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10 CFR 50.75(h)(1)(iv)
10 CFR 50.82(a)(8)(ii)

NL-21-017

April 8, 2021

Ms. Andrea Veil
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mr. John Lubinski
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Pre-Notice of Disbursement from Decommissioning Trusts

Indian Point Nuclear Generating Unit Nos. 2 and 3
NRC Docket Nos. 50-247, and 50-286
License Nos. DPR-5, DPR-26, and DPR-64

Section 4.05 of the Master Decommissioning Trust Agreement by and between Entergy Nuclear Indian Point 2 (ENIP2) for Indian Point Nuclear Generating Units 1 and 2 (IP1 and IP2) and The Bank of New York Mellon, successor by operation of law to Mellon Bank, N.A. as Trustee, provides that no disbursements or payments shall be made by the Trustee, other than Administrative Expenses in accordance with Section 4.02 of the Master Trust Agreement, until the Trustee has first given the U.S. Nuclear Regulatory Commission (NRC) thirty (30) business days prior written notice of payment; provided, however, that no disbursement or payment from the Master Trust shall be made if the Trustee receives prior written notice of objection from the NRC Director of the Office of Nuclear Material Safety and Safeguards.

Section 3.08 of the Master Decommissioning Trust Agreement by and between Entergy Nuclear Indian Point 3, LLC (ENIP3) for Indian Point Nuclear Generating Unit 3 (IP3) and The Bank of New York Mellon, as Trustee, provides that no disbursements or payments shall be made by the Trustee, except for withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs (including taxes) and other incidental expenses of the fund (including legal, accounting, actuarial, and trustee expenses) in connection with the operation of the fund until a written notice of the intention to make a disbursement or payment has been

given to the Director, Office of Nuclear Reactor Regulation at least 30 working days before the date of the intended disbursement or payment.

This letter provides the NRC written notification of the following:

- The Bank of New York Mellon intends, upon receipt of a completed Decommissioning Certificate from ENIP2, to make a disbursement from the ENIP2 Master Decommissioning Trust, Unit 2 Qualified Fund, for decommissioning planning costs incurred for IP2, pursuant to 10 CFR 50.82(a)(8)(ii), not to exceed \$2,000,000. ENIP2 has confirmed (or prior to the disbursement shall have confirmed) that the payment to be disbursed, in the aggregate with previous disbursements for decommissioning planning costs from the Unit 2 Qualified Fund, is less than or equal to three (3) percent of the generic amount specified in 10 CFR 50.75 and is for legitimate decommissioning planning expenses.
- The Bank of New York Mellon intends, upon receipt of a completed Decommissioning Certificate from ENIP3, to make a disbursement from the ENIP3 Master Decommissioning Trust for decommissioning planning costs incurred for IP3, pursuant to 10 CFR 50.82(a)(8)(ii), not to exceed \$2,000,000. ENIP3 has confirmed (or prior to the disbursement shall have confirmed) that the payment to be disbursed, in the aggregate with previous disbursements for decommissioning planning costs from the ENIP3 Master Trust, is less than or equal to three (3) percent of the generic amount specified in 10 CFR 50.75 and is for legitimate decommissioning planning expenses.

The disbursements described above are planned to be made thirty (30) business days following the date of this letter, unless the trustee receives prior written notice of objection from the NRC Director of the Office of Nuclear Material Safety and Safeguards (for IP2) or the NRC Director of the Office of Nuclear Reactor Regulation (for IP3).

This letter contains no new regulatory commitments.

Should you have any questions concerning this letter or require additional information, please contact Mr. Glen Metzger at 412-234-0573 or myself at 601-368-5102.

Sincerely,



Glen Metzger
Vice President & Service Director
The Bank of New York Mellon



Philip Couture
Sr. Manager, Fleet Regulatory Assurance
Entergy Nuclear Operations, Inc, on behalf of
Entergy Nuclear Indian Point 2, LLC and
Entergy Nuclear Indian Point 3, LLC

PC/hm

cc: NRC Region I Regional Administrator
NRC Senior Resident Inspector – Indian Point Energy Center
NRC Senior Project Manager, NRC NRR DORL
New York State Liaison Officer Designee, NYSERDA
New York State Public Service Commission