

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

William J. Froehlich, Chairman
Dr. Michael F. Kennedy
Dr. Richard E. Wardwell

In the Matter of

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

(Vermont Yankee Nuclear Power Station)

Docket No. 50-271-LA-3

ASLBP No. 15-940-03-LA-BD01

September 18, 2015

NOTICE OF HEARING

This proceeding concerns a license amendment request (“LAR”) filed by Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., (together “Entergy”) to replace certain license conditions on the decommissioning trust fund for Vermont Yankee Nuclear Power Station with similar regulatory requirements.¹ In response to a February 17, 2015 notice of opportunity for hearing,² the State of Vermont filed a petition to intervene and a hearing request.³ In its April 20, 2015 petition, Vermont proffered four contentions.⁴ This Board was established to preside over this proceeding on May 1, and heard oral argument concerning

¹ Letter from Christopher J. Wamser, Site Vice President, to Document Control Desk, NRC, Proposed Change No. 310 Deletion of Renewed Facility Operating License Conditions Related to Decommissioning Trust Provisions, attach. 1, at 2 (Sept. 4, 2014) (ADAMS Accession No. ML14254A405).

² See Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations, 80 Fed. Reg. 8355, 8359–60 (Feb. 17, 2015).

³ State of Vermont’s Petition for Leave to Intervene and Hearing Request (Apr. 20, 2015).

⁴ Id. at 3, 17, 20, 26.

those four contentions and the hearing request on July 7, 2015.⁵ The State of Vermont also moved for leave to file a new contention on July 6, 2015.⁶

On August 31, 2015, the Board granted Vermont's hearing request and admitted two of the five proffered contentions.⁷ The admitted contentions state:

Contention I: Entergy's LAR involves a potential significant safety and environmental hazard, fails to demonstrate that it is in compliance with 10 C.F.R. §§ 50.75(h)(1)(iv) and 50.82[(a)](8)(i)(B) and (C), and fails to demonstrate that there will be reasonable assurance of adequate protection for the public health and safety as required by section 182(a) of the Atomic Energy Act (42 U.S.C. § 2232(a)) if the proposed amendment is approved.⁸

Contention V: The license amendment request should be denied because it is no longer accurate within the meaning of 10 C.F.R. §§ 50.9 and 50.90, does not meet the requirements of 10 C.F.R. § 50.75(h)(5), and because Entergy is no longer in compliance with other provisions of 10 C.F.R. §§ 50.75(h) and 50.82(a)(8)(i)(a).⁹

After admitting these contentions, the Board ruled that the procedures of Subpart L will be used for these contentions.¹⁰

In light of the foregoing, please take notice that a hearing will be conducted in this proceeding at a time and place that will be fixed by subsequent order with due regard for the convenience of the parties or their representatives, the nature of the proceeding, and the public

⁵ Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.; Establishment of Atomic Safety and Licensing Board, 80 Fed. Reg. 26,301 (May 7, 2015); Tr. at 1.

⁶ State of Vermont's Motion for Leave to File a New Contention Including the Proposed New Contention and to Add Additional Bases and Support to Existing Contentions I, III, and IV (July 6, 2015).

⁷ LBP-15-24, 82 NRC __, __ (slip op. at 45) (Aug. 31, 2015).

⁸ Id. at __ (slip op. at 8).

⁹ Id. at __ (slip op. at 33).

¹⁰ See Licensing Board Order Scheduling Conference Call and Establishing Hearing Procedures (Sept. 3, 2015) (unpublished).

interest.¹¹ The Board may conduct an oral argument,¹² hold pre-hearing conferences,¹³ and conduct evidentiary hearings.¹⁴ Unless otherwise ordered by the Commission, the public is invited to attend any oral argument, prehearing conference, or evidentiary hearing.¹⁵ Notices of these sessions will be published in the Federal Register and/or made available to the public at the NRC Public Document Room, located at One White Flint, 11555 Rockville Pike (first floor), Rockville, MD, and through the NRC website, www.nrc.gov.

The Administrative Dispute Resolution Act of 1996 encourages the use of alternative dispute resolution by federal agencies.¹⁶ The parties are encouraged to explore voluntary processes, including settlement talks with or without a neutral party, to resolve the issues in this case. Upon request, a settlement judge from the Atomic Safety and Licensing Board Panel (ASLBP) may be appointed.¹⁷

The Board will provide details at a later date on how any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in this proceeding pursuant to 10 C.F.R. § 2.315(a). At a later date, the Board may entertain oral limited appearance statements at a location or locations in the vicinity of Vermont Yankee Nuclear Power Station. Notice of any oral limited appearance sessions will be published in the Federal Register and/or made available to the public at the NRC Public

¹¹ See 10 C.F.R. § 2.312.

¹² See 10 C.F.R. § 2.331.

¹³ See 10 C.F.R. § 2.329.

¹⁴ See 10 C.F.R. §§ 2.327, 2.328, 2.1206, 2.1207, 2.1208.

¹⁵ 10 C.F.R. § 2.328.

¹⁶ 5 U.S.C. §§ 571 to 584.

¹⁷ 10 C.F.R. § 2.338(b).

Document Room and on the NRC website, www.nrc.gov. These statements do not constitute evidence but may assist the Board and/or parties in defining the issues being considered.¹⁸

Documents relating to this proceeding are available for public inspection at the NRC's Public Document Room or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC website at www.nrc.gov/reading-rm/adams.html. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by email to pdr@nrc.gov.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

William J. Froehlich, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 18, 2015

¹⁸ 10 C.F.R. § 2.315(a).

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NUCLEAR REGULATORY COMMISSION

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ENTERGY NUCLEAR VERMONT YANKEE, LLC) Docket No. 50-271-LA-3
AND ENTERGY NUCLEAR OPERATIONS, INC.)
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(Vermont Yankee Nuclear Power Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **NOTICE OF HEARING** have been served upon the following persons by the Electronic Information Exchange.

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DOCKET NO. 50-271-LA-3
NOTICE OF HEARING

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 18th day of September, 2015