

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Out-of-Business New England Dairy Producer Escrow Reimbursement Program

AGENCY: Northeast Dairy Compact Commission.

ACTION: Solicitation of application claims from eligible out-of-business New England dairy producers for reimbursement of escrowed funds.

SUMMARY: The Northeast Dairy Compact Commission announces an Escrow Reimbursement Program for those New England dairy producers who were in business but ceased operations during the pendency of the New York Dairy Foods, Inc. litigation from July 1, 1997 through March 31, 2000. Part of the Compact Over-order Producer payment was placed in escrow monthly during the litigation and those funds have since been released by the Federal District Court for distribution to New England dairy producers.

Producers whose milk was marketed in New England either through pool plants or partially regulated plants may be eligible for payment. Those producers who had been in business during any part of the period of the litigation but had ceased operation before March 31, 2000 qualify for reimbursement if their verified claims exceed \$50.00. Producers who were still in business on March 31, 2000 were reimbursed those funds in the September Compact payment and do not qualify.

The Compact Commission has determined that eligible producers who went out of business will be reimbursed on the basis of pounds of milk shipped during the period July 1, 1997 through March 31, 2000. Qualified producers must file notarized Application Claim Forms with the Commission documenting the handler and the pounds of milk shipped by month. The Forms must be filed for verification between December 1, 2000 and February 28, 2001. Payments to qualified producers for claims above \$50.00 will be made in January, February or March, 2000.

DATES: Application Claim Forms will be available after December 1, 2000 and must be filed by February 28, 2001.

ADDRESSES: Application Claim Forms are available from and must be filed with the Out-of-Business Escrow Reimbursement Program, Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director,

Northeast Dairy Compact Commission, 34 Barre Street, Suite 2, Montpelier, VT 05602. Telephone (802) 229-1941, Fax (802) 229-2028, E-mail smae@dairycompact.

Authority: 7 U.S.C. 7256.

Dated: November 17, 2000.

Daniel Smith,

Executive Director.

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-333-LT and 50-286-LT (consolidated)]

Power Authority of the State of New York and Entergy Nuclear Fitzpatrick LLC, Entergy Nuclear Indian Point 3 LLC, Entergy Nuclear Operations, Inc. (James A. FitzPatrick Nuclear Power Plant) and Indian Point Nuclear Generating Unit No. 3); CLI-00-22, Memorandum and Order

Commissioners: Richard A. Meserve, Chairman, Greta Joy Dicus, Nils J. Diaz, Edward McGaffigan, Jr. and Jeffrey S. Merrifield

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I. Introduction

This proceeding involves applications which together seek the Commission's authorization to transfer the operating licenses of both the Indian Point Nuclear Generating Unit No. 3 ("Indian Point 3") and the James A. FitzPatrick Nuclear Power Plant ("FitzPatrick"). The Indian Point plant is located in Westchester County, New York, beside the Hudson River. Its property lies partially within the Town of Cortlandt and entirely within the Hendrick Hudson School District. The FitzPatrick plant is located in the town of Scriba in Oswego County, New York.

The Power Authority of the State of New York ("PASNY") seeks to transfer its ownership interest in, and operating/maintenance responsibility for, the Indian Point 3 plant to Entergy Nuclear Indian Point 3, LLC ("Entergy Indian Point") and Entergy Nuclear Operations, Inc. ("Entergy Nuclear Operations"), respectively. Similarly, PASNY would transfer its ownership interest in, and operating/maintenance responsibility for, the FitzPatrick plant to Entergy Nuclear FitzPatrick, LLC ("Entergy FitzPatrick") and Entergy Nuclear Operations, respectively.

The applications were submitted to the Commission on May 11 and 12, 2000, pursuant to Section 184 of the Atomic Energy Act of 1954 ("AEA")¹

¹ 42 U.S.C. 2234 (precluding the transfer of any NRC license unless the Commission both finds the transfer in accordance with the AEA and gives its consent in writing). On November 9, 2000, the NRC staff issued orders approving the two applications for license transfer. Pursuant to 10 CFR 2.1327, the petitioners in this proceeding could have asked the