

November 21, 2000

Mr. Michael R. Kansler
Senior Vice President and
Chief Operating Officer
Entergy Nuclear FitzPatrick
Entergy Nuclear Indian Point 3
123 Main Street
White Plains, NY 10601

Mr. James Knubel
Chief Nuclear Officer
Power Authority of the State
of New York
123 Main Street
White Plains, NY 10601

SUBJECT: ISSUANCE OF CONFORMING AMENDMENT - JAMES A. FITZPATRICK
NUCLEAR POWER PLANT AND INDIAN POINT NUCLEAR GENERATING
UNIT NO. 3 (TAC NOS. MA8948 AND MA8949)

Dear Messrs. Kansler and Knubel:

By Order dated November 9, 2000, the U.S. Nuclear Regulatory Commission (NRC) approved the transfer of the license for the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) and the Indian Point Nuclear Generating Unit No. 3 (IP3) to Entergy Nuclear FitzPatrick, Entergy Nuclear IP3 and ENO, and approved the conforming amendment pursuant to Sections 50.80 and 50.90 of the *Code of Federal Regulations*.

By letter dated November 15, 2000, Entergy Nuclear IP3, Entergy Nuclear FitzPatrick and ENO (collectively Entergy) informed the NRC that the closing of the license transfer is scheduled to occur on November 21, 2000. Entergy also referenced a November 3, 2000, letter from American Nuclear Insurers that documented that Entergy had obtained the appropriate amount of insurance required of licensees under 10 CFR Part 140 of the Commission's regulations.

Accordingly, the Commission has issued the enclosed Amendment No. 268 to Facility Operating License No. DPR-59 for FitzPatrick and Amendment No. 203 to Facility Operating License No. DPR-64 for IP3. The safety evaluation supporting the conforming amendment was enclosed with the Order issued on November 9, 2000.

Enclosure 3 contains six copies of Indemnity Agreement No. B-63 for FitzPatrick and Indemnity Agreement No. B-19 for IP3, which are required in connection with the transfer of the license. Please keep five copies for your records and sign and return the other copy.

Sincerely,

/RA/

George F. Wunder, Project Manager, Section 1
Project Directorate 1
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-286
50-333

Enclosure: 1. Amendment No. 268 to
License No. DPR-59
2. Amendment No. 203 to
License No. DPR-64
3. Indemnity Agreements

cc w/encls: See next page

Enclosure 3 contains six copies of Indemnity Agreement No. B-63 for FitzPatrick and Indemnity Agreement No. B-19 for IP3, which are required in connection with the transfer of the license. Please keep five copies for your records and sign and return the other copy.

Sincerely,

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George F. Wunder, Project Manager, Section 1
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Docket Nos. 50-286
50-333

- Enclosure: 1. Amendment No. 268 to License No. DPR-59
- 2. Amendment No. 203 to License No. DPR-64
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cc w/encls: See next page

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Indian Point Nuclear Generating
Station Unit No. 3

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POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 203
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Power Authority of the State of New York, (the licensee) submitted under cover letters dated May 11 and May 12, 2000, as supplemented June 13, June 16, July 14, September 21, October 26, and November 3, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. DPR-64 is amended as indicated in the attachment to this license amendment.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Attachment: Amended Operating License Pages 1 through 8
and Amended Technical Specifications

Date of Issuance: November 21, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 203

FACILITY OPERATING LICENSE NO. DPR-64

DOCKET NO. 50-286

Replace the following pages of the License with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of the change.

Remove Pages

1 through 6

Insert Pages

1 through 8

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Title Page

1-6

1-7

3.1-7

3.1-31

Insert Pages

Title Page

1-6

1-7

3.1-7

3.1-31

Replace the following pages of the Appendix B Radiological Effluent Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Title Page

3-1

3-2

3-3

3-4

5-1

5-3

Title Page

4-2

4-3

4-4

Figure

Insert Pages

Title Page

3-1

3-2

3-3

3-4

5-1

5-3

Title Page

4-2

4-3

4-4

Figure

ENTERGY NUCLEAR INDIAN POINT 3, LLC
AND ENTERGY NUCLEAR OPERATIONS, INC.
DOCKET NO. 50-286
INDIAN POINT NUCLEAR GENERATING UNIT NO. 3
AMENDED FACILITY OPERATING LICENSE

Amendment No. 203
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) has found that:

- A. The application for amendment by the Power Authority of the State of New York (PASNY) and Entergy Nuclear Indian Point 3, LLC (ENIP3) and Entergy Nuclear Operations, Inc. (ENO), submitted under cover letters dated May 11 and May 12, 2000, as supplemented on June 13, June 16, July 14, September 21, October 26, and November 3, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations as set forth in 10 CFR Chapter I;
- B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
- C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
- D. ENIP3 and ENO are financially and technically qualified to engage in the activities authorized by this amendment;
- E. ENIP3 and ENO have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements" of the Commission's regulations;
- F. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
- G. The receipt, possession and use of source, byproduct and special nuclear material as authorized by this amendment will be in accordance with the

Amendment No. 203

Commission's regulations in 10 CFR Parts 30, 40 and 70 including 10 CFR Sections 30.33, 40.32, 70.23, and 70.31; and

- H. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. DPR-64 (previously issued to Consolidated Edison Company of New York, Inc., and the Power Authority of the State of New York) is hereby amended in its entirety and transferred to ENIP3 and ENO on November 21, 2000, to read as follows:
- A. This amended license applies to the Indian Point Nuclear Generating Unit No. 3, a pressurized water nuclear reactor and associated equipment (the facility), owned by ENIP3 and operated by ENO. The facility is located in Westchester County, New York, on the east bank of the Hudson River in the Village of Buchanan, and is described in the "Final Facility Description and Safety Analysis Report" as supplemented and amended, and the Environmental Report, as amended.
 - B. Subject to the conditions and requirements incorporated herein, the Commission licenses:
 - (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," (a) ENIP3 to possess and use, and (b) ENO to possess, use and operate, the facility at the designated location in Westchester County, New York, in accordance with the procedures and limitations set forth in this amended license;
 - (2) ENO pursuant to the Act and 10 CFR Part 70, to receive, possess, and use, at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Facility Description and Safety Analysis Report, as supplemented and amended;
 - (3) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (4) ENO pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components;
 - (5) ENO pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This amended license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

ENO is authorized to operate the facility an steady state reactor core Power levels not in excess of 3025 megawatts thermal (100% of rated power).

Amdt.17
8-18-78

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 203 are hereby incorporated in the License. ENO shall operate the facility in accordance with the Technical Specifications.

(3) Less Than Four Loop Operation

ENO shall not operate the reactor at power levels above P-7 (as defined in Section 7.2 of the Final Facility Description and Safety Analysis Report) with less than four (4) reactor coolant loops in operation until safety analyses for less than four loop operation have been submitted by ENO and approval for less than four loop operation at power levels above P-7 has been granted by the Commission and amendment of this license.

(4) Pressurizer Weld inspection

The results of the UT inspection of pressurizer weld L-1 (ref. Appendix A Technical Specification 4.2.5.f) shall be reported to the NRC and approval of the results obtained prior to return to power operation following the second refueling shutdown.

Amdt.16
8-11-78

D. (DELETED)

Amdt.46
2-16-83

E. (DELETED)

Amdt.37
5-14-81

- F. This amended license is also subject to appropriate conditions by the New York State Department of Environmental Conservation in its letter of May 2, 1975, to Consolidated Edison Company of New York, Inc., granting a Section 401 certification under the Federal Water Pollution Control Act Amendments of 1972.
- G. ENO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of The Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Indian Point 3 Nuclear Power Plant Physical Security Plan," with revisions submitted through December 14, 1987; "Indian Point 3 Nuclear Power Plant Modified Amended Security Force Guard Training and Qualification Plan," with revisions submitted through October 22, 1984; and "Indian Point 3 Nuclear Power Plant Security Contingency Plan," with revisions submitted through June 20, 1980. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein. Amdt. 81
6-6-88 |
- H. ENO shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Final Safety Analysis Report for Indian Point Nuclear Generating Unit No. 3 and as approved in NRC fire protection safety evaluations (SEs) dated September 21, 1973 March 6, 1979, May 2, 1980, November 18, 1982, December 30, 1982, February 2, 1984, April 16, 1984, January 7, 1987, September 9, 1988, October 21, 1991, April 20, 1994, January 5, 1995, and supplements thereto, subject to the following provision: Amdt.157
1-13-95 |
- ENO may make changes to the approved Fire Protection Program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire. Amdt. 157
1-13-95 |
- I. ENO shall implement a secondary water chemistry monitoring program to inhibit steam generator tube degradation. This program shall include: Amdt. 29
2-21-80 |

1. Identification of a sampling schedule for the critical parameters and control points for these parameters;
 2. Identification of the procedures used to quantify parameters that are critical to control points;
 3. Identification of process sampling points, including monitoring the condenser hotwells for evidence of in-leakage; Amdt. 47
5-27-83
 4. Procedure for the recording and management of data;
 5. Procedures defining corrective actions for off control point chemistry conditions; and
 6. A procedure identifying the authority responsible for the interpretation of the data, and the sequence and timing of administrative events required to initiate corrective action.
- J. The plant shall be brought to the cold shutdown condition within twelve equivalent months of operation from achieving criticality after the Cycle -3 mid-cycle outage, but in any event, no later than March 31, 1982. For the purpose of this requirement, equivalent operation is defined as operation with reactor coolant temperature greater than 350°F. An inspection of all four steam generators shall be performed and Nuclear Regulatory Commission approval shall be obtained before bringing the reactor critical following this inspection. Amdt.41
11-13-81
- K. (DELETED) Amdt.49
5-25-84
- L. ENO shall implement a program to reduce leakage from systems outside containment that would or could contain highly radioactive fluids during a serious transient or accident to as low as practical levels. This program shall include the following. Amdt. 38
10-7-81
1. Provisions establishing preventive maintenance and periodic visual inspection requirements, and
 2. Integrated leak test requirements for each system at a frequency not to exceed refueling cycle intervals.

- M. ENO shall implement a program which will ensure the capability to accurately determine the airborne iodine concentration in vital areas under accident conditions. This program shall include the following:
1. Training of personnel.
 2. Procedure for monitoring, and
 3. Provisions for maintenance of sampling and analysis equipment.
- N. (DELETED)
- O. Evaluation, status and schedule for completion of balance of plant modifications as outlined in letter dated February 12, 1983, shall be forwarded to the NRC by January 1, 1984.
- P. Entergy Nuclear IP3 and ENO shall take no action to cause Entergy Global Investments, Inc. or Entergy International Ltd. LLC, or their parent companies to void, cancel, or modify the \$70 million contingency commitment to provide funding for the facility as represented in the application for approval of the transfer of the license from PASNY to ENIP3 and ENO, without the prior written consent of the Director, Office of Nuclear Reactor Regulation.
- Q. The decommissioning trust agreement shall provide that the use of assets in the decommissioning trust fund, in the first instance, shall be limited to the expenses related to decommissioning of the facility as defined by the NRC in its regulations and issuances, and as provided in this license and any amendments thereto.
- R. The decommissioning trust agreement shall provide that no contribution to the decommissioning trust fund that consists of property other than liquid assets shall be permitted.
- S. With respect to the decommissioning trust fund, investments in the securities or other obligations of PASNY, Entergy Corporation, ENIP3, Entergy Nuclear FitzPatrick, LLC, ENO, or affiliates thereof, or their successors or assigns, shall be

Amdt. 38
10-7-81

Amdt. 49
5-25-84

Amdt. 47
5-27-83

prohibited. Except for investments that replicate the composition of market indices or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear plants is prohibited.

- T. The decommissioning trust agreement shall provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee until the trustee has first given the NRC 30 days prior written notice of the payment. In addition, the trust agreement shall state that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director, Office of Nuclear Reactor Regulation.
- U. The decommissioning trust agreement shall provide that the trust agreement shall not be modified in any material respect without the prior written consent of the Director, Office of Nuclear Reactor Regulation.
- V. Entergy Nuclear Indian Point 3, or its successors or assigns, shall take no action that would adversely affect any contract between it and PASNY for PASNY's eventual payment of decommissioning funds from the trust.
- W. Entergy Nuclear Indian Point 3, or its successors or assigns, shall inform the NRC within 30 days of any adverse developments with respect to PASNY's ownership of the decommissioning trust that could reasonably be expected to lead to a significant diminution of funds available for decommissioning the facility.
- X. The decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investment" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.
- Y. For purposes of ensuring public health and safety, ENIP3, upon the transfer of this license to it, shall provide decommissioning funding assurance for the facility by the prepayment or

equivalent method, to be held in a decommissioning trust fund for the facility, of no less than the amount required under NRC regulation at 10 CRF 50.75. Any amount held in any decommissioning trust maintained by PASNY for the facility after the transfer of the facility license to ENIP3 may be credited towards the amount required under this paragraph.

- Z. ENIP3 shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for the transfer of this license to ENIP3 and ENO and the requirements of the order approving the transfer, and consistent with the safety evaluation supporting such order.
- 3. This amended license is effective at 12:01 a.m., November 21, 2000, and shall expire at midnight December 12, 2015.

Original signed by

Robert W. Reid, Chief
Operating Reactors Branch #4
Division of Operating Reactors

Attachment: Changes to the Technical Specifications

Date of Issuance: March 8, 1978

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 268
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Power Authority of the State of New York (the licensee) submitted under cover letters dated May 11 and May 12, 2000, as supplemented June 13, June 16, July 14, September 21, October 26, and November 3, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. DPR-59 is amended as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance, to be implemented within 30 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

Attachment: Amended Operating Licenses Pages 1 through 7
and Amended Technical Specifications

Date of Issuance: November 21, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 268

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Replace the following pages of the license with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

1-5

Insert Pages

1-7

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Title Page

214

245

258c

260a

Insert Pages

Title Page

214

245

258c

260a

Replace the following pages of the Appendix B Radiological Environmental Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Title

1

2

48

67

Insert Pages

Title

1

2

48

67

Replace the following page of the Appendix C Additional Conditions with the attached revised page. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Page

Appendix C

Insert Page

Appendix C

ENTERGY NUCLEAR FITZPATRICK, LLC
AND ENTERGY NUCLEAR OPERATIONS, INC.
DOCKET NO. 50-333
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
AMENDED FACILITY OPERATING LICENSE

Amendment No. 268
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Power Authority of the State of New York (PASNY), Entergy Nuclear FitzPatrick, LLC (ENF) and Entergy Nuclear Operations, Inc. (ENO) submitted under cover letters dated May 11 and May 12, 2000, as supplemented on June 13, June 16, July 14, September 21, October 26, and November 3, 2000, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I.
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. ENF and ENO are financially and technically qualified to engage in the activities authorized by this amendment;
 - E. ENF and ENO have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements" of the Commission's regulations;
 - F. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
 - G. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this amendment will be in accordance with the

Amendment No. 268

Commission's regulations; in 10 CFR Parts 30, 40, and 70, including 10 CFR Sections 30.33, 40.32, 70.23, and 70.31; and

- H. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. DPR-59 (previously issued to the Power Authority of the State of New York and Niagara Mohawk Power Corporation pursuant to the Atomic Safety and Licensing Board's Initial Decision and Supplemental Initial Decision dated November 12, 1973, and January 10, 1974, respectively; and the Atomic Safety and Licensing Appeal Board's Decision dated January 29, 1974; is hereby amended in its entirety and transferred to ENF and ENO on November 21, 2000, to read as follows:
- A. This amended license applies to the James A. FitzPatrick Nuclear Power Plant, a boiling water nuclear reactor and associated equipment (the facility), owned by ENF and operated by ENO. The facility is located in Scriba, Oswego County, New York, and is described in the "Final Safety Analysis Report" as supplemented and amended, and the Environmental Report as supplemented and amended.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
 - (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," a) ENF to possess and use and b) ENO to possess, use and operate the facility at the designated location in Scriba, Oswego County, New York, in accordance with the procedures and limitations set forth in this amended license;
 - (2) ENO pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time, special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;
 - (3) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source, and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
 - (4) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools.

(5) ENO pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This amended license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

ENO is authorized to operate the facility at steady state reactor core power levels not in excess of 2536 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 268*, are hereby incorporated in the license. ENO shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protections program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994), and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision:

ENO may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

* Each amendment updates this paragraph to indicate the latest amendment to the License.

(4) Systems Integrity

ENO shall implement a program to reduce leakage from the systems outside containment that would or could contain highly radioactive fluids during a serious transient or accident to as low as practical levels. This program shall include the following:

1. Provisions establishing maintenance and periodic visual inspection requirement, and
2. Leak test requirements for the systems at a frequency not to exceed operating cycle intervals.

(5) Iodine Monitoring

ENO shall implement a program which will ensure the capability to accurately determine the airborne iodine concentration in areas vital to the mitigation of or recovery from an accident. This program shall include the following:

1. Training of personnel,
2. Procedures for monitoring, and
3. Provisions for maintenance of sampling and analysis equipment.

D. Physical Protection

ENO shall fully implement and maintain in effect all provisions of the Commission-approved physical security guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "FitzPatrick Modified Amended Security Plan," with revisions submitted through March 7, 1988; "FitzPatrick Modified Amended Security Force Training and Qualification Plan," with revisions submitted through April 10, 1985; and "FitzPatrick Security Contingency Plan," with revisions submitted through June 20, 1980. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

E. Power Uprate License Amendment Implementation

The licensee shall complete the following actions as a condition of the approval of the power uprate license amendment.

(1) Recirculation Pump Motor Vibration

Perform monitoring of recirculation pump motor vibration during initial Cycle 13 power ascension for uprated power conditions.

(2) Startup Test Program

The licensee will follow a startup testing program, during Cycle 13 power ascension, as described in GE Licensing Topical Report NEDC-31897P-1, "Generic Guidelines for General Electric Boiling Water Reactor Power Uprate." The startup test program includes system testing of such process control systems as the feedwater flow and main steam pressure control systems. The licensee will collect steady-state operational data during various portions of the power ascension to the higher licensed power level so that predicted equipment performance characteristics can be verified. The licensee will do the startup testing program in accordance with its procedures. The licensee's approach is in conformance with the test guidelines of GE Licensing Topical Report NEDC-31897P-1, "Generic Guidelines for General Electric Boiling Water Reactor Power Uprate," June 1991 (proprietary), GE Licensing Topical Report NEDO-31897, "Generic Guidelines for General Electric Boiling Water Reactor Power Uprate," February 1992 (nonproprietary), and NEDC-31897P-AA, Class III (proprietary), May 1992.

(3) Human Factors

The licensee will review the results of the Cycle 13 startup test program to determine any potential effects on operator training. Training issues identified will be incorporated in Licensed Operator training during 1997. Simulator discrepancies identified will be addressed in accordance with simulator Configuration Management procedural requirements.

F. Additional Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 268, are hereby incorporated into this license. ENO shall operate the facility in accordance with the Additional Conditions.

G. ENF and ENO shall take no action to cause Entergy Global Investments, Inc. or Entergy International Ltd. LLC, or their parent companies, to void, cancel, or modify the \$70 million contingency commitment to provide funding for the facility as represented in the application for approval of the transfer of the facility license from PASNY to ENF and ENO, without the prior written consent of the Director, Office of Nuclear Reactor Regulation.

H. The decommissioning trust agreement shall provide that the use of assets in the decommissioning trust fund, in the first instance, shall be limited to the expenses related to decommissioning of the facility as defined by the NRC in its

regulations and issuances, and as provided in this license and any amendments thereto

- I. The decommissioning trust agreement shall provide that no contribution to the decommissioning trust that consists of property other than liquid assets shall be permitted.
- J. With respect to the decommissioning trust fund, investments in the securities or other obligations of the PASNY, Entergy Corporation, Entergy Nuclear IP3, LLC, ENF, ENO, or affiliates thereof, or their successors or assigns, shall be prohibited. Except for investments that replicate the composition of market indices or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear plants is prohibited.
- K. The decommissioning trust agreement shall provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee until the trustee has first given the NRC 30 days' prior written notice of the payment. In addition, the trust agreement shall state that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the Director, Office of Nuclear Reactor Regulation.
- L. The decommissioning trust agreement shall provide that the trust agreement shall not be modified in any material respect without the prior written consent of the Director, Office of Nuclear Reactor Regulation.
- M. ENF, or its successors or assigns shall take no action that would adversely affect any contract between it and PASNY for PASNY's eventual payment of decommissioning funds from the trust.
- N. ENF, or its successors or assigns shall inform the NRC within 30 days of any adverse developments with respect to PASNY's ownership of the decommissioning trust that could reasonably be expected to lead to a significant diminution of funds available for decommissioning the facility.
- O. The decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trust shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.
- P. For purposes of ensuring public health and safety, ENF, upon the transfer of this license to it, shall provide decommissioning funding assurance for the facility, to be held in a decommissioning trust fund for the facility by the prepayment or equivalent method, of no less than the amount required under NRC regulations at 10 CFR 50.75. Any amount held in any decommissioning trust maintained by PASNY for the facility after the transfer of the facility license to ENF may be credited towards the amount required under this paragraph.

- Q. ENF shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for the transfer of this license to ENF and ENO and the requirements of the order approving the transfer, and consistent with the safety evaluation supporting such order.
3. This license is effective as of the date of issuance and shall expire at midnight on October 17, 2014.

FOR THE NUCLEAR REGULATORY COMMISSION

(ORIGINAL SIGNED BY: ROBERT W. REID)

Robert W. Reid, Chief
Operating Reactors Branch #4
Division of Operating Reactors

Attachments/Appendices:

1. Appendix A - Technical Specifications
2. Appendix B - Radiological Effluent Technical Specifications
3. Appendix C - Additional Conditions

Date of Issuance: June 3, 1977