

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

|                                              |   |                               |
|----------------------------------------------|---|-------------------------------|
| _____                                        | ) |                               |
| In the Matter of                             | ) |                               |
|                                              | ) |                               |
| ENTERGY NUCLEAR OPERATIONS, INC.             | ) | Docket Nos. 50-286 and 50-333 |
|                                              | ) |                               |
| (Indian Point Nuclear Generating Unit No. 3) | ) |                               |
| (James A. FitzPatrick Nuclear Power Plant)   | ) |                               |
| _____                                        | ) |                               |

**ORDER**

On August 16, 2016, Entergy Nuclear Operations submitted an application to the U.S. Nuclear Regulatory Commission (NRC). That application sought an NRC order transferring the Power Authority of the State of New York’s beneficial interest in the Master Decommissioning Trust for Indian Point Nuclear Generating Unit No. 3 and James A. FitzPatrick Nuclear Power Plant to Entergy Nuclear Operations. Additionally, this application sought license amendments to modify the existing trust-related conditions for Indian Point Generating Unit Number 3 and the James A. FitzPatrick Nuclear Power Plant.

On September 15, 2016, Ms. Susan Shapiro—on behalf of various environmental groups—filed a request for a public hearing on Entergy’s application. Ms. Shapiro did not electronically file her petition through the NRC’s Electronic Information Exchange system; rather, she emailed her petition to the Office of the Secretary.

In a previous decision, the Commission instructed me to summarily reject any nonconforming pleadings filed by Ms. Shapiro.<sup>1</sup> Here, Ms. Shapiro has not complied with the

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<sup>1</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), CLI-08-29, 68 NRC 899, 903 (2008).

NRC's E-filing requirement set forth in 10 C.F.R. § 2.302(a). I therefore dismiss Ms. Shapiro's petition without prejudice.

The NRC published notice of Entergy's application in the *Federal Register* on September 27, 2016.<sup>2</sup> That notice provided an opportunity for petitioners to request a hearing on this application within sixty days after the date of publication. Ms. Shapiro, therefore, may re-file her petition by November 28, 2016, in accordance with the NRC's procedural rules, including 10 C.F.R. § 2.302(a). Guidance on making electronic submissions may be found on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Ms. Shapiro may also seek assistance by e-mail to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free phone call at 1-866-672-7640.

This Order is issued under my authority in 10 C.F.R. § 2.346.

IT IS SO ORDERED.

For the Commission

**NRC SEAL**

**/RA/**

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland,  
this 3<sup>rd</sup> day of October, 2016.

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<sup>2</sup> Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations, 81 Fed. Reg. 66,301 (Sept. 27, 2016).

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ENTERGY NUCLEAR OPERATIONS, INC. )

Docket Nos. 50-286 and 50-333

(Indian Point Nuclear Generating Unit No. 3) )  
(James A. FitzPatrick Nuclear Power Plant) )  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER OF THE SECRETARY** have been served upon the following persons by Electronic Mail (E-mail).

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Adjudication  
U.S. Nuclear Regulatory Commission  
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Hudson River Sloop Clearwater  
Sierra Club, Lower Hudson Group  
Council on Intelligent Energy & Conservation Policy  
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[Original signed by Herald M. Speiser ]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 3<sup>rd</sup> day of October, 2016