

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENTERGY NUCLEAR VERMONT	)	Docket No. 50-271-LA-2
YANKEE, LLC AND ENTERGY	)	
NUCLEAR OPERATIONS, INC.	)	March 12, 2015
	)	
(Vermont Yankee Nuclear Power Station)	)	

**STATE OF VERMONT’S MOTION TO STAY THE LICENSE AMENDMENT  
PROCEEDING PENDING COMMISSION RECONSIDERATION**

NOW COMES the State of Vermont (“State”), through the Vermont Department of Public Service and pursuant to 10 CFR § 2.342, with the following motion (“Stay Motion”) to stay the license amendment proceeding (“LAR Proceeding”), currently before the Atomic Safety and Licensing Board (“ASLB”), pending a ruling by the Nuclear Regulatory Commission (“NRC”) on the State’s Petition for Reconsideration (“Reconsideration Petition”), dated March 12, 2015.<sup>1</sup> The State’s Reconsideration Petition seeks the NRC to withdraw and reconsider its decision, dated March 2, 2015, to approve a request by Entergy Nuclear Operations, Inc. (“Entergy”) for exemptions from certain emergency planning requirements (“Exemption Petition”) at the Vermont Yankee Nuclear Power Station (“VY”).<sup>2</sup>

The LAR Proceeding involves review of an Entergy LAR that is directly related to the exemptions recently approved by the NRC. As the State explains in the Reconsideration Petition, it has the right to hearing on admissible contentions related to an exemption request

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<sup>1</sup> See State of Vermont’s Petition for Reconsideration of Commission Decision Approving Entergy’s Exemption Requests (March 12, 2015) (Attached as Exhibit A).

<sup>2</sup> See Commission Voting Record re Request by Entergy Nuclear Operations, Inc., for Exemptions From Certain Emergency Planning Requirements (March 2, 2015)(ADAMS Accession No. ML15062A135).

when the exemption is necessary for an applicant to amend its license under NRC precedent.<sup>3</sup> The State has been denied its right to a hearing on the exemption request due to the NRC's recent action, leading the State to file the Reconsideration Petition.

The timing of the NRC's approval of Entergy's exemption further complicates matters and prejudices the State in the LAR Proceeding. The State filed its Petition for Intervention and Request for Hearing on February 9, 2015. The NRC's exemption approval was issued four days prior to Entergy and NRC Staff filing answers in opposition to the State's Intervention Petition. Both Entergy and NRC Staff argued that a contention contained in the State's Petition was moot given the NRC's March 2 exemption approval.<sup>4</sup> The State's response to Entergy's and NRC's opposition is currently due tomorrow, March 13. The State cannot reasonably be expected to formulate responses that are dependent on the now-unknown disposition of the NRC exemption approval it now contests. Staying the LAR Proceeding pending the outcome of the State's Reconsideration Petition creates fairness and predictability for all parties to the LAR Proceeding and the ASLB. Additionally, staying the LAR Proceeding while the Commission reconsiders its agency action will preserve judicial resources and reduce complexity in the event that the NRC grants the relief sought by the State in the Reconsideration Petition.

Alternatively, the State requests that the NRC grant it a seven-day extension to respond to Entergy's and NRC Staff's answers to the LAR Petition, preferably keyed to start at the issuance of an order by the Commission if the relief requested in the Reconsideration Petition is not granted. The extension would provide fairness to the State, given the very recent and significant

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<sup>3</sup> See State of Vermont's Petition for Reconsideration of Commission Decision Approving Entergy's Exemption Requests at (March 12, 2015).

<sup>4</sup> See Entergy's Answer Opposing Petition for Leave to Intervene and Hearing Request at 16-17 (March 6, 2015)(ADAMS Accession No. ML15065A300); NRC Staff's Answer to State of Vermont's Petition for Leave to Intervene and Hearing Request at 21-22 (March 6, 2015)(ADAMS Accession No. ML15065A364).

action taken by the NRC, to evaluate a response to Entergy's and NRC Staff's answer and craft appropriate amendments to its Petition in this proceeding if necessary.

Dated at Montpelier, Vermont this 12th of March, 2015

Respectfully submitted,

/Signed (electronically) by/  
Aaron Kisicki  
Counsel for the State of Vermont  
Vermont Department of Public Service  
112 State Street – Drawer 20  
Montpelier, VT 05620  
(802) 828-3785  
aaron.kisicki@state.vt.us

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the forgoing State Of Vermont’s Motion to Stay the License Amendment Proceeding Pending Commission Reconsideration, dated March 12, 2015, have been served upon the Electronic Information Exchange, the NRC’s E-filing System, in the above-captioned proceeding, this 12th day of March, 2015.

/Signed (electronically) by/  
Aaron Kisicki  
Counsel for the State of Vermont  
Vermont Department of Public Service  
112 State Street – Drawer 20  
Montpelier, VT 05620  
(802) 828-3785  
aaron.kisicki@state.vt.us

Dated at Montpelier, Vermont  
this 12<sup>th</sup> day of March, 2015