

April 13, 2007

Mr. Robert A. Fenech
Senior Vice President for Nuclear, Fossil,
and Hydro Operations
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

SUBJECT: BIG ROCK POINT - ISSUANCE OF AMENDMENT 127 FOR APPROVAL OF
TRANSFER OF FACILITY OPERATING LICENSE NO. DPR-06
(TAC NO. J60565)

Dear Mr. Fenech:

The Commission has issued the enclosed Amendment No. 127 to Facility Operating License No. DPR-06 for Big Rock Point. This amendment is in response to the application dated October 31, 2006, which requested approval of conforming amendment to the license pursuant to Title 10 of the Code of Federal Regulations, Parts 50.80 and 72.50.

The amendment revises Facility Operating License No. DPR-06 for Big Rock Point to reflect approval of the transfer of the license for Big Rock Point from Consumers Energy Company to Entergy Nuclear Palisades, LLC, and Entergy Nuclear Operations, Inc.

The Notice of Issuance will be sent to the Office of the Federal Register for publication.

Sincerely,

/RA/

James C. Shepherd, Project Manager
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket Nos.: 50-155
72-043

Enclosure:
License Amendment No. 127 for
Big Rock Point

cc: BRP Distribution List

April 13, 2007

Mr. Robert A. Fenech
Senior Vice President for Nuclear, Fossil,
and Hydro Operations
Consumers Energy Company
One Energy Plaza
Jackson, MI 49201

SUBJECT: BIG ROCK POINT - ISSUANCE OF AMENDMENT 127 FOR APPROVAL OF
TRANSFER OF FACILITY OPERATING LICENSE NO. DPR-06
(TAC NO. J60565)

Dear Mr. Fenech:

The Commission has issued the enclosed Amendment No. 127 to Facility Operating License No. DPR-06 for Big Rock Point. This amendment is in response to the application dated October 31, 2006, which requested approval of conforming amendment to the license pursuant to Title 10 of the Code of Federal Regulations, Parts 50.80 and 72.50.

The amendment revises Facility Operating License No. DPR-06 for Big Rock Point to reflect approval of the transfer of the license for Big Rock Point from Consumers Energy Company to Entergy Nuclear Palisades, LLC, and Entergy Nuclear Operations, Inc.

The Notice of Issuance will be sent to the Office of the Federal Register for publication.

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Decommissioning and Uranium Recovery
Licensing Directorate
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and Environmental Protection
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Big Rock Point

cc: BRP Distribution List

DISTRIBUTION:

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Identical letter sent to: Arunas T. Udrys, Sam Behrends, and Douglas E. Levanway

ML071010036

OFFICE	DWMEP	DWMEP	DWMEP	DWMEP
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DATE	4/12/07	4/13/07	4/12/07	4/13/07

OFFICIAL RECORD COPY

CONSUMERS ENERGY COMPANY

DOCKET NO. 50-155

BIG ROCK POINT FACILITY

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 127
License No. DPR-06

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for a license amendment by Consumers Energy Company (the licensee) dated October 31, 2006, 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 that: (i) the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) 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, or the environment; 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 as indicated in the attachment to this license amendment.

Enclosure

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

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Attachment:

Changes to Facility Operating
License No. DPR-06

Date of Issuance: April 11, 2007

ATTACHMENT TO LICENSE AMENDMENT NO. 127

FACILITY OPERATING LICENSE NO. DPR-06

DOCKET NO. 50-155

Replace the following pages of the Facility Operating License No. DPR-06 with the attached revised pages. The changed areas are identified by a marginal line.

Remove

License Page 1
License Page 2
License Page 3
License Page 4
License Page 5

Insert

License Page 1
License Page 2
License Page 3
License Page 4
License Page 5

Replace the following pages of the Defueled Technical Specifications for the Big Rock Point Plant with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove

List of Effective Pages
Page 6-1
Page 6-2
Page 6-3
Page 6-9
Bases (Cover Page)

Insert

List of Effective Pages
Page 6-1
Page 6-2
Page 6-3
Page 6-9
Bases (Cover Page)

ENTERGY NUCLEAR PALISADES, LLC
ENTERGY NUCLEAR OPERATIONS, INC
DOCKET NO. 50-155
BIG ROCK POINT PLANT
AMENDMENT TO FACILITY OPERATING LICENSE

License No. DPR-06

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for a license amendment by Entergy Nuclear Palisades, LLC, (ENP) and Entergy Nuclear Operations, Inc., (ENO), (the licensees), 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, as amended, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance that: (i) 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 rules and regulations of the Commission;
 - D. The licensees are technically and financially qualified to engage in the activities authorized by this operating license in accordance with the rules and regulations of the Commission;
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the rules and regulations of the Commission and all applicable requirements have been satisfied;
 - F. The licensees have satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;
 - G. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - H. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license 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.

Amendment No. 127
April 11, 2007

2. Facility Operating License No. DPR-06, is hereby issued to ENP and ENO in its entirety to read as follows :
 - A. This license applies to the Big Rock Point Plant (the facility) owned by ENP. The facility is located in Charlevoix County, Michigan, and is described in the licensee's application dated January 14, 1960, and the Final Hazards Summary Report, as supplemented, updated, and amended by subsequent filings by the licensee.
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses ENP and ENO:
 - B.(1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," to possess the facility at the designated location in Charlevoix County, Michigan, in accordance with the procedures and limitations set forth in this license;
 - B.(2) Pursuant to the Act and 10 CFR Part 70, "Domestic Licensing of Special Nuclear Material," to possess at any one time up to: a) 2500 kilograms of contained uranium-235 in fuel rods, b) 10.32 grams of uranium-235 as contained in fission counters, c) 150 kilograms of plutonium contained in PuO₂-UO₂ fuel rods, and d) 5 curies of plutonium encapsulated as a plutonium-beryllium neutron source,
 - (a) Deleted
 - (b) Deleted
 - (c) Deleted
 - (d) Deleted
 - (e) Deleted
 - (f) Deleted
 - (g) Deleted
 - B.(3) Pursuant to the Act and 10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," to receive, possess, and use at any one time up to 7000 curies of antimony-beryllium in the form of neutron sources, 3.7 curies of cobalt-60 as sealed sources, 45 curies of cesium-137 as sealed sources, 10 microcuries of miscellaneous alpha-emitting material as sealed sources, and up to 500 millicuries per nuclide of any byproduct material between atomic numbers 1 and 83, inclusive, without restriction as to chemical and physical form;
 - B.(4) Pursuant to the Act and 10 CFR Part 40, "Domestic Licensing of Source Material," to possess at any one time up to 500 kilograms of depleted uranium dioxide contained in the facility's fuel assembly;

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

C. This 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:

C.(1) Reactor Operation

The reactor is not licensed for power operation. Fuel shall not be placed in the reactor vessel.

C.(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 127, are hereby incorporated in the license. ENO shall maintain the facility in accordance with the Technical Specifications.

C.(3) Physical Protection

ENO shall fully implement and maintain in effect all provisions of the physical security, guard training and qualification, and safeguards contingency plans approved by the Commission and all amendments and revisions to such plans made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p), as modified by NRC-approved exemptions. The plan, which contains safeguards information protected under 10 CFR 73.21, is entitled: "Big Rock Point ISFSI Security Plan," as submitted on July 31, 2001, and modified by letter dated March 6, 2002. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

C.(4) License Termination Plan

The License Termination Plan (LTP) dated April 1, 2003, as supplemented by LTP, Rev.1, dated July 1, 2004, is approved by NRC License Amendment No. 126.

In addition to those criteria specified in 10 CFR 50.59, 10 CFR 50.82(a)(6), and 10 CFR 50.82(a)(7), changes to the approved LTP shall require NRC approval prior to being implemented if the change:

(a) Increases in radionuclide-specific derived concentration guideline levels of area factors (discussed in Chapter 6 of the LTP);

- (b) Increases the probability of making a Type I decision error above the level stated in the LTP (discussed in Chapter 5 of the LTP);
- (c) Increases the investigation level thresholds for a given survey unit classification (as given in Table 5-7 of the LTP);
- (d) Changes the classification of a survey unit from a more restrictive classification to a less restrictive classification (e.g., Class 1 to Class 2). Definitions for the different classifications for surface soils are provided in Chapter 5 of the LTP;
- (e) Reduces the overage requirements for scan measurements (table 5-4 of the LTP); or
- (f) Involves reliance upon statistical tests other than the Sign test (as discussed in Chapter 5 of the LTP) for data evaluation.

Prior to a request to release a survey area from the license, the licensees shall assure that the site is in compliance with the dose-based release criteria per the process described in Chapter 5 of the LTP.

The licensees shall submit an updated LTP in accordance with 10 CFR 50.71(e).

The licensees may make changes to the LTP without prior NRC approval using the 10 CFR 50.59 process.

C.(5) Deleted

C.(6) Deleted

C.(7) Deleted

- D. This amendment becomes effective as of the date of its issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Keith I. McConnell, Deputy Director
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection

Date of Issuance: April 11, 2007

DEFUELED TECHNICAL SPECIFICATIONS
FOR
BIG ROCK PLANT
DOCKET 50-155

LIST OF EFFECTIVE PAGES
as of
AMENDMENT 127
APRIL 11, 2007

<u>DESCRIPTION</u>	<u>AMENDMENT NUMBER</u>	<u>REVISION DATE</u>
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<u>Section 2 - SAFETY LIMITS AND LIMITING SAFETY SYSTEM SETTINGS</u>		
Page 2-1.....	120	12/24/1998
<u>Sections 3 & 4 - LIMITING CONDITIONS FOR OPERATION AND SURVEILLANCE REQUIREMENTS</u>		
Page 3/4-1.....	125	03/19/2004
Page 3/4-2.....	125	03/19/2004
<u>Section 5 - DESIGN FEATURES</u>		
Page 5-1.....	125	03/19/2004
<u>Section 6 - ADMINISTRATIVE CONTROLS</u>		
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Page 6-8.....	125	03/19/2004
Page 6-9.....	127	04/11/2007
BASES.....		N/A (pages B3/4-1 through B3/4-3)

BIG ROCK POINT DEFUELED TECHNICAL SPECIFICATIONS

6.0 ADMINISTRATIVE CONTROLS

6.1 RESPONSIBILITY AND AUTHORITY

6.1.1 SENIOR NUCLEAR OFFICER

The Senior Nuclear Officer shall be the Chief Nuclear Officer and shall be responsible for the overall operation, maintenance and decommissioning of the Big Rock Point nuclear power plant.

6.1.2 SITE GENERAL MANAGER

The site general manager shall be responsible for overall facility operation, maintenance and decommissioning and for periods of absence shall delegate in writing the succession to this responsibility. Unless otherwise specified, the site general manager's delegate has authority to perform all actions and grant approvals assigned by these specifications to the site general manager. The site general manager may delegate specific tasks to other individuals who may perform those tasks whether the site general manager is absent or present at the site.

6.2 ORGANIZATION

6.2.1 REPORTING RELATIONSHIPS

Onsite organization and corporate reporting relationship shall be established as described in the Quality Program Description for Big Rock Point.

6.2.2 FACILITY ORGANIZATION

The site general manager or his designate shall verify that required security staffing and Dry Fuel Storage Technical Specification surveillance(s) have been met.

BIG ROCK POINT DEFUELED TECHNICAL SPECIFICATIONS

6.0 ADMINISTRATIVE CONTROLS

6.3 STAFF QUALIFICATIONS

Each member of the facility management and supervisory staff shall meet the minimum requirements of ANSI N18.1-1971 for comparable positions. The individual responsible for radiation protection functions shall meet the minimum requirements of Regulatory Guide 1.8, September 1975.¹

6.4 REVIEW AND AUDIT

Requirements for onsite and offsite reviews and audits are described in the Quality Program Description for Big Rock Point.

¹As applied to this specification, "equivalent," as used in Regulatory Guide 1.8 for the bachelor's degree requirement, may be met with four years of any one or combination of the following: (a) formal training in science engineering or (b) operational or technical experience and training in nuclear power.

BIG ROCK POINT DEFUELED TECHNICAL SPECIFICATIONS

6.0 ADMINISTRATIVE CONTROLS

6.5 PROCEDURES AND PROGRAMS

6.5.1 PROCEDURES

6.5.1.1 Scope

Written procedures shall be established, implemented and maintained for quality related activities defined in the Big Rock Point Decommissioning Quality List and shall meet or exceed the requirements described by the Quality Program Description.

Written procedures shall also be established, implemented, and maintained covering the following activities:

- a. ISFSI Security Plan;
- b. Emergency Plan;
- c. Fire Protection Plan;
- d. Quality Program Description; and
- e. Radiation Protection Program.

6.5.1.2 Review and Approval

Requirements for review and approval of procedures (and revisions thereto) required by this section are described in the Quality Program Description.

6.5.1.3 Temporary Changes

Requirements for making temporary changes to procedures which fall within the scope of this section are described in the Quality Program Description.

6.5.2 PROGRAMS

The following programs shall be established, implemented and maintained in accordance with written procedures meeting the requirements contained in Specification 6.5.1.

6.5.2.1 Radiation Protection Program

Procedures for personnel radiation protection shall be prepared consistent with the requirements of 10 CFR Part 20 and shall be approved, maintained and adhered to for all operations involving personnel radiation exposure.

BIG ROCK POINT DEFUELED TECHNICAL SPECIFICATIONS

6.0 ADMINISTRATIVE CONTROLS

6.6.3 ANNUAL RADIOACTIVE EFFLUENT RELEASE REPORT

An annual radioactive effluent release report covering operation of the facility during the previous calendar year shall be submitted prior to May 1 of each year. The report shall include a summary of the quantities of radioactive liquid and gaseous effluents and solid waste released from the facility. The material provided shall be consistent with the objectives outlined in the ODCM and the PROCESS CONTROL PROGRAM, and shall comply with the requirements of 10 CFR 50.36a and Section IV.B.1 of Appendix I to 10 CFR Part 50.

6.6.4 SPECIAL REPORTS

The following special report shall be submitted to the NRC as indicated.

a. If the sealed source contamination limits of Specification 3.1 are exceeded, a special report shall be submitted to the NRC within 30 days of identification of the existence of the excessive contamination. The report shall describe the equipment involved, the test results and corrective actions taken.

6.7 RECORDS

Record retention requirements are described in the Quality Program Description for Big Rock Point.

6.8 REPORTABLE EVENTS

A reportable event is any event or condition that must be reported to the NRC in accordance with 10 CFR 50.72, 10 CFR 50.73, 10 CFR 50.9(b), or 10 CFR 72.75.

BASES FOR
LIMITING CONDITIONS FOR OPERATION
AND
SURVEILLANCE REQUIREMENTS
FOR THE
BIG ROCK POINT
DEFUELED TECHNICAL SPECIFICATIONS

NOTE

The bases contained in this section summarize the reasons for the Specifications in Section 3/4, but in accordance with 10 CFR 50.36, are not part of these Technical Specifications.

Big Rock Point Power Plant Service List

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Chief of Police City of Charlevoix
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