UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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,

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

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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

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	Insert Pages
1 through 6	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	Insert Pages
Title Page	Title Page
1-6	1-6
1-7	1-7
3.1-7	3.1-7
3.1-31	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	Insert Pages
Title Page	Title Page
3-1	3-1
3-2	3-2
3-3	3-3
3-4	3-4
5-1	5-1
5-3	5-3
Title Page	Title Page
4-2	4-2
4-3	4-3
4-4	4-4
Figure	Figure

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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

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 I

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 I

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

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 I

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: Amdt. 38 10-7-81

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

N. (DELETED) Amdt. 49 5-25-84

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. Amdt. 47 5-27-83

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

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

APPENDIX A

TO

FACILITY OPERATING LICENSE DPR-64

TECHNICAL SPECIFICATIONS AND BASES

FOR THE

INDIAN POINT 3 NUCLEAR GENERATING STATION UNIT NO. 3

WESTCHESTER COUNTY, NEW YORK

ENTERGY NUCLEAR INDIAN POINT 3, LLC (ENIP3)

AND ENTERGY NUCLEAR OPERATIONS, INC. (ENO)

DOCKET NO. 50-286

Date of Issuance:
April 15, 1976

Amendment No. 203

1.16 REPORTABLE EVENT

A REPORTABLE EVENT shall be any of those conditions specified in Section 50.73 to 10 CFR 50.

1.17 CORE OPERATING LIMITS REPORT

The CORE OPERATING LIMITS REPORT (COLR) is the unit-specific document that provides core operating limits for the current operating reload cycle. These cycle-specific core operating limits shall be determined for each reload cycle in accordance with Specification 6.9.1.6. Plant operation within these operating limits is addressed in individual specifications.

1.18 SHUTDOWN MARGIN

SHUTDOWN MARGIN (SDM) is the instantaneous amount of negative reactivity by which the reactor is subcritical or would be subcritical from its present condition assuming all full-length rod cluster assemblies (shutdown and control) are fully inserted except for the single rod cluster assembly of highest reactivity worth which is assumed to be fully withdrawn.

1.19 EFFLUENT CONCENTRATION

The EFFLUENT CONCENTRATION is that concentration of a radionuclide specified in 10 CFR 20, Table 2 of Appendix B.

1.20 MEMBER(S) OF THE THE PUBLIC

MEMBER OF THE PUBLIC means any individual except when that individual is receiving an OCCUPATIONAL DOSE.

1.21 OCCUPATIONAL DOSE

OCCUPATIONAL DOSE means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of ENIP3, ENO or other person. OCCUPATIONAL DOSE does not include dose received from background radiation, from any medical administration the individual has received, from exposure administered to individuals administered radioactive material and released in accordance with 35.75, from voluntary participation in medical research programs, or as a MEMBER OF THE PUBLIC.

1.22 OFFSITE DOSE CALCULATION MANUAL (OCDM)

The OFFSITE DOSE CALCULATION MANUAL SHALL contain the current methodology and parameters used in the calculation of offsite doses resulting from radioactive gaseous and liquid effluents, in the calculation of gaseous and liquid effluent monitoring Alarm/Trip Setpoints, and in the conduct of the Radiological Environmental Monitoring Program. The ODCM shall also contain (1) the Radioactive Effluent Controls and Radiological Environmental Monitoring Programs required by Appendix A Technical Specification 6.8.4 and (2) descriptions of the information that should be included in the Annual Radiological Environmental Operating Radioactive Effluent Release Reports required by Appendix B Technical specifications 4.3.2.1 and 4.3.2.2.

1.23 PROCESS CONTROL PROGRAM (PCP)

The PROCESS CONTROL PROGRAM shall contain the current formulas, sampling, analyses, tests, and determinations to be made to ensure that the processing and packaging of solid radioactive wastes based on demonstrated processing of actual or simulated wet solid wastes will be accomplished in such a way to assure compliance with 10 CFR Parts 20, 61 and 71, and Federal and State regulations and other requirements governing the disposal of solid radioactive waste.

1.24 SITE BOUNDARY

The SITE BOUNDARY (see Figure 1-1) means that line beyond which the land or property is not owned, leased, or otherwise controlled by either ENIP3, ENO or other site licensee.

1.25 UNRESTRICTED AREA

An UNRESTRICTED AREA (see Figure 1-1) means an area, access to which is neither limited, nor controlled by either ENIP3, ENO or other site licensee, but the UNRESTRICTED AREA does not include areas over water bodies. The concept of UNRESTRICTED AREAS, established at or beyond the SITE BOUNDARY, is utilized in the radioactive effluent controls to keep levels of radioactive materials in liquid and gaseous effluents as low as is reasonably achievable, pursuant to 10 CFR 50.36a.

Basis

When the boron concentration of the Reactor Coolant System is to be reduced the process must be uniform to prevent sudden reactivity changes in the reactor. Mixing of the reactor coolant will be sufficient to maintain a uniform boron concentration if at least one reactor coolant pump or one residual heat removal pump is running while the change is taking place. The residual heat removal pump will circulate the primary system volume in approximately one half hour. The pressurizer is of no concern because of the low pressurizer volume and because the pressurizer boron concentration will be higher than that of the rest of the reactor coolant.

Heat transfer analyses show that reactor heat equivalent to 10% of rated power (P-7) can be removed with natural circulation only (1); hence, the requirement for one operating RCP above 350°F and two operating RCP's above 2% rated power provides a substantial safety factor. In addition, a single RCP or RHR pump (connected to the RCS) provides sufficient heat removal capability for removing decay heat.

The restriction on control bank withdrawal with less than four reactor coolant pumps operating when the reactor is subcritical and RCS T_{avg} is greater than 350°F is necessary to conform with the assumptions used in the transient analyses for the uncontrolled control rod withdrawal event from subcritical condition. The FSAR safety analysis for uncontrolled control rod assembly withdrawal from a subcritical condition assumes all four reactor coolant pumps to be operating within the temperature range of concern. Using this assumption the DNB design basis is satisfied for the combination of the two banks of the maximum combined worth withdrawn at maximum speed. Since there is no mechanism by which the control rods can be automatically withdrawn due to a control system error when T_{avg} is between 350°F and the no-load temperature, such an event can only be initiated as a result of human error during rod manipulation. Prohibiting control bank withdrawal with less than four RCPs operating provides assurance that the plant is operated within the accident analysis assumptions.

The reactor shall not be operated at power levels above 10% rated power 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 10% rated power has been granted by the Commission. (See license condition 2.C. (3))

Each of the pressurizer code safety valves is designed to relieve 420,000 lbs. per hr. of saturated steam at the valve set point.

If no residual heat were removed by the Residual Heat Removal System the amount of steam which could be generated at safety valve relief pressure would be less than half the capacity of a single valve. One valve therefore provides adequate protection for overpressurization.

The combined capacity of the three pressurizer safety valves is greater than the maximum surge rate resulting from complete loss of load (2) without a direct reactor trip or any other control.

F. LEAKAGE OF REACTOR COOLANT

Specification

1. If leakage of reactor coolant is indicated by the means available such as water inventory balance, monitoring equipment or direct observation a follow-up evaluation of the safety implications shall be initiated as practicable but no later than within 4 hours. Any indicated leak shall be considered to be a real leak until it is determined that the indicated leak cannot be substantiated by direct observation or other indication.

2. If the leakage rate, excluding controlled leakage sources such as the Reactor Coolant Pump Controlled Leakage Seals and Leakage into Closed Systems, exceeds 1 gpm and the source of leakage is not identified, reduce the leakage rate to within limits within four hours or be in hot shutdown within the next six hours and in cold shutdown within the following 30 hours.

3. If the sources of leakage are identified and the results of the evaluation are that continued operation is safe, operation of the reactor with a total leakage, other than from controlled sources or into closed systems, not exceeding 10 gpm shall be permitted except as specified in 3.1.F.4 below.

4. If it is determined that leakage exists through a non-isolable fault which has developed in a Reactor Coolant System Component Body, pipe wall (excluding steam generator tubes), vessel wall or pipe weld, the reactor shall be brought to the cold shutdown condition within twenty-four hours.

5. If the total leakage, other than from controlled sources or into closed systems, exceeds 10 gpm, the reactor shall be placed in the hot shutdown condition within four hours and the cold shutdown condition within an additional twenty-four hours.

6. The reactor shall not be restarted following shutdown as per items 3.1.F.2, 3, 4, or 5, above, until the leak is repaired or until the problem is otherwise corrected.

7. Whenever the reactor is shutdown, or a steam generator removed from service, in order to investigate steam generator tube leakage and/or to plug or otherwise repair a leaking tube, ENO shall inform the NRC before the reactor is brought critical.

8. Primary to secondary leakage through the steam generator tubes shall be limited to 0.3 gpm (432 gpd) per steam generator and the total leakage through all four steam generators shall be limited to 1.0 gpm (1440 gpd). With any steam generator tube leakage greater than this limit the reactor shall be placed in the hot shutdown condition within four hours and the cold shutdown condition within an additional twenty-four hours.

APPENDIX B

TO

FACILITY OPERATING LICENSE

FOR

ENTERGY NUCLEAR INDIAN POINT 3, LLC (ENIP3)

AND

ENTERGY NUCLEAR OPERATIONS, INC. (ENO)

INDIAN POINT 3 NUCLEAR

POWER PLANT

ENVIRONMENTAL TECHNICAL SPECIFICATION

REQUIREMENTS

PART I: NON-RADIOLOGICAL ENVIRONMENTAL PROTECTION PLAN

FACILITY LICENSE NO. DPR-64

DOCKET NUMBER 50-286

3.0 Consistency Requirements

3.1 Plant Design and Operation

ENO may make changes in station design or operation or perform tests or experiments affecting the environment provided such changes, tests or experiments do not involve an unreviewed environmental question, and do not involve a change in the Environmental Protection Plan.* Changes in plant design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this section.

Before engaging in additional construction or operational activities which may affect the environment, ENO shall prepare and record an environmental evaluation of such activity. When the evaluation indicates that such activity involves an unreviewed environmental question, ENO shall provide a written evaluation of such activities and obtain prior approval from the Director, Office of Nuclear Reactor Regulation. When such activity involves a change in the Environmental Protection Plan, such activity and change to the Environmental Protection Plan may be

*This provision does not relieve the ENO of the requirements of 10 CFR 50.59.

implemented only in accordance with an appropriate license amendment as set forth in Section 5.3.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the final environmental statement (FES) as modified by staff's testimony to the Atomic Safety and Licensing Boards, supplements to the FES, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level in accordance with 10 CFR Part 51.5(b)(2); or (3) a matter not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

ENO shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include a written evaluation which provides a basis for the determination that the change, test, or experiment does not involve an unreviewed environmental question nor constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. ENO shall include as part of his Annual Environmental Protection

Plan Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

3.2 Reporting Related to the NPDES Permits and State Certifications

Violations of the NPDES Permit or the State certification (pursuant to Section 401 of the Clean Water Act) shall be reported to the NRC by submittal of copies of the reports required by the NPDES Permit or certification.

Changes and additions to the NPDES Permit or the State certification shall be reported to the NRC within 30 days following the date the change is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The NRC shall be notified of changes to the effective NPDES Permit proposed by ENIP3 and ENO by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The notification of a ENIP3 and ENO

initiated change shall include a copy of the requested revision submitted to the permitting agency. ENO shall provide the NRC a copy of the application for renewal of the NPDES permit at the same time the application is submitted to the permitting agency.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, or local environmental regulations are not subject to the requirements of Section 3.1.

5.0 Administrative Procedures

5.1 Review and Audit

ENO shall provide for review and audit of compliance with the Environmental Protection Plan. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records and logs relative to the environmental aspects of plant operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

Records of modifications to plant structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the plant. All other records, data and logs relating to

report period, including a comparison with preoperational studies, operational controls (as appropriate), and previous non-radiological environmental monitoring reports, and an assessment of the observed impacts of the plant operation on the environment. If harmful effects or evidence of trends towards irreversible damage to the environment are observed, ENO shall provide a detailed analysis of the data and a proposed course of action to alleviate the problem.

The Annual Environmental Protection Plan Report shall also include:

(a) A list of EPP noncompliances and the corrective actions taken to remedy them.

(b) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental issue.

(c) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.

(d) A list of all reports submitted in accordance with the NPDES permit or the State certification.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing data shall be submitted as soon as possible in a supplementary report.

APPENDIX B

TO

FACILITY OPERATING LICENSE

TO

ENTERGY NUCLEAR INDIAN POINT 3, LLC (ENIP3)

AND

ENTERGY NUCLEAR OPERATIONS, INC. (ENO)

INDIAN POINT 3

NUCLEAR POWER PLANT

ENVIRONMENTAL TECHNICAL SPECIFICATION

REQUIREMENTS

PART II RADIOLOGICAL ENVIRONMENTAL

FACILITY LICENSE NO. DPR-64

DOCKET NO. 50-286

AMENDMENT NO. 49

4.3.2.2 ANNUAL RADIOLOGICAL ENVIRONMENTAL OPERATING REPORT*

An Annual Radiological Environmental Operating Report covering the operation of the unit during the previous calendar year shall be submitted prior to May 1 of each year.

The Annual Radiological Environmental Operating Reports shall include summaries, interpretations, and an analysis of trends of the results of the Radiological Environmental Monitoring Program for the report period. The material provided shall be consistent with the objectives outlined in (1) the ODCM and (2) Sections IV.B.2, IV.B.3, and IV.C of Appendix I to 10 CFR Part 50.

A full listing of the information to be contained in the Annual Radiological Environmental Operating Report is provided in the ODCM.

4.3.3 MAJOR CHANGES TO RADIOACTIVE LIQUID, GASEOUS AND SOLID WASTE TREATMENT SYSTEMS**

ENO initiated major changes to the radioactive waste systems (liquid, gaseous and solid) shall be reported to the Commission in the Annual Radioactive Effluent Release Report for the period in which the evaluation was reviewed by the PORC. The discussion of each shall contain:

a. A summary of the evaluation that led to the determination that the change could be made in accordance with 10 CFR 50.59.

b. Sufficient detailed information to totally support the reason for the change without benefit of additional or supplemental information;

c. A detailed description of the equipment, components and processes involved and the interfaces with other plant systems;

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* A single submittal may be made for a multiple unit station.

** The information called for in this Specification will be submitted as part of the annual FSAR update.

d. An evaluation of the change, which shows the predicted releases of radioactive materials in liquid and gaseous effluents and/or quantity of solid waste that differ from those previously predicted in the license application and amendments thereto;

e. An evaluation of the change, which shows the expected maximum exposures to an individual in the UNRESTRICTED AREA and to the general population that differ from those previously estimated in the license application and amendments thereto;

f. A comparison of the predicted releases of radioactive materials, in liquid and gaseous effluents and in solid waste, to the actual releases for the period prior to when the changes are to made;

g. An estimate of the exposure of the plant operating personnel as a result of the change; and

h. Documentation of the fact that the change was reviewed and found acceptable by the PORC.

4.3 RECORD RETENTION

Records associated with the Radiological Environmental Monitoring Program are to be retained as required by Appendix A Technical Specification 6.10.2.

4.4 PROCESS CONTROL PROGRAM (PCP)

4.5.1 The PCP shall be approved by the Commission prior to implementation.

4.5.2 ENO initiated changes to the PCP:

1. Shall be documented and records of reviews performed shall be retained as required by Appendix A Technical Specification 6.10.2.p. This documentation shall contain:

   a. Sufficient information to support the change together with the appropriate analyses or evaluations justifying the change(s); and

b. A determination that the change will maintain the overall conformance of the solidified waste product to existing requirements of Federal, State, or other applicable regulations.

2. Shall become effective upon review and acceptance by the PORC and the approval of the Site Executive Officer.

3. Shall be submitted to the Commission as a part of or concurrent with the Annual Radioactive Effluent Release Report for the period of the report in which any change to the PCP was made. Each change shall be identified by marking in the margin of the affected pages, clearly indicating the area of the page that was changed and shall indicate the date (e.g., month/year) the change was implemented.

4.6 OFFSITE DOSE CALCULATION MANUAL (ODCM)

4.6.1 The ODCM shall be approved by the Commission prior to implementation.

4.6.2 ENO initiated changes to the ODCM:

1. Shall be documented and records of reviews performed shall be retained as required by Appendix A Technical 6.10.2.p. This documentation shall contain:

   a. Sufficient information to support the change together with the appropriate analyses or evaluations justifying the change(s); and

   b. A determination that the change will maintain the level of radioactive effluent control required pursuant to 10 CFR 20.1302, 40 Part 190, 10 CFR 50.36a, and Appendix I to 10 CFR Part 50 and not adversely impact the accuracy or reliability of effluent dose or setpoint calculations;

2. Shall become effective upon review and acceptance by the PORC and the approval of the Site Executive Officer.

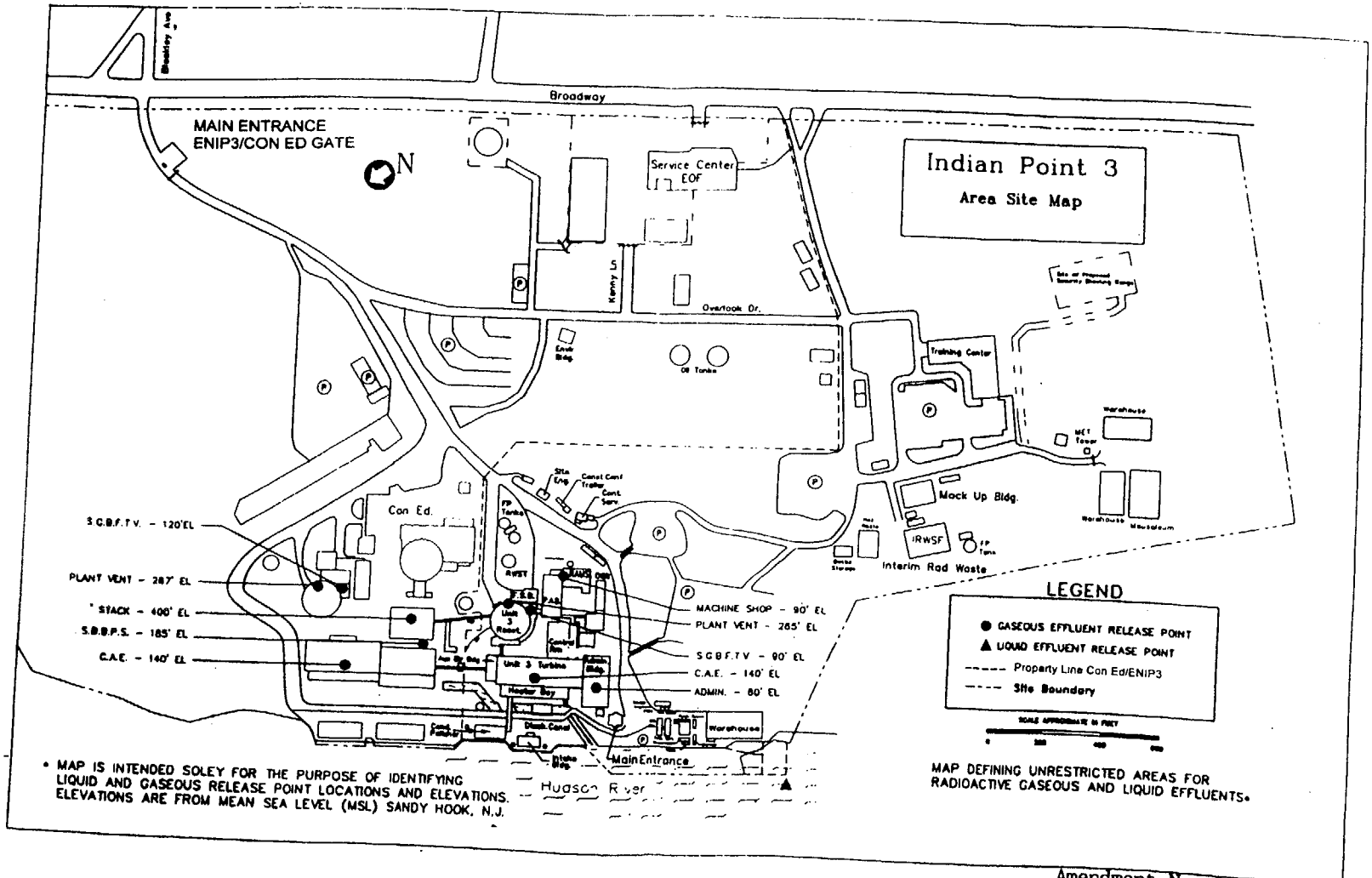


Figure 4.7-1

Amendment No. ~~199~~, 203

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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

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	Insert Pages
1-5	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	Insert Pages
Title Page	Title Page
214	214
245	245
258c	258c
260a	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	Insert Pages
Title	Title
1	1
2	2
48	48
67	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	Insert Page
Appendix C	Appendix C

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

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

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

APPENDIX A

TO

FACILITY OPERATING LICENSE NO. DPR-59

TECHNICAL SPECIFICATIONS AND BASES

FOR

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

ENTERGY NUCLEAR FITZPATRICK, LLC (ENF) AND

ENTERGY NUCLEAR OPERATIONS, INC. (ENO)

DOCKET NO. 50-333

Date of Issuance: **October 17, 1974**

Amendment No. ~~22~~, 268

3.8 LIMITING CONDITIONS FOR OPERATION

3.8 MISCELLANEOUS RADIOACTIVE MATERIALS SOURCES

Applicability:

Applies to the handling and use of sealed special nuclear, source and by-product material at all times.

Objective:

To assure that leakage from byproduct, source and special nuclear radioactive material sources does not exceed allowable limits.

Specification:

Each sealed source containing radioactive material either in excess of 100 microcuries of beta and/or gamma emitting material or 5 microcuries of alpha emitting material, shall have removable contamination of less than or equal to 0.005 microcuries.

A. With a sealed source having removable contamination in excess of the above limit, immediately withdraw the sealed source from use, and either:

   1. Decontaminate and repair the sealed source, or
   2. Dispose of the sealed source in accordance with applicable regulations.

4.8 SURVEILLANCE REQUIREMENTS

4.8 MISCELLANEOUS RADIOACTIVE MATERIALS SOURCES

Applicability:

Applies to the surveillance requirements of sealed special nuclear, source and by-product materials.

Objective:

To specify the surveillances to be applied to sealed special nuclear, source and by-product materials.

Specification:

Tests for leakage and/or contamination shall be conducted as follows:

A. Each sealed source, except startup sources subject to core flux, containing radioactive material, other than Hydrogen-3, with a half-life greater than thirty days and in any form other than gas shall be tested for leakage and/or contamination at intervals not to exceed six months.

B. The periodic leak test required does not apply to sealed sources that are stored and not being used. The sources excepted from this test shall be tested for leakage prior to any use or transfer to another user unless they have been leak tested within six months prior to the date of use or transfer. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, sealed source shall not be put into use until tested.

C. Startup sources shall be leak tested within 31 days prior to being subjected to core flux or installed in the core and following repair or maintenance to the source.

D. The test method shall have a detection sensitivity of at least 0.005 microcuries per test sample. Testing shall be performed by Entergy Nuclear Operations Inc. or by other persons specifically authorized by the NRC or an agreement state.

5.0 DESIGN FEATURES

5.1 SITE

5.1.1 The James A. FitzPatrick Nuclear Power Plant is located on the Entergy Nuclear FitzPatrick, LLC portion the Nine Mile Point site, approximately 3,000 ft. east of the Nine Mile Point Nuclear Station, Unit 1. The NPP-JAF site is on Lake Ontario in Oswego County, New York, approximately 7 miles northeast of Oswego. The plant is located at coordinates north 4,819,545.012m, east 386,968,945 m, on the Universal Transverse Mercator System.

5.1.2 The nearest point on the property line from the reactor building and any points of potential gaseous effluents, with the exception of the lake shoreline, is located at the northeast corner of the property. This distance is approximately 3,200 ft. and is the radius of the exclusion areas as defined in 10 CFR 100.3.

5.2 REACTOR

5.2.1 The reactor core consists of not more than 560 fuel assemblies. Each assembly shall consist of a matrix of Zircaloy clad fuel rods with an initial composition of slightly enriched uranium dioxide (UO_2) as fuel material. Fuel assemblies shall be limited to those fuel designs approved by the NRC staff for use in BWRs.

5.2.2 The reactor core contains 137 cruciform-shaped control rods as described in Section 3.4 of the FSAR.

5.3 REACTOR PRESSURE VESSEL

The reactor pressure vessel is as described in Table 4.2-1 and 4.2.2 of the FSAR. The applicable design codes are described in Section 4.2 of the FSAR.

5.4 CONTAINMENT

5.4.1 The principal design parameters and characteristics for the primary containment are given in Table 5.2-1 of the FSAR.

5.4.2 The secondary containment as described in Section 5.3 and the applicable codes are as described in Section 12.4 of the FSAR.

5.4.3 Penetrations of the primary containment and piping passing through such penetrations are designed in accordance with standards set forth in Section 5.2 of the FSAR.

C. Revisions of the ODCM:

1. shall be submitted to the Commission in the Semiannual Radioactive Effluent Release Report for the period in which the revisions were made effective. This submittal ash contain:

   a. sufficiently detailed information to support the rationale for the revisions without benefit of additional information (information submitted shall consist of revised pages of the ODCM, with each page numbered and provided with an approval and date box, together with appropriate evaluations justifying the revisions);

   b. a determination that the revisions will not reduce the accuracy or reliability of dose calculation or setpoint determinations; and

   c. documentation that the revisions have been reviewed and accepted by the PORC.

2. shall become effective upon issue following review and acceptance by the PORC.

6.18 MAJOR MODIFICATIONS TO RADIOACTIVE LIQUID, GASESOUS AND SOLID WASTE TREATEMENT SYSTEMS*

A. Major modifications to radioactive waste systems (liquid, gaseous and solid):

   1. shall be reported to the Commission in the Semiannual Radioactive Effluent Release Report for the period in which the modifications is completed and made operational. The discussion of each modification shall contain:

      a. a summary of the evaluation that led to the determination that the modification could made in accordance with 10 CFR 50.59;

      b. sufficient information to support the reason for the modification without benefit of additional or supplemental information; and

      c. a description of the equipment, components and processes involved and the interfaces with other plant systems.

*** Entergy Nuclear Operations, Inc. may elect to submit the information called for in this Specification as part of the annual 10 CFR 50.59 Safety Evaluation Report.**

Table 6.2-1

ENTERGY NUCLEAR OPERATIONS, INC.
JAMES A. FITZPATRICK NUCLEAR POWER PLANT

MINIMUM SHIFT MANNING REQUIREMENTS

	Refuel & Cold Shutdown (fuel in reactor)	Start-up, Shutdown or Run
SRO	1 on site	2 (1 in C. R.)
STA	None	1 on site*
RO	1 in C. R.	2 (1 in C. R.) **
Non-Licensed Operator	1 on site	2 on site
Individual Qualified in Radiation Protection Procedures	1 on site	1 on site

Note: * The STA position may be combined with one of the SRO positions and fulfilled by any individual meeting the dual-role SRO/STA qualification in accordance with Section 6.3.2.

** During startup or planned shutdown; both in Control Room.

(SRO) - Licensed Senior Operator
(STA) - Shift Technical Advisor
(RO) - Licensed Reactor Operator
(C.R.) - Control Room

Amendment No. ~~111~~ ,268

RADIOLOGICAL EFFLUENT TECHNICAL SPECIFICATIONS

APPENDIX B

TO

FACILITY OPERATING LICENSE NO. DPR-59

FOR

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

ENTERGY NUCLEAR FITZPATRICK, LLC. (ENF) AND

ENTERGY NUCLEAR OPERATIONS, INC. (ENO)

DOCKET NO. 50-333

1.0 DEFINITIONS

A. Dose Equivalent I-131

The Dose Equivalent I-131 is the concentration of I-131 (microcuries/gram) which alone would produce the same thyroid dose as the quantity and isotopic mixture of I-131, I-132, I-133, I-134 and I-135 actually present. The thyroid dose conversion factors used for this calculation shall be those listed in International Commission on Radiological Protection Publication 30 (ICRP-30), "Limits for Intake by Workers" or in NRC Regulatory Guide 1.109, Revision 1, October 1977.

B. Instrument Channel Calibration
See Appendix A Technical Specifications.

C. Instrument Channel Functional Test
See Appendix A Technical Specifications.

D. Instrument Check
See Appendix A Technical Specifications.

E. Logic System Function Test
See Apppendix A Technical Specifications.

F. Members(s) of the Public
Member(s) of the Public includes all persons who are not occupationally associated with the facilities on the Entergy Nuclear FitzPatrick, LLC (ENF)/(NMPC) Niagara Mohawk Power Corporation site. This category does not include employees of the companies, its contractors or vendors. Also excluded from this category are persons who enter the site to service equipment or to make deliveries. This category does include persons who use portions of the site for recreational, occupational, or other purposes not associated with the plants.

G. Offgas Treatment System
The Offgas Treatment System is the system designed and installed to: reduce radioactive gaseous effluents by collecting primary coolant system offgases from the main condenser; and, providing for delay of the offgas for the purpose of reducing the total radioactivity prior to release to the environment.

H. Offsite Dose Calculation Manual (ODCM)
The ODCM describes the methodology and parameters to be used in the calculation of offsite doses due to radioactive gaseous and liquid effluents and in the calculation of gaseous and liquid effluents monitoring instrumentation alarm/trip set points and in the conduct of the environmental monitoring program.

I. Operable
See Appendix A Technical Specifications.

J. Process Control Program (PCP)

The PCP is a document which identifies the current formulas, sampling methods, analyses, tests, and determinations used to control the processing and packaging of solid radioactive wastes. The PCP controls these activities in such a way as to assure compliance with 10 CFR 20, 10 CFR 61, 10 CFR 71 and other applicable regulatory requirements governing the disposal of the radioactive waste.

K. Rated Thermal Power

See Rated Power, Appendix A Technical Specifications.

L. Site Boundary

The Site Boundary is that line beyond which the land is not owned, leased, or otherwise controlled by ENF, ENO or NMPC. Refer to Figure 5.1-1 for the map of the site boundary with regard to liquid and gaseous releases.

M. Solidification

Solidification is the conversion of wet wastes into a form that meets shipping and burial ground requirements.

N. Source Check

A Source Check is the qualification assessment of channel response when the channel sensor is exposed to a source of increased radioactivity.

O. Treatment

Any process which effectively reduces the concentration of radioactive material per unit measure released to the environment. This includes such processes as filtration, evaporation/condensation, settling/decanting, and solidification.

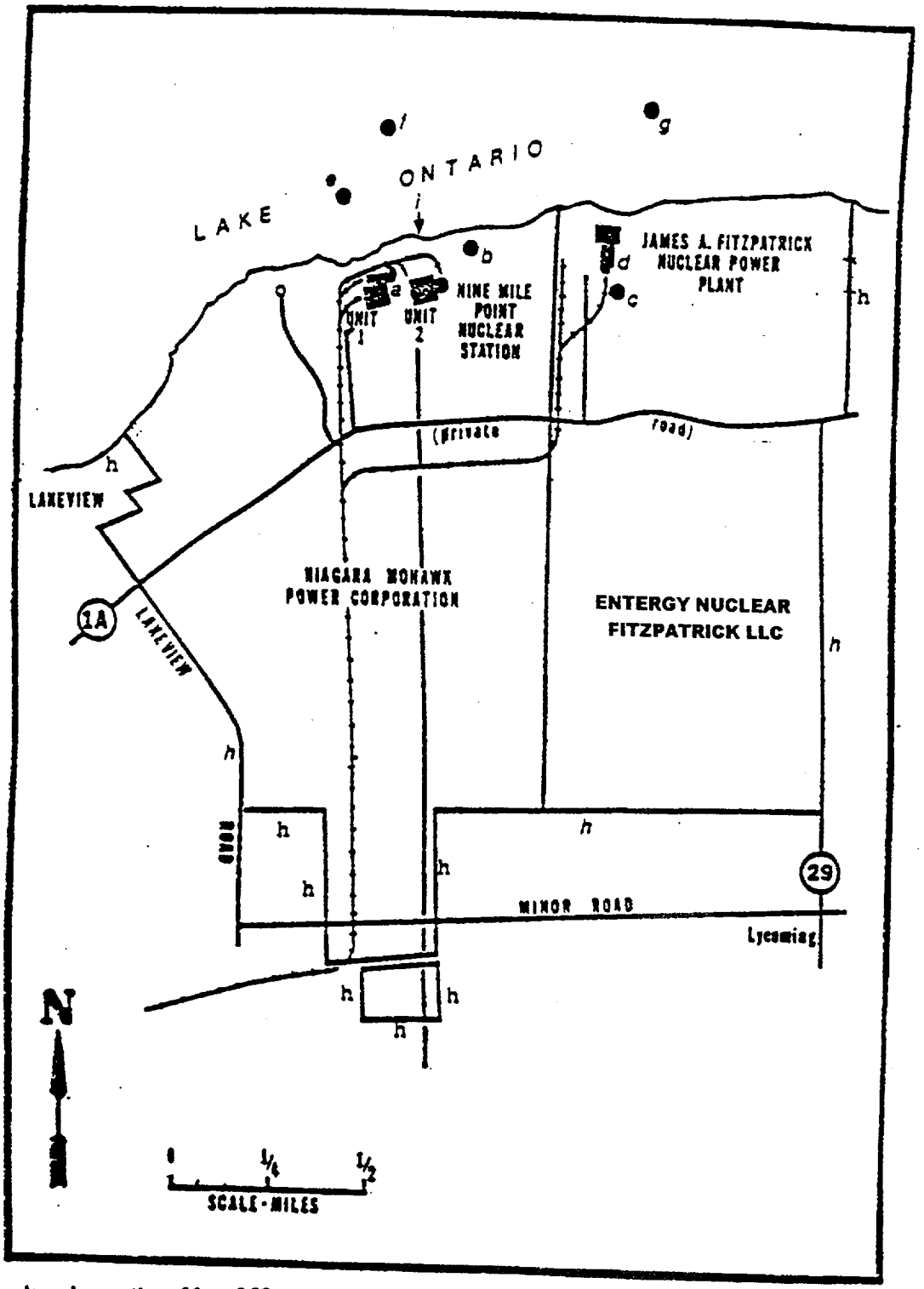
P. Unrestricted Area

An unrestricted area shall be any area at or beyond the site boundary access to which is not controlled by ENF or ENO for purposes of protection of individuals from exposure to radiation and radioactive material, or any area within the site boundary used for residential quarters or for industrial, commercial, institutional, and/or recreational purposes.

The definition of unrestricted area used in implementing the Radiological Effluent Technical Specifications has been expanded over that in 10 CFR 20.3(a)(17). The unrestricted area boundary may coincide with the exclusion (fenced) area boundary, as defined in 10 CFR 100.3(a), but the unrestricted area does not include areas over water bodies. The concept of unrestricted areas, established at or beyond the site boundary, is utilized in the Limiting Conditions for Operation to keep levels of radioactive materials in liquid and gaseous effluents as low as is reasonably achievable, pursuant to 10 CFR 50.36a.

FIGURE 5.1-1

SITE BOUNDARY MAP



2. The Radioactive Effluent Release Report to be submitted within 60 days after January 1 of each year may include an annual summary of meteorological data collected over the previous year. If the meteorological data is not included, ENO shall retain it on file and provide it to the U.S. Nuclear Regulatory Commission upon request. This same report shall include an assessment of the radiation doses* due to the radioactive liquid and gaseous effluents released from the unit or station during the previous claendar year to the public. All assumptions used in making these assessments (i.e., specific activity, exposure time and location) shall be included in these reports. The assessment of radiation doses shall be performed in accordance with the ODCM.

3. The Radioactive Effluent Release Reports shall include any change to the PCP or the ODCM made during the reporting period, as well as a listing of new locations for dose calculations and/or environmental monitoring indentified by the land use census pursuant to Specification 6.2.

4. The Radioactive Effluent Release Report to be submitted 60 days after January 1 of each year shall also include an assessment of radiation doses* to the likely most exposed member of the public from reactor releases and other nearby uranium fuel cycle sources (including doses from primary effluent pathways and direct radiation) during the previous calendar year, to show conformance with 40 CFR 190, Environmental Radiation Protection Standards for Nuclear Power Operation. This assessment of radiation doses is performed in accordance with the ODCM.

5. The Radioactive Effluent Release Reports shall include the following information for each class of solid waste (defined by 10 CFR 61) shipped offsite during the report period:

   (a) Container volume;

   (b) Total curie quantity (specify whether determined by measurement or estimate),

   (c) Principal radionuclides (specify whether determined by measurement or estimate),

   (d) Source of waste and processing employed (e.g., dewatered spent resin, compacted dry waste, evaporator bottoms),

   (e) Type of container (e.g., LSA, Type A, Large Quantity), and

   (f) Solidification agent or absorbent (e.g., cement, Dow media, etc.)

6. **The Radioactive Effluent Release Reports shall include a list and description of unplanned releases, to unrestricted areas of radioactive materials in gaseous and liquid effluents made during the reporting period.**

---

* The dose assessment sections of the Semiannual Radiological Effluent Release Report shall be submitted within 90 days after January 1 of each year as an addendum to the Semiannual Radiological Effluent Release Report.

APPENDIX C

ADDITIONAL CONDITIONS
OPERATING LICENSE NO. DPR-59

Amendment Number	Additional Conditions
243	Entergy Nuclear Operations, Inc. shall describe snubber operation and surveillance requirements in the Final Safety Analysis Report such that future changes to those requirements will be subject to the provisions of 10 CFR 50.50.
250	Entergy Nuclear Operations, Inc. shall relocate operability and surveillance requirements for logic bus power monitors, core spray sparger differential pressure, and low pressure coolant injection cross-connect valve position instruments to an Entergy-controlled document where future changes to those relocated requirements are controlled under the provisions of 10 CFR 50.59.

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

Docket Nos. 50-3
50-247
50-286

AMENDMENT TO INDEMNITY AGREEMENT NO. B-19
AMENDMENT NO. 24

Effective November 21 ,2000, Indemnity Agreement No. B-19, between Consolidated Edison Company of New York, Inc. and the Power Authority of the State of New York and the Atomic Energy Commission, dated December 4, 1961, as amended, is hereby further amended as follows:

Item 1-Licensee*

A. Indian Point Units 1 and 2

Licensee - Consolidated Edison Company of New York, Inc.

B. Indian Point Unit 3

Licensee - Entergy Nuclear Indian Point 3, LLC
Entergy Nuclear Operations, Inc.

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

Cynthia A Carpenter

Cynthia A Carpenter, Chief
Generic Issues, Environmental, Financial, and Rulemaking Branch
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Accepted_____,2000

By_____
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By_____
Power Authority of the State of New York

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Document Name:g\idp1\Indian Point

OFFICE	RGEB	SC:RGEB	C:RGEB
NAME	IDinitz:sw	BZalcman	CCarpenter
DATE	9/27/00	9/27/00	10/2/00

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Docket No. 50-333

AMENDMENT TO INDEMNITY AGREEMENT NO. B-63
AMENDMENT NO. 10

Effective November 21 ,2000, Indemnity Agreement No. B-63, between Power Authority of the State of New York and the Atomic Energy Commission, dated August 28, 1972, as amended, is hereby further amended as follows:

Substitute the names "Entergy Nuclear FitzPatrick, LLC" and "Entergy Nuclear Operations, Inc." for the name "Power Authority of the State of New York"

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

Cynthia A Carpenter, Chief
Generic Issues, Environmental, Financial, and
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Power Authority of the State of New York

*See previous concurrence
Document Name:g:\IDP1\FitzPatrick

OFFICE	*RGEB	*SC:RGEB	*C:RGEB
NAME	IDinitz:sw	BZalcman	CCarpenter
DATE	10/02/00	10/02/00	10/02/00

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