

September 27, 2001

Mr. Mike Bellamy
Site Vice President
Entergy Nuclear Generation Company
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF OPERATING AUTHORITY UNDER FACILITY OPERATING LICENSE, TRANSFER OF MATERIALS LICENSE, AND CONFORMING AMENDMENT, AND OPPORTUNITY FOR A HEARING, PILGRIM NUCLEAR POWER STATION (TAC NO. MB2843)

Dear Mr. Bellamy:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating License, Transfer of Materials License, and Conforming Amendment, And Opportunity For a Hearing" related to the application dated August 24, 2001 from Entergy Nuclear Generation Company (ENGEC). This application seeks approval under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80 of the transfer of the operating authority under Facility Operating License No. DPR-35 and approval of the transfer of Materials License No. 20-07626-04. The transfer would be to Entergy Nuclear Operations, Incorporated (ENO), an indirect subsidiary of Entergy Corporation. This application also seeks approval of conforming amendments pursuant to, *inter alia*, 10 CFR 50.90, to reflect the transfer.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Robert D. Starkey, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosure: Notice

cc w/encl: See next page

September 27, 2001

Mr. Mike Bellamy
Site Vice President
Entergy Nuclear Generation Company
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF OPERATING AUTHORITY UNDER FACILITY OPERATING LICENSE, TRANSFER OF MATERIALS LICENSE, AND CONFORMING AMENDMENT, AND OPPORTUNITY FOR A HEARING, PILGRIM NUCLEAR POWER STATION (TAC NO. MB2843)

Dear Mr. Bellamy:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Operating Authority Under Facility Operating License, Transfer of Materials License, and Conforming Amendment, And Opportunity For a Hearing" related to the application dated August 24, 2001 from Entergy Nuclear Generation Company (ENGC). This application seeks approval under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80 of the transfer of the operating authority under Facility Operating License No. DPR-35 and approval of the transfer of Materials License No. 20-07626-04. The transfer would be to Entergy Nuclear Operations, Incorporated (ENO), an indirect subsidiary of Entergy Corporation. This application also seeks approval of conforming amendments pursuant to, *inter alia*, 10 CFR 50.90, to reflect the transfer.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Robert D. Starkey, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-293

Enclosure: Notice

cc w/encl: See next page

DISTRIBUTION:

PD I-2 R/F D. Starkey PUBLIC T. Clark OGC
E. Adensam J. Clifford ACRS C. Cowgill, RI

Accession No. ML012600408

OFFICE	PDI-2/PM	PDI-2/LA	OGC	PDI-2/SC	
NAME	DStarkey	TClark	SHom	JClifford	
DATE	9/24/01	9/24/01	9/25/01	9/25/01	

OFFICIAL AGENCY RECORD

Pilgrim Nuclear Power Station

cc:

Resident Inspector
U. S. Nuclear Regulatory Commission
Pilgrim Nuclear Power Station
Post Office Box 867
Plymouth, MA 02360

Chairman, Board of Selectmen
11 Lincoln Street
Plymouth, MA 02360

Chairman, Duxbury Board of Selectmen
Town Hall
878 Tremont Street
Duxbury, MA 02332

Office of the Commissioner
Massachusetts Department of
Environmental Protection
One Winter Street
Boston, MA 02108

Office of the Attorney General
One Ashburton Place
20th Floor
Boston, MA 02108

Dr. Robert M. Hallisey, Director
Radiation Control Program
Commonwealth of Massachusetts
Executive Offices of Health and
Human Services
174 Portland Street
Boston, MA 02114

Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

John M. Fulton
Assistant General Counsel
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5599

Mr. C. Stephen Brennon
Licensing Superintendent
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5599

Mr. Jack Alexander
Manager, Reg. Relations and
Quality Assurance
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5599

Mr. David F. Tarantino
Nuclear Information Manager
Pilgrim Nuclear Power Station
600 Rocky Hill Road
Plymouth, MA 02360-5599

Ms. Jane Perlov
Secretary of Public Safety
Executive Office of Public Safety
One Ashburton Place
Boston, MA 02108

Mr. Stephen J. McGrail, Director
Attn: James Muckerheide
Massachusetts Emergency Management
Agency
400 Worcester Road
Framingham, MA 01702-5399

Chairman, Citizens Urging
Responsible Energy
P.O. Box 2621
Duxbury, MA 02331

Chairman
Nuclear Matters Committee
Town Hall
11 Lincoln Street
Plymouth, MA 02360

Pilgrim Nuclear Power Station

cc:

Mr. William D. Meinert
Nuclear Engineer
Massachusetts Municipal Wholesale
Electric Company
P.O. Box 426
Ludlow, MA 01056-0426

Ms. Mary Lampert, Director
Massachusetts Citizens for Safe Energy
148 Washington Street
Duxbury, MA 02332

UNITED STATES NUCLEAR REGULATORY COMMISSIONENTERGY NUCLEAR GENERATION COMPANYPILGRIM NUCLEAR POWER STATIONDOCKET NO. 50-293NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OFOPERATING AUTHORITY UNDERFACILITY OPERATING LICENSE, TRANSFER OF MATERIALS LICENSE, ANDCONFORMING AMENDMENTS, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 and other applicable regulations approving the transfer of operating authority under Facility Operating License No. DPR-35, and the transfer of Materials License No. 20-07626-04 for the Pilgrim Nuclear Power Station (Pilgrim) currently held by Entergy Nuclear Generation Company (ENGEC), which is the owner of Pilgrim. The transfer of authority to operate Pilgrim and transfer of the materials license would be to Entergy Nuclear Operations, Incorporated (ENO). ENO is an indirect subsidiary of Entergy Corporation. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by ENGEC, ENGEC's ownership of Pilgrim would be unchanged and ENGEC would continue to be responsible for the costs associated with operating and maintaining Pilgrim. In addition, there would be no changes to existing decommissioning funding assurance arrangements. ENO would become a licensee, authorized to operate the unit and possess certain nuclear materials. No physical changes to the facility or operational changes are being proposed in the application.

The proposed amendments would replace references to ENGC in the licenses as the operator of Pilgrim with references to ENO, and otherwise substitute ENO for ENGC as appropriate in the licenses.

Pursuant to 10 CFR 50.80, no license shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By October 24, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests

for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Douglas E. Levanway, Esq., counsel for ENGC, at Wise, Carter, Child, and Caraway, P.O. Box 651, Jackson, MS 39205 (tel: 601-968-5524; fax: 601-968-5519; e-mail: del@wisecarter.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by November 5, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated August 24, 2001, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/ADAMS/index.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room Reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland this 27th day of September 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert D. Starkey, Project Manager, Section 2
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation