

October 10, 2001

Mr. Michael Kansler
Vice President and
Chief Operating Officer
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1 AND 2 -
AMENDMENTS RE: HIGH RADIATION AREA CONTROLS
(TAC NOS. MB2386 AND MB2415)

Dear Mr. Kansler:

The Commission has issued the enclosed Amendment Nos. 51 and 221 to Facility Operating License Nos. DPR-05 and DPR-26 for the Indian Point Nuclear Generating Unit Nos. 1 and 2 (IP1 and IP2), respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to the application from Consolidated Edison Company of New York, Inc. (Con Edison) transmitted by letter dated July 13, 2001. On September 6, 2001, the license for IP2 was transferred from Con Edison to Entergy Nuclear IP2 and Entergy Nuclear Operations, Inc. By letter dated September 20, 2001, Entergy Nuclear Operations requested that the U.S. Nuclear Regulatory Commission (NRC) continue to review all requests pending with the NRC at the time of the license transfer which had been submitted by Con Edison.

The amendments revise TS 4.1.8, "High Radiation Area," for IP1 and TS 6.12, "High Radiation Area," for IP2 to delete the administrative requirements for the control of access to high radiation areas. The control of access to these areas is assured by the licensee's radiation protection programs that comply with 10 CFR 20.1601 by using the alternate methods in NRC Regulatory Guide 8.38, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants," June 1993.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Patrick D. Milano, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-003 and 50-247

Enclosures: 1. Amendment No. 51 to DPR-05
2. Amendment No. 221 to DPR-26
3. Safety Evaluation

cc w/encls: See next page

October 10, 2001

Mr. Michael Kansler
Vice President and
Chief Operating Officer
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1 AND 2 -
AMENDMENTS RE: HIGH RADIATION AREA CONTROLS
(TAC NOS. MB2386 AND MB2415)

Dear Mr. Kansler:

The Commission has issued the enclosed Amendment Nos. 51 and 221 to Facility Operating License Nos. DPR-05 and DPR-26 for the Indian Point Nuclear Generating Unit Nos. 1 and 2 (IP1 and IP2), respectively. The amendments consist of changes to the Technical Specifications (TSs) in response to the application from Consolidated Edison Company of New York, Inc. (Con Edison) transmitted by letter dated July 13, 2001. On September 6, 2001, the license for IP2 was transferred from Con Edison to Entergy Nuclear IP2 and Entergy Nuclear Operations, Inc. By letter dated September 20, 2001, Entergy Nuclear Operations requested that the U.S. Nuclear Regulatory Commission (NRC) continue to review all requests pending with the NRC at the time of the license transfer which had been submitted by Con Edison.

The amendments revise TS 4.1.8, "High Radiation Area," for IP1 and TS 6.12, "High Radiation Area," for IP2 to delete the administrative requirements for the control of access to high radiation areas. The control of access to these areas is assured by the licensee's radiation protection programs that comply with 10 CFR 20.1601 by using the alternate methods in NRC Regulatory Guide 8.38, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants," June 1993.

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

/RA/

Patrick D. Milano, Sr. Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-003 and 50-247

Enclosures: 1. Amendment No. 51 to DPR-05
2. Amendment No. 221 to DPR-26
3. Safety Evaluation

cc w/encls: See next page

DOCUMENT NAME: C:\Program Files\Adobe\Acrobat 4.0\PDF Output\IP2 AMD MB2415.wpd

Accession Number: ML012400073

*See previous concurrence

OFFICE	PDI-1\PM	PDI\PM*	PDI-1\LA	IOLB\SC*	OGC*	PDI\SC	PDI-1\ASC
NAME	PMilano	JMinns	SLittle	KGibson	MO'Neill	RGramm	LRaghavan
DATE	10/02/01	10/2/01	10/9/01	09/06/01	09/24/01	10/3/01	10/9/01

Official Record Copy

DATED: October 9, 2001

AMENDMENT NOS. 51 AND 221 TO FACILITY OPERATING LICENSE NOS. DPR-05 AND DPR-26 INDIAN POINT UNITS 1 AND 2

DISTRIBUTION:

PUBLIC

PDI-1 R/F

PDIV-1 R/F

OGC

L. Raghavan

R. Gramm

K. Gibson

G. Hill (2)

W. Beckner

ACRS

B. Platchek, RI

S. Little

D. Johnson

P. Milano

J. Minns

J. Wiggington

cc: Plant Service list

Indian Point Nuclear Generating Station
Units 1/2

Mr. Jerry Yelverton
Chief Executive Officer
Entergy Operations
1340 Echelon Parkway
Jackson, MS 39213

Mr. Fred Dacimo
Vice President Operations
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Units 1 & 2
P.O. Box 249
Buchanan, NY 10511

Mr. Dan Pace
Vice President Engineering
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. James Knubel
Vice President Operations Support
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Lawrence Temple
Plant Manager
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Unit 2
P.O. Box 249
Buchanan, NY 10511

Mr. John Kelly
Director - Licensing
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Ms. Charlene Fiason
Licensing
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. John McCann
Manager, Nuclear Safety and Licensing
Indian Point Nuclear Generating Unit 2
Entergy Nuclear Operations, Inc.
P. O. Box 249
Buchanan, NY 10511

Mr. Harry P. Salmon, Jr.
Director of Oversight
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

Mr. Edward Goetchius
Licensing Manager
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Unit 2
P.O. Box 249
Buchanan, NY 10511

Mr. Thomas Walsh
Secretary - NFSC
Entergy Nuclear Operations, Inc.
P. O. Box 249
Buchanan, NY 10511

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Senior Resident Inspector, Indian Point 2
U. S. Nuclear Regulatory Commission
P.O. Box 38
Buchanan, NY 10511

Mr. William M. Flynn, President
New York State Energy, Research, and
Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Indian Point Nuclear Generating Station
Units 1/2

Mr. J. Spath, Program Director
New York State Energy, Research, and
Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. Paul Eddy
Electric Division
New York State Department
of Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Mr. Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mayor, Village of Buchanan
236 Tate Avenue
Buchanan, NY 10511

Mr. Ray Albanese
Executive Chair
Four County Nuclear Safety Committee
Westchester County Fire Training Center
4 Dana Road
Valhalla, NY 10592

David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street, NW., Suite 600
Washington, DC 20006

Edward Smeloff
Pace University School of Law
The Energy Project
78 North Broadway
White Plains, NY 10603

Michael Mariotte
Nuclear Information & Resources Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Deborah Katz
Executive Director
Citizens Awareness Network
P.O. Box 83
Shelburne Falls, MA 01370

Marilyn Elie
Organizer
Citizens Awareness Network
2A Adrain Court
Cortlandt Manor, NY 10567

Tim Judson
Organizer
Citizens Awareness Network
140 Bassett Street
Syracuse, NY 13213

Kyle Rabin
Environmental Advocates
353 Hamilton Street
Albany, NY 12210

Mark Jacobs
Executive Director
Westchester Peoples Action Coalition
255 Dr. M.L. King Jr. Boulevard
White Plains, NY 10601

Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW, #404
Washington, DC 20036

ENTERGY NUCLEAR INDIAN POINT 2, LLC

ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-003

INDIAN POINT NUCLEAR GENERATING STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 51
License No. DPR-5

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that
 - A. The application for amendment by Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc., (jointly, the licensee) dated July 13, 2001, 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, License No. DPR-5 is hereby amended as indicated in the attachment to this license amendment, and paragraph 3.B of Facility Possession Only License No. DPR-5 is hereby amended to read as follows:

3.B Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 51, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Robert A. Gramm, Chief, Section 1
Project Directorate IV
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the
Technical Specifications

Date of Issuance: October 10, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 51

TO FACILITY OPERATING LICENSE NO. DPR-5

DOCKET NO. 50-003

Replace the following pages of the 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

i
9

Insert

i
9

ENERGY NUCLEAR INDIAN POINT 2, LLC

ENERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-247

INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 221

License No. DPR-26

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Nuclear Indian Point 2, LLC, and Entergy Nuclear Operations, Inc., (jointly, the licensee) dated July 13, 2001, 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, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-26 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 221, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Lakshminaras Raghavan, Acting Chief, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: October 10, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 221

FACILITY OPERATING LICENSE NO. DPR-26

DOCKET NO. 50-247

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

vi
6-12

Insert Pages

vi
6-12

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 51 TO FACILITY OPERATING LICENSE NO. DPR-5
AND AMENDMENT NO. 221 TO FACILITY OPERATING LICENSE NO. DPR-26

ENTERGY NUCLEAR INDIAN POINT 2, LLC

ENTERGY NUCLEAR OPERATIONS, INC.

INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1 AND 2

DOCKET NOS. 50-003 AND 50-247

1.0 INTRODUCTION

By letter dated July 13, 2001, the Consolidated Edison Company of New York, Inc. (Con Edison) submitted a request for changes to both the Indian Point Nuclear Generating Unit Nos. 1 and 2 (IP1 and 2) Technical Specifications (TSs). The requested changes would revise TS 4.1.8, "High Radiation Area," for IP1 and TS 6.12, "High Radiation Area," for IP2 to delete the administrative requirements for the control of access to high radiation areas. The control of access to these areas is assured by the licensee's radiation protection programs that comply with 10 CFR 20.1601 by using the alternate methods in U.S. Nuclear Regulatory Commission (NRC) Regulatory Guide 8.38, "Control of Access to High and Very High Radiation Areas in Nuclear Power Plants," June 1993.

On September 6, 2001, the licenses for IP1 and 2 were transferred to Entergy Nuclear IP2 and Entergy Nuclear Operations, Inc (the licensee). By letter dated September 20, 2001, Entergy Nuclear Operations requested that the NRC continue to review all requests pending with the NRC at the time of the license transfer which had been submitted by Con Edison.

2.0 EVALUATION

The requirements of 10 CFR 20.1601, "Control of access to high radiation areas," are provided to ensure strict controls for access to areas where an individual could receive a dose greater than 0.001 Sv (100 mrem) in 1 hour (e.g., high radiation area). Pursuant to 10 CFR 20.1601(a), licensees are required to ensure that each entrance or access point to a high radiation area has one or more of the features listed in that section. In place of these control features, licensees are allowed under 10 CFR 20.1601(b) to substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry. In general, most licensees find that the most practical of these features is to maintain entryways locked, except during periods when access is required, with positive control over each individual entry. However, this method can be cumbersome because of the number of high radiation areas and the need to frequently access them. Thus, in place of the controls required by 10 CFR 20.1601(a) or (b), licensees may apply

to the NRC for approval of alternative methods for controlling access to high radiation areas pursuant to 10 CFR 20.1601(c).

In a letter dated March 29, 1995, Con Edison requested approval pursuant to 10 CFR 20.1601(c) to implement alternative high radiation area controls as described in Part C, Section 2.4, of NRC Regulatory Guide (RG) 8.38. In Section 2.4, the NRC provided an alternative to the requirements of 10 CFR 20.1601(a) that would be acceptable to the NRC. In a letter dated May 16, 1995, the NRC staff issued a safety evaluation for IP2 which found that Con Edison's request provided reasonable assurance that individuals would not exceed regulatory dose limits by inadvertently accessing high dose rate areas at IP2. Since Con Edison did not request any exceptions or variations to Section 2.4 of RG 8.38, the staff concluded that the alternative was acceptable. However, TS 6.12 was not changed at that time to delete the requirements for control of access to high radiation areas. In the May 16 letter, the staff also noted that, "for enforcement and compliance purposes, Section 2.4 'shoulds' becomes 'shalls;' the 'mays' do not change, they remain optional."

In its July 13, 2001, application, Con Edison stated that the radiation protection programs developed to comply with 10 CFR 20.1601 use the alternative methods from RG 8.38. The radiation protection function for both units is controlled and performed by a single organization. The IP1 restricted areas are completely enclosed within the protected areas for IP2. By the completion of the requested change, the licensee will eliminate the differences in the TS requirements for IP1 and IP2. Further, the licensee stated that TS 4.1.7 and 6.11 for IP1 and 2, respectively, state that the procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20. Thus, the provisions for the control of access to high radiation areas are encompassed in these TS sections.

Since the use of the alternative in Section 2.4 of RG 8.38 was previously accepted by the NRC, and the requirements are included in the licensee's radiation protection program procedures, the NRC finds that the deletion of the TS requirements for control of high radiation areas at IP1 and IP2 is acceptable.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendments. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued proposed findings that the amendments involve no significant hazards consideration, and there has been no public comment on such findings (66 FR 46477 and 66 FR 44165). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

5.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: J. Wiggington

Date: October 10, 2001