorthStar Nuclear Decommissioning Company, LLC; Vermont Yankee Nuclear Power Station; Direct and Indirect Transfer of License; Order, 83 Fed. Reg. 53,116, 53,117 (Oct. 19, 2018) (Order Approving Transfer).

<sup>4</sup> See CLI-18-3, 87 NRC 87, 88 (2018). The Settlement Agreement was subsequently amended to take into account developments related to the schedule for the Vermont Public Utility Commission's decision. See *Second Joint Status Report* (Nov. 15, 2018), at 1-2.

<sup>5</sup> CLI-18-3, 87 NRC at 88.

<sup>6</sup> *Third Joint Status Report* (Dec. 14, 2018). The Staff approved the license transfer in October 2018, and the transaction closed in January 2019. See Order Approving Transfer, 83 Fed. Reg. at 53,117; Notice of Amendment Issuance, 84 Fed. Reg. at 499-500.

<sup>7</sup> *State of Vermont's Notice of Withdrawal of the State's Petition for Leave to Intervene and Hearing Request* (Dec. 21, 2018), at 2.

<sup>8</sup> *Id.* at 1; *New England Coalition's Withdrawal of Its Request for a Hearing and Petition for Leave to Intervene* (Dec. 14, 2018), at 1.

<sup>9</sup> See *Public Service Co. of Colorado* (Fort St. Vrain Independent Spent Fuel Storage Installation), Commission Order (Oct. 29, 1990), attached to *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI-91-13, 34 NRC 185, 188 n.1, 190-91 (1991)

petitioners here have withdrawn their petitions and requests for hearing, we dismiss the petitions and requests for hearing without prejudice and terminate the proceeding.

IT IS SO ORDERED.

For the Commission

**NRC Seal**

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland,  
this 11<sup>th</sup> day of March, 2019.

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(terminating the proceeding after the sole petitioner withdrew its petition pursuant to an agreement that it had entered with the applicant and the Staff); *Houston Lighting & Power Co.* (South Texas Project, Units 1 and 2), ALAB-799, 21 NRC 360, 382 (1985).

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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-19-04** 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-19-04**

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

Dated at Rockville, Maryland  
this 11<sup>th</sup> day of March, 2018