



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

EA-14-135
and EA-14-136

January 5, 2016

Vice President, Operations
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1, 2, AND 3 - ISSUANCE OF CONFIRMATORY ORDER AND CONFORMING AMENDMENTS CONCERNING STANDALONE WEAPONS PREEMPTION AUTHORITY (TAC NOS. MF2603, MF2604, MF2605, MF2637, MF2638, AND MF2639)

Dear Sir or Madam:

The U.S. Nuclear Regulatory Commission (NRC, "the Commission") has issued the enclosed confirmatory order and conforming Amendment No. 58 to Provisional Operating License No. DPR-5 for the Indian Point Nuclear Generation Station, Unit No. 1, Amendment No. 282 to Facility Operating License No. DPR-26 for the Indian Point Nuclear Generating Unit No. 2, and Amendment No. 259 to Facility Operating License No. DPR-64 for the Indian Point Nuclear Generating Unit No. 3, including the general-licensed Independent Spent Fuel Storage Installation. The confirmatory order and enclosed conforming amendments are in response to an application from Entergy Nuclear Operations, Inc., dated August 20, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13239A447), as supplemented by letters dated November 21, 2013 (ADAMS Accession No. ML13354B780), May 13, 2014 (ADAMS Accession No. ML14149A247), and July 24, 2014 (ADAMS Accession No. ML14219A326), and citing letters dated April 27, 2011 (ADAMS Accession No. ML11124A075), October 27, 2011 (ADAMS Accession No. ML11314A070), and January 4, 2012 (ADAMS Accession No. ML12019A048). The enclosed order and conforming amendments permit security personnel at the Indian Point Energy Center to transfer, receive, possess, transport, import, and use certain firearms and large-capacity ammunition-feeding devices not previously permitted to be owned or possessed under Commission authority, notwithstanding certain local, State, or Federal firearms laws, including regulations that prohibit such actions.

A copy of the related safety evaluation is enclosed. The notice of issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

The confirmatory order contained in Enclosure 5 has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "W M Dean", with a long horizontal line extending to the right.

William M. Dean, Director
Office of Nuclear Reactor Regulation

A handwritten signature in black ink, appearing to read "Scott W. Moore", with a long horizontal line extending to the right.

Scott W. Moore, Acting Director
Office of Nuclear Material Safety
and Safeguards

Docket Nos. 50-003, 50-247,
50-286, and 72-51

Enclosures:

1. Amendment No. 58 to DPR-5
2. Amendment No. 282 to DPR-26
3. Amendment No. 259 to DPR-64
4. Safety Evaluation
5. Confirmatory Order

cc: Listserv



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

ENERGY NUCLEAR INDIAN POINT 2, LLC

ENERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-003

INDIAN POINT NUCLEAR GENERATING UNIT NO. 1

AMENDMENT TO PROVISIONAL OPERATING LICENSE

AND TECHNICAL SPECIFICATIONS

Amendment No. 58
License No. DPR-5

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Nuclear Operations, Inc. (ENO, or the licensee) dated August 20, 2013, as supplemented by letters dated November 21, 2013, and May 13, 2014, and July 24, 2014, and citing letters dated April 27, 2011, October 27, 2011, and January 4, 2012, 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 3.b) of Provisional Operating License No. DPR-5 is hereby amended to read as follows:

- b) Technical Specifications

- The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 58, are hereby incorporated in the license. ENO shall maintain the facility in accordance with the Technical Specifications.

3. Accordingly, paragraph 3.d) of the Provisional Operating License is amended as indicated in the attachment to this license amendment and subject to the following License Condition:

- ENO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 combined set of plans¹ for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.

- ENO shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The ENO CSP was approved by License Amendment No. 55 and supplemental amendments.

- ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

¹ The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

4. This license amendment is effective as of the date of its issuance and shall be implemented within 20 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Steve Ruffin, Acting Chief
Spent Fuel Licensing Branch
Division of Spent Fuel Management
Office of Nuclear Material Safety
and Safeguards

Attachment:
Changes to the License and
Technical Specifications

Date of Issuance: January 5, 2016

ATTACHMENT TO LICENSE AMENDMENT NO. 58

PROVISIONAL OPERATING LICENSE NO. DPR-5

DOCKET NO. 50-003

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.

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designated location in Westchester County, New York, in accordance with the procedures and limitations described in the application and this license;

- b) ENO, pursuant to the Act and 10 CFR Part 70, to receive and possess up to 1918 kilograms of contained uranium-235 previously received for reactor operation;
- c) Deleted;
- d) Deleted;
- e) ENO, pursuant to the Act and 10 CFR Parts 30 and 70, to receive and possess, but not to separate, such byproduct and special materials as were produced by the prior operation of the facility; Arndt. 45
1-31-96
- f) Deleted.

3. This license shall be deemed to contain and is subject to the conditions specified in Sections 50.54 and 50.59 of Part 50, Section 70.32 of Part 70, Section 40.41 of Part 40, and Section 30.32 of Part 30 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now and hereafter in effect; and is subject to the additional conditions specified below:

a) Maximum Power Level

ENO is prohibited from taking the reactor to criticality, and the facility shall not be operated at any power level.

b) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 58, are hereby incorporated in the license. ENO shall maintain the facility in accordance with the Technical Specifications.

c) Records

In addition to those otherwise required under this license and applicable regulations, ENO shall keep the following records:

1. Reactor operating records, including power levels and period of operation at each power level.
2. Records showing the radioactivity released or discharged into the air or water beyond the effective control of ENO as measured at or prior to the point of such release or discharge.
3. Records of scrams, including reasons therefor.
4. Records of principal maintenance operations involving substitution or replacement of facility equipment or components and the reasons therefor.

5. Records of radioactivity measurements at on-site and off-site monitoring stations.
 6. Records of facility tests and measurements performed pursuant to the requirements of the Technical Specifications.
- d) ENO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, 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 combined set of plans¹ for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.

ENO shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The ENO CSP was approved by License Amendment No. 55 and supplemental amendments.

ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

¹ The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

4. Deleted by Amendment No.7, dated 11-14-74.
5. Definitions - As used in this license the term "facility means the following systems and components as described in the application:
 - a) The site as designated in Exhibit H-14 (Rev. 2) to the application, excluding: oil and coal storage facilities; the railroad spur; road systems and dock facility; and, to the extent not otherwise covered in this definition, the electrical transmissions lines and the Buchanan substation.
 - b) The reactor, including the reactor core, reactor vessel, support structure, instrumentation, and controls.
 - c) A primary coolant loop system, including piping, coolant pumps, nuclear boilers, pressurizer, auxiliary systems, instrumentation and controls.
 - d) A containment vessel to house the reactor and the primary loop system.
 - e) A cooling system for the containment vessel, including a system of pumps, piping, spray nozzles and heat exchangers.
 - f) A concrete radiation shield completely enclosing the containment vessel.
 - g) A system comprised of isolation valves and necessary operating controls to close penetrations of the containment vessel.
 - h) A ventilating system for the containment vessel, nuclear service building, chemical systems building, and fuel handling building.
 - i) A boron addition system, including mixing tanks, pumps, and piping.
 - j) Biological shielding, including water and concrete shields at the reactor vessel.
 - k) A decay heat cooling system, including heat interchangers, pumps and piping.
 - l) A closed, fresh-water coolant system, including heat interchangers, pumps and piping to provide cooling for the nuclear facility through heat interchangers where the heat in the fresh water is transferred to river water.
 - m) A chemical processing system, including ion exchangers, evaporators, heat interchangers, pumps, piping, and tanks to remove and dispose of gaseous, liquid and solid radioactive products from the primary coolant and waste liquids.
 - n) A fuel handling and storage system, including canals, transfer tube, stop valves, and fuel handling devices.



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

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

AND TECHNICAL SPECIFICATIONS

Amendment No. 282
License No. DPR-26

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Nuclear Operations, Inc. (ENO, or the licensee) dated August 20, 2013, as supplemented by letters dated November 21, 2013, May 13, 2014, and July 24, 2014, and citing letters dated April 27, 2011, October 27, 2011, and January 4, 2012, 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, B and C, as revised through Amendment No. 282, are hereby incorporated in the license. ENO shall operate the facility in accordance with the Technical Specifications.

3. Accordingly, paragraph 2.H of the Operating License is amended as indicated in the attachment to this license amendment and subject to the following License Condition:

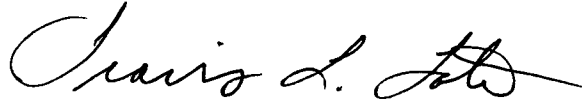
- ENO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.

- ENO shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). ENO CSP was approved by License Amendment No. 266 and supplemental amendments.

- ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

4. This license amendment is effective as of the date of its issuance and shall be implemented within 20 days.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Travis L. Tate". The signature is fluid and cursive, with a large initial 'T'.

Travis L. Tate, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and
Technical Specifications

Date of Issuance: January 5, 2016

ATTACHMENT TO LICENSE AMENDMENT NO. 282

FACILITY OPERATING LICENSE NO. DPR-26

DOCKET NO. 50-247

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.

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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; Amdt. 42
10-17-78
- (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. Amdt. 220
09-06-01

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; 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 3216 megawatts thermal Amdt. 241
10-27-04

(2) Technical Specifications

The Technical Specifications contained in Appendices A, B, and C, as revised through Amendment No. 282, are hereby incorporated in the license. ENO shall operate the facility in accordance with the Technical Specifications.

(3) The following conditions relate to the amendment approving the conversion to Improved Standard Technical Specifications:

- 1. This amendment authorizes the relocation of certain Technical Specification requirements and detailed information to licensee controlled documents as described in Table R, "Relocated Technical Specifications from the CTS," and Table LA, "Removed Details and Less Restrictive Administrative Changes to the CTS" attached to the NRC staff's Safety Evaluation enclosed with this amendment. The relocation of requirements and detailed information shall be completed on or before the implementation of this amendment.

Amendment No. 282

Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.

ENO shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). ENO CSP was approved by License Amendment No. 266 and supplemental amendments.

ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

- I. Deleted per Amdt. 133, 7-6-88.
- J. Deleted per Amdt. 133, 7-6-88.
- K. ENO shall implement and maintain in effect all provisions of the NRC-approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in Safety Evaluations Reports dated November 30, 1977, February 3, 1978, January 31, 1979, October 31, 1980, August 22, 1983, March 30, 1984, October 16, 1984, September 16, 1985, November 13, 1985, March 4, 1987, January 12, 1989, and March 26, 1996. ENO may make changes to the NRC-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.
- L. Deleted per Amendment 238
- M. Deleted per Amendment 238
- N. Mitigation Strategy License Condition

The licensee shall develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
 - 1. Pre-defined coordinated fire response strategy and guidance
 - 2. Assessment of mutual aid fire fighting assets
 - 3. Designated staging areas for equipment and materials
 - 4. Command and control
 - 5. Training of response personnel

- (b) Operations to mitigate fuel damage considering the following:
 - 1. Protection and use of personnel assets
 - 2. Communications
 - 3. Minimizing fire spread
 - 4. Procedures for implementing integrated fire response strategy
 - 5. Identification of readily-available pre-staged equipment
 - 6. Training on integrated fire response strategy

- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

O. Control Room Envelope Habitability

Upon implementation of Amendment No. 258 adopting TSTF-448, Revision 3 (as supplemented), the determination of control room envelope (CRE) unfiltered air leakage as required by Technical Specification (TS) Surveillance Requirement (SR) 3.7.10.4, in accordance with TS 5.5.16.c.(i), the assessment of CRE habitability as required by TS 5.5.16.c.(ii), and the measurement of CRE pressure as required by TS 5.5.16.d, shall be considered met. Following implementation:

- (a) The first performance of SR 3.7.10.4, in accordance with TS 5.5.16.c.(i), shall be within the next 18 months since the time period since the most recent successful tracer gas test is greater than 6 years.

- (b) The first performance of the periodic assessment of CRE habitability, TS 5.5.16.c.(ii), shall be within the next 9 months since the time period since the most recent successful tracer gas test is greater than 3 years.

- (c) The first performance of the periodic measurement of CRE pressure, TS 5.5.16.d, shall be within 24 months, plus the 182 days allowed by SR 3.0.2, as measured from January 4, 2007, the date of the most recent successful pressure measurement test.

P. ENO may transfer IP3 spent fuel to the IP2 spent fuel pit subject to the conditions listed in Appendix C. ENO is further authorized to transfer IP3 spent fuel into NRC approved storage casks for onsite storage by ENO and Entergy Nuclear Indian Point 3, LLC.

3. On the closing date of the transfer of the license, Con Edison shall transfer to ENIP2 all of the accumulated decommissioning trust funds for IP2 and such additional funds to be deposited in the decommissioning trust for IP2 such that the total amount transferred for Indian Point Nuclear Generating Unit No. 1 (IP1) and IP2 is no less than \$430,000,000. Furthermore, ENIP2 shall either (a) establish a provisional trust for decommissioning funding assurance for IP1 and IP2 in an amount no less than \$25,000,000 (to be updated as required under applicable NRC regulations, unless otherwise approved by the NRC) or (b) obtain a surety bond for an amount no less than \$25,000,000 (to be updated as required under applicable NRC regulations, unless otherwise approved by the NRC). The total decommissioning funding assurance provided for IP2 by the combination of the decommissioning trust and the provisional trust or surety bond at the time of transfer of the licenses shall be at a level no less than the amounts calculated pursuant to, and required under, 10 CFR 50.75. The decommissioning trust, provisional trust, and surety bond shall be subject to or be consistent with the following requirements, as applicable:
 - (a) Decommissioning Trust
 - (i) The decommissioning trust agreement must be in a form acceptable to the NRC.
 - (ii) With respect to the decommissioning trust funds, investments in the securities or other obligations of Entergy Corporation, or its affiliates, subsidiaries, successors, or assigns are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.
 - (iii) No contribution to the funds that consists of property other than liquid assets shall be permitted.
 - (iv) The decommissioning trust agreement must provide that no disbursements or payments from the trusts, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the Director of the Office of Nuclear Reactor Regulation 30 days prior written notice of payment. The decommissioning trust agreement shall further contain a provision that no disbursements or payments from the trusts shall be made if the trustee receives prior written notice of objection from the NRC.
 - (v) The decommissioning trust agreement must provide that the agreement cannot be amended in any material respect without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.
 - (vi) The appropriate section of the decommissioning trust agreement shall state that the trustee, investment advisor, or anyone else directing the investments made in the trusts shall adhere to a "prudent investor" standard, as specified in 18 CFR 35.32(a)(3) of the Federal Energy Regulatory Commission's regulations.

(b) Provisional Trust:

- (i) The provisional trust agreement must be in a form acceptable to the NRC.
- (ii) Investments in the securities or other obligations of Entergy Corporation or its affiliates, subsidiaries, successors, or assigns are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.
- (iii) The provisional trust agreement must provide that no disbursements or payments from the trust, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the Director of the Office of Nuclear Reactor Regulation 30 days prior written notice of payment. The provisional trust agreement shall further contain a provision that no disbursements or payments from the trust shall be made if the trustee receives prior written notice of objection from the NRC.
- (iv) The provisional trust agreement must provide that the agreement cannot be amended in any material respect, or terminated, without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.
- (v) The appropriate section of the provisional 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.
- (vi) Use of assets in the provisional trust, in the first instance, shall be limited to the expenses related to decommissioning IP2 or IP1 as defined by the NRC in its regulations and issuances, and as provided in this license and any amendments thereto.

(c) Surety Bond

- (i) The surety bond agreement must be in a form acceptable to the NRC and be in accordance with all applicable NRC regulations.
- (ii) The surety company providing any surety bond obtained to comply with the requirements of the Order approving the transfer shall be one of those listed by the U.S. Department of the Treasury in the most recent edition of Circular 570 and shall have a coverage limit sufficient to cover the amount of the surety bond.
- (iii) ENIP2 shall establish a standby trust to receive funds from the surety bond, if a surety bond is obtained, in the event that ENIP2 defaults on its funding obligations for the decommissioning of IP2. The standby trust agreement must be in a form acceptable to the NRC, and shall conform with all conditions otherwise applicable to the decommissioning trust agreement, and with all conditions that would be applicable to the provisional trust above, if established.

- (iv) The surety agreement must provide that the agreement cannot be amended in any material respect, or terminated, without 30 days prior written notification to the Director of the Office of Nuclear Reactor Regulation.
- 4. ENIP2 shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for approval of the transfer of the IP1 and IP2 licenses to ENIP2 and ENO and the requirements of the Order approving the transfer, and consistent with the safety evaluation supporting that Order.
- 5. ENIP2 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 \$55 million contingency commitment to provide funding for the IP1 and IP2 plants as represented in the application without the prior written consent of the Director of the Office of Nuclear Reactor Regulation.
- 6. This amended license is effective as of the date of issuance, and shall expire at midnight September 28, 2013. Amdt. 118
4-21-87

FOR THE ATOMIC ENERGY COMMISSION

Original signed by
Roger S. Boyd

A. Giambusso, Deputy Director
for Reactor Projects
Directorate of Licensing

Attachments:

Appendix A – Technical Specifications

Appendix B – Environmental Technical Specification Requirements

Appendix C – Inter-Unit Fuel Transfer Technical Specifications

Date of Issuance: September 28, 1973



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

ENERGY NUCLEAR INDIAN POINT 3, LLC

ENERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

AND TECHNICAL SPECIFICATIONS

Amendment No. 259
License No. DPR-64

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Nuclear Operations, Inc. (ENO, or the licensee) dated August 20, 2013, as supplemented by letters dated November 21, 2013, May 13, 2014, and July 24, 2014, and citing letters dated April 27, 2011, October 27, 2011, and January 4, 2012, 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-64 is hereby amended to read as follows:

- (2) Technical Specifications

- The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 259, are hereby incorporated in the license. ENO shall operate the facility in accordance with the Technical Specifications.

3. Accordingly, paragraph 2.G of the Operating License is amended as indicated in the attachment to this license amendment and subject to the following License Condition:

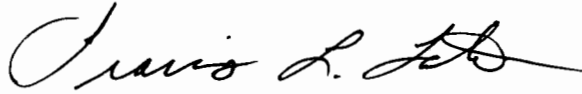
- G. ENO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and to the authority of 10 CFR 50.90 and CFR 50.54(p). The combined set of plans for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.

- ENO shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The ENO CSP was approved by License Amendment No. 243 and supplemental amendments.

- ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

4. This license amendment is effective as of the date of its issuance and shall be implemented within 20 days.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Travis L. Tate". The signature is fluid and cursive, with a large initial 'T' and 'L'.

Travis L. Tate, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and
Technical Specifications

Date of Issuance: January 5, 2016

ATTACHMENT TO LICENSE AMENDMENT NO. 259

FACILITY OPERATING LICENSE NO. DPR-64

DOCKET NO. 50-286

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

Remove Page

Insert Page

3

3

4

4

5

5

- (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; Amdt. 203
11/27/00
- (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. Amdt. 203
11/27/00
- 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 3216 megawatts thermal (100% of rated power).
 - (2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 259 are hereby incorporated in the License. ENO shall operate the facility in accordance with the Technical Specifications.
 - (3) (DELETED) Amdt. 205
2-27-01
 - (4) (DELETED) Amdt. 205
2-27-01
- 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, 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 combined set of plans¹ for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0," and was submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.

ENO shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The ENO CSP was approved by License Amendment No. 243 and supplemental amendments.

ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

- 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:

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.

- | | | |
|----|-----------|----------------------|
| I. | (DELETED) | Amdt. 205
2/27/01 |
| J. | (DELETED) | Amdt. 205
2/27/01 |
| K. | (DELETED) | Amdt. 49
5-25-84 |
| L. | (DELETED) | Amdt. 205
2/27/01 |

¹ The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

- M. (DELETED) Amdt. 205
2/27/01
- 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. Amdt. 203
11/21/00
- 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. Amdt. 203
11/27/00
- 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. Amdt. 203
11/27/00
- 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. Amdt. 203
11/27/00
- 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 Amdt. 203
11/27/00



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

SAFETY EVALUATION BY THE
OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 58 TO PROVISIONAL OPERATING LICENSE NO. DPR-5,
AMENDMENT NO. 282 TO FACILITY OPERATING LICENSE NO. DPR-26, AND
AMENDMENT NO. 259 TO FACILITY OPERATING LICENSE NO. DPR-64
ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1, 2, AND 3
DOCKET NOS. 50-003, 50-247, 50-286 AND 72-51

1.0 INTRODUCTION

By submittal dated August 20, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13239A447), as supplemented by letters dated May 13, 2014 (ADAMS Accession No. ML14149A247), and July 24, 2014 (ADAMS Accession No. ML14219A326), which cite letters dated April 27, 2011 (ADAMS Accession No. ML11124A075), October 27, 2011 (ADAMS Accession No. ML11314A070), and January 4, 2012 (ADAMS Accession No. ML12019A048), Entergy Nuclear Operations, Inc. (ENO, the licensee) requested that the U.S. Nuclear Regulatory Commission (NRC) authorize it to use the preemption authority granted to the Commission under Section 161A of the Atomic Energy Act of 1954, as amended (42 United States Code (U.S.C.) 2201a), on behalf of Indian Point Nuclear Generating, Unit Nos. 1, 2, and 3 (Indian Point). Use of Section 161A authority would permit security personnel at Indian Point to transfer, receive, possess, transport, import, and use certain weapons, ammunition, and other devices not previously permitted to be owned or possessed under Commission authority, notwithstanding local, State, or certain Federal firearms laws, including regulations, that prohibit such actions.

In the submittal, the licensee stated that this request is for preemption authority only and is applicable to the firearms and devices presently in use at Indian Point in accordance with the NRC-approved Indian Point security plan, namely handguns, semiautomatic assault rifles, and large-capacity magazines. The licensee also stated that the firearms and devices identified in the submittal do not include enhanced weapons. The licensee stated that the types of firearms, ammunition, and other devices identified in the submittal are necessary in the discharge of official duties by security personnel to implement the NRC-approved Indian Point security plan. In the submittal, the licensee identifies the New York Secure Ammunition and Firearms Enforcement Act of 2013 (NY SAFE Act), which was signed into law on January 15, 2013, as well as laws which require assigned personnel to obtain a handgun permit from their county of residence, as an example of laws for which preemption authority is requested.

The supplemental letters dated November 21, 2013, May 13 and July 24, 2014, January 16, 2015, and the cited letters dated April 27, 2011, October 27, 2011 and January 12, 2012, contained clarifying information and did not change the NRC staff's initial proposed finding of "no significant hazards consideration" published by the staff in the *Federal Register* on February 27, 2014 (at 79 FR 11147). In addition, the supplemental letters dated October 27, 2011, and May 13, 2014, were responses to staff requests for additional information and were superseded by letters dated January 12, 2012, and July 24, 2014, respectively.

2.0 REGULATORY EVALUATION

Section 653 of the Energy Policy Act of 2005, Public Law 109-58 (119 Stat. 811), added Section 161A (42 U.S.C. § 2201a) to the Atomic Energy Act of 1954, as amended. Section 161A confers upon the Commission the authority to permit the security personnel of designated NRC-licensed facilities or certificate holders to transfer, receive, possess, transport, import, and use certain firearms and devices that were not previously permitted to be owned or possessed under Commission authority, notwithstanding local, State, or certain Federal firearms laws, including regulations, that prohibit such actions. The categories and types of firearms, ammunition, and devices that are subject to Section 161A are identified in Section 161A.b, which states that:

Notwithstanding subsections (a)(4), (a)(5), (b)(2), (b)(4), and (o) of section 922 of Title 18, section 925(d)(3) of Title 18, section 5844 of Title 26, and any law (including regulations) of a State or a political subdivision of a State that prohibits the transfer, receipt, possession, transportation, importation, or use of a handgun, a rifle, a shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for any such gun or weapon, or a large capacity ammunition feeding device, in carrying out the duties of the Commission, the Commission may authorize the security personnel of any licensee or certificate holder of the Commission (including an employee of a contractor of such a licensee or certificate holder) to transfer, receive, possess, transport, import, and use 1 or more such guns, weapons, ammunition, or devices

Section 161A became effective on September 11, 2009, when the Commission, with the approval of the Attorney General, published the "Notice of Issuance of Guidelines on Use of Firearms by Security Personnel; Notice of Effective Date of Statute" in the *Federal Register* (74 FR 46800), hereafter referred to as the "firearms guidelines." These firearms guidelines were subsequently revised on June 25, 2014 (79 FR 36100).

On June 5, 2013, the NRC issued Enforcement Action (EA) 13-092 "Order Designating an Interim Class of NRC-Licensed Facilities that are Eligible to Apply to the Commission for Authorization to Use the Authority Granted Under the Provisions of Section 161A of the Atomic Energy Act of 1954, as Amended" (ADAMS Accession ML13121A459), hereafter referred to as "the designation order." The designation order accomplishes the following: (1) designates an interim class of NRC-licensed facilities as eligible to apply for Section 161A preemption authority; (2) provides a process through which the licensee of each designated facility may apply for Section 161A preemption authority; (3) outlines the type of information that must be

addressed in an application for Section 161A preemption authority; and (4) requires the licensee of each designated facility to subject all personnel who have, or will have, access to covered firearms and devices in the performance of official duties, to a firearms background check as specified in Section 161A.c.

The designation order requires, in part, that applications must be submitted to the NRC for review and approval under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.90, "Application for Amendment of License, Construction Permit, or Early Site Permit" and that the licensee of each designated facility must notify the NRC in writing when a sufficient number of firearms background checks have been completed to staff the facility security organization.

3.0 TECHNICAL EVALUATION

In the submittal, the licensee stated that the request is for preemption authority at Indian Point. The staff reviewed Attachment 1 to the designation order and confirmed that Indian Point is a member of the limited class of facilities designated by the Commission as eligible to apply for Section 161A preemption authority.

3.1 Staffing

The designation order requires that all licensees within the designated class of facilities eligible to apply for Section 161A preemption authority shall subject all members of the security organization whose official duties require, or will require, access to any firearm to a firearms background check. In a letter dated November 21, 2013, the licensee stated that a sufficient number of personnel have completed the required firearms background checks to meet the minimum required staffing level for the Indian Point security organization as stated in the NRC-approved Indian Point security plan, including the minimum number of armed responder and armed security officer positions required to effectively implement the licensee's protective strategy and to meet applicable fatigue requirements of 10 CFR Part 26. The staff reviewed the NRC-approved Indian Point security plan, and determined that the licensee has identified the minimum number of armed responder and armed security officer positions that must be staffed at all times at Indian Point and for which the assigned personnel must successfully complete a firearms background check. The staff further finds that the number of firearms background checks completed by the licensee is consistent with the minimum number of armed responder and armed security officer positions required to implement the Indian Point NRC-approved security plan and to meet applicable fatigue requirements.

3.2 Training and Qualifications

The designation order requires the licensee of each designated facility to revise their training and qualification program, as needed, to ensure that affected personnel receive instruction regarding the firearms background check's disqualifying events. Additionally, the designation order requires that licensees must provide training on the continuing responsibility of each individual to promptly notify the licensee of the occurrence of any such event or status. By letter dated July 24, 2014, the licensee responded to an NRC request for additional information and

confirmed that site procedures had been revised to address the activities required to instruct all affected personnel on disqualifying events and their continuing responsibility to notify the licensee of a change in their status.

Based on its review of the licensee's information, the staff finds that the licensee has revised the Indian Point training and qualification program, including the development and implementation of supporting site procedures, needed to ensure that affected personnel receive instruction regarding the types of events that would disqualify the individual from continued access to firearms and devices and the continuing responsibility to report such events to the licensee.

3.3 Firearms and Devices

Consistent with the firearms guidelines, before authorizing a licensee to use the authority granted by Section 161A, the Commission must determine that the weapons used by licensee security personnel are necessary in the discharge of their official duties. In its submittal, the licensee provided a list of the types of firearms and devices that are currently in use at Indian Point and confirmed that these firearms and devices are used to implement its protective strategy at the facility. The licensee also addressed the types of duties and responsibilities that are required of personnel who are assigned armed duties. The staff reviewed the NRC-approved Indian Point security plan to determine whether the use of the firearms and devices identified by the licensee in their submittal is adequately described as being necessary to the performance of official duties by personnel assigned to the armed responder and armed security officer positions at Indian Point.

The Commission's regulations require that NRC-licensed facilities develop, implement, and maintain a physical protection system that will protect the special nuclear material that each licensee is authorized by license to possess and use. The physical protection system for an NRC-licensed power reactor will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety. In establishing the specific level of physical protection that must be provided by each licensee at a power reactor facility, the Commission has defined a Design Basis Threat (DBT) of radiological sabotage in 10 CFR 73.1. Consequently, the Commission has assigned specific attributes and capabilities to the DBT of radiological sabotage to include the types of firearms, ammunition, and other devices and equipment that an adversary could use for the purpose of causing radiological sabotage. Conversely, the Commission has determined that it is also appropriate and necessary to ensure that those personnel who are assigned official duties required for the prevention of radiological sabotage at an NRC-licensed power reactor facility, are also provided with the types of firearms, ammunition, and other devices that will provide and ensure the ability of assigned personnel to counter the capabilities that the Commission has assigned to the DBT of radiological sabotage.

The licensee's description of the weapons and their use in the approved security plan identified the types of firearms and devices that are currently in use (specifically, handguns, semiautomatic assault weapons, and large-capacity ammunition feeding devices) and stated that these firearms and devices are necessary to satisfy Commission requirements for the physical protection of the Indian Point facility. The staff determined that the description

contained in the Indian Point security plan is consistent with Commission regulations and the licensee's protective strategy for the Indian Point facility, including the types of firearms and devices needed to provide armed responders and armed security officers with the ability to counter the attributes of the DBT of radiological sabotage.

Based on its review, the staff finds that the licensee has demonstrated that the firearms and other devices currently possessed at the Indian Point facility are necessary in the performance of official duties required for the physical protection of a facility, radioactive material or other property Indian Point owns and operates. The staff also finds that the firearms and devices identified in the submittal are within the types of firearms and devices described in Section 161A.b and the firearms guidelines.

3.4 Firearms Background Check Processes

Firearms background checks are submitted through the NRC to the Federal Bureau of Investigation's (FBI) Criminal Justice Information Services Division and include a check against the FBI Criminal History database and the FBI National Instant Criminal Background Check System, which was established by Section 103(b) of the Brady Handgun Violence Prevention Act, Public Law 103-159, 107 Stat. 1536. All members of a licensee's security organization whose official duties require access to firearms and where the licensee has applied for use of preemption authority under Section 161A.b shall be subject to a firearms background check to determine whether the person is prohibited from possessing or receiving a firearm under Federal or State law.

The designation order requires the licensee of each designated facility to establish a program that addresses: (1) the removal of security personnel from duties requiring access to firearms on the receipt of an adverse firearms background check or other disqualifying information; (2) instruction for resolving a delayed response and/or appealing a denied response resulting from a firearms background check; (3) provisions for a firearms background check reinvestigation not to exceed five years; (4) the conduct of a firearms background check reinvestigation for individuals who have had a break in employment from the licensee or applicable security contractor of greater than one week; and (5) self-disclosure requirements and reporting requirements concerning a disqualifying event. Attachment 3 to the designation order contains provisions for establishing processes to ensure that security personnel maintain appropriate qualification and training as well as a process to establish periodic firearms background check re-investigations.

By letter dated July 24, 2014, the licensee confirmed that appropriate processes and procedures have been established to maintain the requirements for the conduct of firearms background checks to include, periodic reinvestigations, instruction for appealing adverse results, notification/reporting requirements for disqualifying events, and the removal of individuals from armed duties when disqualifying information becomes known, as required in Attachment 3 to the designation order.

Based on its review of the NRC-approved Indian Point security plan and the licensee's letter dated July 24, 2014, the staff finds the licensee has established background check processes and procedures that are consistent with the designation order requirements. In addition, the

staff finds that Indian Point has established, through these processes and procedures, a method to assure that affected security personnel are not barred under Federal or State law from receiving, possessing, transporting, or using any of the subject firearms or devices used at the facility.

3.5 State Law

Section 161A of the Atomic Energy Act of 1954, as amended, confers on the Commission the authority to permit the security personnel of designated NRC-licensed facilities or certificate holders to transfer, receive, possess, transport, import, and use certain firearms and devices that were not previously permitted to be owned or possessed under Commission authority, notwithstanding local, State, or certain Federal firearms laws, including regulations, that prohibit such actions. The categories and types of firearms, ammunition, and devices that are subject to Section 161A are identified in Section 161A.b.

In its submittal, the licensee states that the NY SAFE Act, which was signed into law on January 15, 2013, as well as certain laws requiring that assigned personnel obtain a handgun permit from their county of residence, as examples of laws that could restrict access to firearms and devices needed to implement the protective strategy at Indian Point. Specifically, with respect to the permitting requirements, the licensee states that preemption authority would allow the security force to “clearly and openly possess” weapons and would provide “greater certainty and more flexibility in managing its security force.” The licensee did not, however, provide evidence that the permitting process prohibits access to weapons used by the licensee’s security force at this time.

The staff has reviewed other applicable New York State law and found that New York State law makes it illegal to possess certain weapons or ammunition feeding devices that would include the types of firearms and devices that would be used by the licensee to implement its protective strategy as described in the NRC-approved Indian Point security plan. Based on this review, the staff finds that applicable New York State law would restrict the use of such firearms and devices at Indian Point, and that the licensee uses such firearms and devices in performance of official duties necessary to implement the licensee’s protective strategy at Indian Point. Therefore, the staff finds that the licensee has demonstrated a need for preemption authority.

3.6 License Condition

In Attachment 2 to the submittal, ENO proposed that the following language be added to the physical-protection license condition 2.H:

Amendment ____ provided Commission authorization to use Section 161A preemption authority under 42 U.S.C. 2201a.

Because Commission order EA-14-135 and EA-14-136 actually authorizes Indian Point to use Section 161A preemption, the NRC staff modified the proposed language to better reflect the authority being granted. The language to be inserted in the physical-protection license condition shall read as follows:

ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a, with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. ENO shall fully implement and maintain in effect the provisions of the Commission approved authorization.

The NRC staff finds the revised language for the above license condition acceptable.

3.7 Technical Conclusion

Based on its review of the licensee's submittal, the staff has determined that the firearms, ammunition, and devices utilized by the licensee are consistent with the types of firearms and devices described in Section 161A.b of the Atomic Energy Act of 1954, as amended, and that the request was submitted in accordance with the requirements of the designation order, Section 161A, and applicable Commission regulations. Accordingly, the staff finds that Indian Point meets the applicable requirements to use preemption authority under Section 161A.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the *Federal Register* on October 29, 2015 (80 FR 66583). Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

6.0 CONCLUSION

The NRC staff reviewed the information provided by the licensee and concludes that (1) the requirements of Commission Orders 14-135 and 14-136 have been satisfied; (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner; (3) there is reasonable assurance that such activities will be conducted in compliance with the Commissioner's regulations, and; (4) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

1. Ventosa, John A., Site Vice President, Entergy Nuclear Operations, Inc. (ENO), letter to Document Control Desk, U.S. Nuclear Regulatory Commission (NRC), "Supplement to Entergy's Application for Section 161A Preemption Authority at Indian Point Energy Center," NL-13-091, August 20, 2013, Agencywide Documents Access and Management System (ADAMS) Accession No. ML13239A447.
2. Ventosa, John A., Site Vice President, ENO, letter to Document Control Desk, NRC, "Fourth Submittal of Form FD-258 For Firearms Background Checks and Notification that a Sufficient Number of Firearms Background Checks have been Completed to Allow Staffing Per Order EA-13-092," NL-13-149, November 21, 2013, ADAMS Accession No. ML13354B780.
3. Ventosa, John A., Site Vice President, ENO, letter to Document Control Desk, NRC, "Response to Request for Information for Preemption Authority Pursuant to Section 161A of the Atomic Energy Act and License Amendment Request (TAC No. MF2603, 2604, and 2605)," NL-14-070, May 13, 2014, ADAMS Accession No. ML14149A247.
4. Ventosa, John A., Site Vice President, ENO, letter to Document Control Desk, NRC, "Revised Response to Request for Information Regarding Entergy's Application for Section 161A Preemption Authority at Indian Point Energy Center and License Amendment Request (TAC Nos. MF2603, 2604, and 2605)," NL-14-077, July 24, 2014, ADAMS Accession No. ML14219A326.
5. Pollock, J.E., Site Vice President, ENO, letter to Document Control Desk, NRC, "Application for Preemption Authority Pursuant to Section 161A of the Atomic Energy Act," NL-11-017, April 27, 2011, ADAMS Accession No. ML11124A075.
6. Pollock, J.E., Site Vice President, ENO, letter to Document Control Desk, NRC, "Response to RAI on Application for Preemption Authority Pursuant to Section 161A of the Atomic Energy Act (TAC Nos. ME6164 and ME6165)," NL-11-114, October 27, 2011, ADAMS Accession No. ML11314A070.
7. Ventosa, John A., Site Vice President, ENO, letter to Document Control Desk, NRC, "Resubmittal of Response to RAI on Application for Preemption Authority Pursuant to Section 161A of the Atomic Energy Act (TAC Nos. ME6164 and ME6165)," NL-12-001, January 4, 2012, ADAMS Accession No. ML12019A048.
8. Section 161A, "Use of Firearms by Security Personnel," of the Atomic Energy Act of 1954 (42 United States Code (U.S.C.) § 2201a), as added through Section 653 of the Energy Policy Act of 2005, Pub. L. 109-58, 119 Stat. 811 (August 8, 2005) and as amended.
9. New York Secure Ammunition and Firearms Enforcement Act of 2013 (NY SAFE Act), S.2230, A.2388, LBD12007-03-03 (January 15, 2013).

10. NRC, "Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information," *Federal Register*, Vol. 79, No. 39, February 27, 2014, pp. 11143–11151 (79 FR 11143).
11. National Defense Authorization Act for Fiscal Year 1996, Pub. L. 104-106, 110 Stat. 186 (February 10, 1996).
12. Section 922, "Unlawful Acts," and Section 925, "Exceptions: Relief from Disabilities," of Title 18, "Crime and Criminal Procedures," of the *United States Code* (18 U.S.C. §§ 922 and 925), as added through Section 902 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 226 (June 19, 1968), and as amended, particularly through the Brady Handgun Violence Prevention Act, Pub. L. 103-159, 107 Stat. 1536 (November 30, 1993).
13. Section 5844, "Importation," of Title 26, "Internal Revenue Code," of the *United States Code* (26 U.S.C. § 5844), as amended, particularly through Title II, "Machine Guns, Destructive Devices, and Certain Other Firearms," of the Gun Control Act of 1968, Pub. L. 90-618, 82 Stat. 1227 (October 21, 1968).
14. *U.S. Code of Federal Regulations*, "Physical Protection of Plants and Materials," Part 73, Chapter I, Title 10, "Energy" (10 CFR 73).
15. NRC, "Notice of Issuance of Guidelines on Use of Firearms by Security Personnel; Notice of Effective Date of Statute," Vol. 74, No. 175, September 11, 2009, pp. 46800-46806 (74 FR 46800).
16. NRC, "Order Designating an Interim Class of NRC-Licensed Facilities that are Eligible to Apply to the Commission for Authorization to Use the Authority Granted Under the Provisions of Section 161a of the Atomic Energy Act of 1954, as Amended," Commission Order EA-13-092, June 5, 2013, ADAMS Accession No. ML13121A459.
17. *U.S. Code of Federal Regulations*, "Application for Amendment of License, Construction Permit, or Early Site Permit," Section 50.90, Chapter I, Title 10, "Energy" (10 CFR 50.90).
18. *U.S. Code of Federal Regulations*, "Managing Fatigue," Subpart I of "Fitness for Duty Programs," Part 26, Chapter I, Title 10, "Energy" (10 CFR 26).

19. *U.S. Code of Federal Regulations*, "Criterion for Categorical Exclusion; Identification of Licensing and Regulatory Actions Eligible for Categorical Exclusion or Otherwise Not Requiring Environmental Review," Section 51.22, Chapter I, Title 10, "Energy," specifically paragraph (c)(12) (10 CFR 51.22(c)(12)).

Principal Contributor: D. Gordon, NSIR

Date: January 5, 2016

ENCLOSURE 5

CONFORMING ORDER MODIFYING LICENSES

INDIAN POINT NUCLEAR GENERATING UNIT NOS. 1, 2, AND 3, AND
GENERAL-LICENSED SPEND FUEL STORAGE INSTALLATION

DOCKET NOS. 50-003, 50-247, 50-286, 72-51

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Entergy Nuclear Operations, Inc.)	
)	
Entergy Nuclear Indian Point 2, LLC)	Docket Nos. 50-003, 50-247,
)	50-286 and 72-51
Entergy Nuclear Indian Point 3, LLC)	License Nos. DPR-5, DPR-26,
)	and DPR-64
Indian Point Nuclear Generating)	EA-14-135 and EA-14-136
Unit Nos. 1, 2, and 3)	
)	

CONFIRMATORY ORDER MODIFYING LICENSE

I.

Entergy Nuclear Indian Point 2, LLC, is the owner of Indian Point Nuclear Generating Unit Nos. 1 and 2; Entergy Nuclear Indian Point 3, LLC, is the owner of Indian Point Nuclear Generating Unit No. 3, and Entergy Nuclear Operations, Inc. (“Entergy” or “the licensee”) is the operator of Indian Point Nuclear Generating Unit Nos. 1, 2, and 3, including the general-licensed Independent Spent Fuel Storage Installation (hereinafter “Indian Point” or “the facility”), and holder of Provisional Operating License No. DPR-5, Facility Operating License Nos. DPR-26 and DPR-64, and Docket No. 72-51 issued by the U.S. Nuclear Regulatory Commission (“NRC” or “Commission”) under Title 10, “Energy,” of the *Code of Federal Regulations* (10 CFR) Part 50, “Domestic Licensing of Production and Utilization Facilities”; Part 70, “Domestic Licensing of Special Nuclear Material”; and Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste.” The licenses authorize the operation of Indian

Point with the conditions specified therein. The facilities are located on the owner's site in Westchester County, New York.

II.

By application dated August 20, 2013 as supplemented by letters dated November 21, 2013, and May 13 and July 24, 2014, and citing letters dated April 27 and October 27, 2011, and January 4, 2012, Entergy requested, under Commission Order EA-13-092, that under the provisions of Section 161A of the Atomic Energy Act of 1954, as amended, the Commission permit the transfer, receipt, possession, transport, import, and use of certain firearms and large-capacity ammunition-feeding devices by security personnel who protect a facility owned or operated by a licensee or certificate holder of the Commission that is designated by the Commission. Section 161A confers on the Commission the authority to permit a licensee's security personnel to possess and use firearms, ammunition or devices, notwithstanding local, State, and certain Federal firearms laws (including regulations) that may prohibit such possession and use.

On review of the Entergy application for Commission authorization to use Section 161A preemption authority at Indian Point, the NRC staff has found the following:

- (1) Entergy's application complies with the standards and requirements of Section 161A and the Commission's rules and regulations set forth in 10 CFR Part 73, "Physical Protection of Plants and Materials";

- (2) There is reasonable assurance that the facilities will operate in conformance to the application; the provisions of the Atomic Energy Act of 1954, as amended; and the rules and regulations of the Commission;
- (3) There is reasonable assurance that the activities permitted by the proposed Commission authorization to use Section 161A preemption authority are consistent with the protection of public health and safety, and that such activities will be conducted in compliance with the Commission's regulations and the requirements of this confirmatory order;
- (4) The issuance of Commission authorization to use Section 161A preemption authority will not be inimical to the common defense and security or to the health and safety of the public; and
- (5) The issuance of this Commission authorization to use Section 161A preemption authority will be in accordance with the Commission's regulations in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

The findings, set forth above, are supported by an NRC staff safety evaluation under Agencywide Documents Access and Management System (ADAMS) Accession No. ML14259A209.

III.

To carry out the statutory authority discussed above, the Commission has determined that the licenses for Indian Point must be modified to include provisions with respect to the Commission authorization to use Section 161A preemption authority as identified in Section II of this confirmatory order. The requirements needed to exercise the foregoing are set forth in Section IV below.

The NRC staff has found that the license modifications set forth in Section IV are acceptable and necessary. It further concluded that, with the effective implementation of these provisions, the licensee's physical protection program will meet the specific physical protection program requirements set forth in 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors against Radiological Sabotage" (for nuclear power reactors); and in 10 CFR 72.212(b)(9), "Conditions of the General License Issued Under § 72.210," and portions of 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors against Radiological Sabotage" (for general-license independent spent fuel storage installations co-located with a reactor at the reactor site).

On January 16, 2015, Entergy consented to the issuance of this order. The licensee further agreed that this order will be effective 20 days after the date of issuance and that it has waived its right to a hearing on this order.

IV

Accordingly, under Sections 53, 103 and/or 104b, 161b, 161i, 161o, 161A, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in

10 CFR 2.202, "Orders"; 10 CFR Part 50; 10 CFR Part 70; and 10 CFR Part 72, IT IS HEREBY ORDERED that:

1. The Entergy application for Commission authorization to use Section 161A preemption authority at Indian Point is approved and permission for security personnel to possess and use weapons, devices, ammunition, or other firearms, notwithstanding local, State, and certain Federal firearms laws (including regulations) that may prohibit such possession and use, is granted.
2. The licensee shall review and revise its NRC-approved security plans, as necessary, to describe how the requirements of this confirmatory order and other applicable requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials," to include those of the appendices to 10 CFR Part 73, will be met.
3. The licensee shall establish and maintain a program consistent with Commission Order EA-13-092 such that all security personnel who require access to firearms in the discharge of their official duties are subject to a firearms background check.

The Commission is engaged in an ongoing rulemaking to implement the Commission's authority under Section 161A. Subsequent to the effective date of that final rulemaking, the Director, Office of Nuclear Reactor Regulation (NRR), and the Director, Office of Nuclear Material Safety and Safeguards (NMSS) may take action to relax or rescind any or all of the requirements set forth in this confirmatory order.

The Director, NRR, and the Director, NMSS, may, in writing, relax or rescind this confirmatory order on demonstration by the licensee of good cause.

This confirmatory order is effective 20 days after the date of its issuance.

For further details with respect to this confirmatory order, see the staff's safety evaluation contained in a letter dated January 5, 2016 (ADAMS Accession No. ML14259A209), which is available for public inspection at the Commission's Public Document Room (PDR) located at One White Flint North, Public File Area 01 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents stored in ADAMS should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail to pdr.resource@nrc.gov.

In accordance with 10 CFR 2.202, any other person adversely affected by this order may submit an answer to this order within 20 days of its publication in the *Federal Register*. In addition, any other person adversely affected by this order may request a hearing on this order within 20 days of its publication in the *Federal Register*. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and must include a statement of good cause for the extension.

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this order should be sustained.

All documents filed in NRC adjudicatory proceedings (including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding before the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c)) must be filed in accordance with the NRC E-Filing rule (published at 72 FR 49139 on August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet or (in some cases) to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, the participant should contact the Office of the Secretary (at least 10 days before the filing deadline) by e-mail to hearing.docket@nrc.gov or by telephone at (301) 415-1677 to (1) request a digital ID certificate, which allows the participants (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based on this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. System requirements for accessing the E-Submittal server are detailed in NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site to file documents, but should note that the NRC's E-Filing system does not support unlisted software and that the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's Web-based online submission form. In order to serve documents through the Electronic Information Exchange, users will be required to install a web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be Portable Document Format (PDF) documents in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. eastern time on the due date. On receipt of a

transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request or petition to intervene is filed so that they can obtain access to the filed documents through the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by e-mail to MSHD.Resource@nrc.gov, or by a toll-free call to (866) 672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m. eastern time, Monday through Friday, excluding Government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First Class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all

other participants. Filing is considered complete by First Class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service on depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, available to the public at <http://ehd1.nrc.gov/ehd/>, unless they are excluded under an order of the Commission or by the presiding officer. Participants are requested not to include personally private information such as social security numbers, home addresses, or home phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

In the absence of any request for hearing or of written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days

from the date of this order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland, this 5th day of January 2016.

FOR THE NUCLEAR REGULATORY COMMISSION.



William M. Dean, Director,
Office of Nuclear Reactor Regulation.



Scott W. Moore, Acting Director,
Office of Nuclear Material Safety
and Safeguards.

The confirmatory order contained in Enclosure 5 has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

/RA/

Scott W. Moore, Acting Director
Office of Nuclear Material Safety
and Safeguards

Docket Nos. 50-003, 50-247,
50-286, and 72-51

Enclosures:

1. Amendment No. 58 to DPR-5
2. Amendment No. 282 to DPR-26
3. Amendment No. 259 to DPR-64
4. Safety Evaluation
5. Confirmatory Order

cc: Listserv

DISTRIBUTION:

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RidsRgn1MailCenter	RidsSecyMailCenter Resource	RidsNrrDorLplI-1 Resource
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MBaker, NMSS	RidsNrrOd Resource	M.Dudek, EDO
DFurst, OE	KConway, NMSS	SMoore, NMSS
ABurritt, R1		

ADAMS Accession No Package: ML14259A209
Cover Letter/Amendment ML14259A218 Safety Evaluation: ML14259A229
ORDER: ML15176A264 Order Consent/Waiver: ML15020A110 *by memo

OFFICE	LPLIII-2/PM	LPL1-1/PM	LPL1-1/LA	NSIR*
NAME	EBrown	DPickett AChereskin for	KGoldstein	DHuyck
DATE	02/02/15	12/30/15	12/22/15	08/07/14
OFFICE	OE/D	OGC	OGC	LPL1-1/BC
NAME	PHolahan	MLemoncelli	JBielecki	TTate
DATE	2/26/15	12/15/15	12/23/15	12/30/ 2015
OFFICE	NMSS/DSFM/BC(A)	QTE	DORL/D	NMSS/D(A)
NAME	SRuffin	CHsu	ABoland	SMoore
DATE	12/30/15	10/18/14	12/31/15	01/05/16
OFFICE	NRR/D			
NAME	WDean			
DATE	01/05/16			