

January 18, 2017

OFFICE OF NUCLEAR REACTOR REGULATION

NOTIFICATION OF SIGNIFICANT LICENSING ACTION

LICENSEE: Entergy Nuclear Operations, Inc.  
Indian Point Nuclear Generating Unit No. 3  
James A. FitzPatrick Nuclear Power Plant  
Docket Nos. 50-286 and 50-333

SUBJECT: PROPOSED ISSUANCE OF ORDER APPROVING TRANSFER OF CONTROL OF MASTER DECOMMISSIONING TRUST FOR INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 AND JAMES A. FITZPATRICK NUCLEAR POWER PLANT FROM THE POWER AUTHORITY OF THE STATE OF NEW YORK TO ENTERGY NUCLEAR OPERATIONS, INC. REGARDING WHICH A HEARING HAS BEEN REQUESTED

This is to inform the Commission that an order, final no significant hazards consideration determination, and license amendments, will be issued on or about January 26, 2017, to Entergy Nuclear Operations, Inc. (ENO). This action is being taken in response to an application dated August 16, 2016, in which ENO, on behalf of itself, Entergy Nuclear Indian Point 3, LLC (ENIP3), Entergy Nuclear FitzPatrick, LLC (ENF), and the Power Authority of the State of New York (PASNY), requested that the NRC (1) issue an order directing the transfer of control of the decommissioning trusts (Master Trust) for Indian Point Nuclear Generating Unit No. 3 (IP3) and the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) from PASNY to ENO; (2) consent to an amendment to the agreement governing the Master Trust (Master Trust Agreement), which would authorize the transfer of the Master Trust to ENO; and (3) approve license amendments to license conditions in the IP3 and FitzPatrick operating licenses that would modify those that refer to PASNY as the holder of the Master Trust, such that they refer to ENO instead, and would delete those that impose facility-specific requirements on decommissioning trust agreements, such that IP3 and FitzPatrick

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415-3629

**NOTE: Information to be added after the order is issued.**

Date Issuance of Order: January 27, 2017

Date of receipt of Order: January 27, 2017

Date Susan H. Shapiro was notified: January 27, 2017

would be subject to the Commission's generic regulations governing decommissioning trust agreements at Title 10 of the *Code of Federal Regulations* Section 50.75(h)(1)-(3) instead.<sup>1</sup>

On November 1, 2016, a request for a hearing on the application was filed by Ms. Susan H. Shapiro, on behalf of Indian Point Safe Energy Coalition, Hudson River Sloop Clearwater, Council on Intelligent Energy & Conservation Policy, Sierra Club Hudson Valley, Nuclear Information and Resource Service, Alliance for Green Economy, and Radiation and Public Health Project (collectively, Petitioners).<sup>2</sup> On November 15, 2016, the Office of the Secretary referred this hearing request to the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel<sup>3</sup> who, in turn, established an Atomic Safety and Licensing Board (Board) to address the matter.<sup>4</sup> On November 28, 2016, the NRC staff<sup>5</sup> and ENO<sup>6</sup> filed answers to the hearing request. On December 13, 2016, the Board denied the hearing request for failure to demonstrate standing.<sup>7</sup> The Petitioners may appeal this decision to the Commission within 25 days of the decision.

The State of New York will be notified of the issuance.

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<sup>1</sup> Application for Order to Transfer Master Decommissioning Trust from PASNY to ENO, Consenting to Amendments to Trust Agreement, and Approving Proposed License Amendments to Modify and Delete Decommissioning Trust License Conditions Upon the Transfer of Trust Funds (August 16, 2016) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16230A308).

<sup>2</sup> Letter from Susan H. Shapiro to NRC, Request for Public Hearing on Indian Point 2 License Amendment: Docket ID NRC-2015-0038 [sic] (dated September 15, 2016; filed November 1, 2016) (ADAMS Accession No. ML16306A258).

<sup>3</sup> Memorandum from Annette Vietti-Cook, Secretary, NRC, to E. Roy Hawkens, Chief Administrative Judge, Atomic Safety and Licensing Board Panel, Indian Point Nuclear Generating Unit No. 3 and James A. FitzPatrick Nuclear Power Plant, Request for Hearing Regarding Entergy Nuclear Operations, Inc.'s Amendment Request (Docket Nos. 50-286 and 50-333) (November 15, 2016) (ADAMS Accession No. ML16320A205).

<sup>4</sup> Order (Establishment of Atomic Safety and Licensing Board) (November 18, 2016) (unpublished) (ADAMS Accession No. ML16323A322).

<sup>5</sup> NRC Staff Answer to Hearing Request (November 28, 2016) (ADAMS Accession No. ML16333A399).

<sup>6</sup> Entergy's Answer Opposing Request for Hearing (November 28, 2016) (ADAMS Accession No. ML16333A415).

<sup>7</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Unit No. 3 and James A. Fitzpatrick Nuclear Power Plant), LBP-16-14, 84 NRC \_\_ (December 13, 2016) (slip op.) (ADAMS Accession No. ML16348A495).

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**ADAMS Accession No.: ML16336A499**

OFFICE	NRR/DORL/LPL1/PM	NRR/DORL/LPL1/LA	NRR/DORL/LPL1/BC(A)	DORL/D
NAME	DPickett for DRender	LRonewicz	SKoenick	ABoland
DATE	12/14/2016	12/13/2016	01/05/2017	01/06/2017
OFFICE	OGC	NRR/D	EDO	
NAME	JWachutka	WDean	VMcCree	
DATE	12/22/2016	01/16/2017	01/17/2017	

**OFFICIAL RECORD COPY**

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