

October 17, 2016

The Honorable John Katko
United States House of Representatives
Washington, DC 20515

Dear Congressman Katko:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of September 16, 2016. You urged us to consider, as soon as practicable, the application to transfer the operating license of the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) from Entergy Nuclear Operations, Inc. (Entergy) to Exelon Generation Company, LLC, (Exelon). You also requested an update on our timeframe for considering this matter.

Under NRC regulations, a license for a nuclear power plant cannot be transferred unless the Commission gives its consent in writing. The criteria for this decision are whether the proposed transferee is qualified to hold the license and the transfer is consistent with applicable law, regulations, and orders issued by the Commission. An application for a license transfer is required by NRC regulations to include technical and financial qualifications information on the proposed transferee comparable to what is required for an initial license. A detailed NRC staff review is required to ensure the proposed transferee meets these requirements.

NRC received Entergy's application for the license transfer on August 18, 2016. The NRC published a *Federal Register* notice on September 15, 2016, seeking public comment on the license transfer application and providing an opportunity to request a hearing regarding the issuance of a license amendment. No requests for a hearing or petition to intervene were received within the 20-day period specified in the notice. The public comment period remains open until the middle of October.

In addition to the license transfer request, Entergy's application also requested that the NRC staff amend the facility operating license to transfer the beneficial interest in the Power Authority of the State of New York (PASNY) Master Decommissioning Trust held by PASNY for FitzPatrick to Entergy in advance of any license transfer from Entergy to Exelon. On September 27, 2016, the NRC published a *Federal Register* notice providing the public an opportunity to comment (30 days) or to request a hearing (60 days) regarding transfer of the trust.

The NRC expects to complete its review of Entergy's amendment request for transfer of the Decommissioning Trust and make a final decision on the license transfer by March 2017.

I appreciate your interest in the work of the NRC and hope this information is useful to you. If you need additional assistance, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Stephen G. Burns