



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

January 30, 2017

Mr. Brian Sullivan
Site Vice President
Entergy Operations, Inc.
Entergy Nuclear Operations, Inc.
1340 Echelon Parkway
Jackson, MS 39213

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 AND JAMES A. FITZPATRICK NUCLEAR POWER PLANT – ISSUANCE OF AMENDMENTS RE: APPLICATION FOR ORDER TO TRANSFER MASTER DECOMMISSIONING TRUST FROM THE POWER AUTHORITY OF THE STATE OF NEW YORK TO ENTERGY NUCLEAR OPERATIONS, INC., CONSENTING TO AMENDMENTS TO TRUST AGREEMENT, AND APPROVING PROPOSED LICENSE AMENDMENTS TO MODIFY AND DELETE DECOMMISSIONING TRUST LICENSE CONDITIONS UPON THE TRANSFER OF TRUST FUNDS (CAC NOS. MF8288 AND MF8289)

Dear Mr. Sullivan:

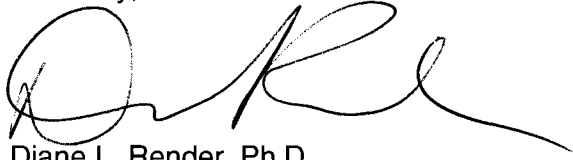
By order dated January 27, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16337A272), the U.S. Nuclear Regulatory Commission (NRC or the Commission) approved the transfer of the Master Decommissioning Trust funds, including all rights and obligations thereunder, for Indian Point Nuclear Generating Unit No. 3 (IP3) and the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) from the Power Authority of the State of New York (PASNY) to Entergy Nuclear Operations, Inc. (Entergy). In order to facilitate this transfer, Entergy requested NRC approval of the proposed amendments to the Master Decommissioning Trust Agreement, as amended, and the facility operating licenses of IP3 and FitzPatrick in its application dated August 16, 2016 (ADAMS Accession No. ML16230A308).

The amendments modify license conditions to reflect the transfer of the Master Decommissioning Trust from PASNY to Entergy and delete other conditions so as to apply the requirements of Title 10 of the *Code of Federal Regulations* 50.75(h)(1).

Accordingly, the Commission has issued the enclosed Amendment No. 262 to Facility Operating License No. DPR-64 for IP3, and Amendment No. 313 to Renewed Facility Operating License No. DPR-59 for FitzPatrick, respectively.

A copy of the Safety Evaluation was enclosed with the letter dated January 27, 2017 (ADAMS Accession No. ML16336A492). Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Render', with a long horizontal flourish extending to the right.

Diane L. Render, Ph.D.
Project Manager
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-286 and 50-333

Enclosures:

1. Amendment No. 262 to DPR-64
2. Amendment No. 313 to DPR-59

cc: Listserv



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

ENTERGY NUCLEAR INDIAN POINT 3, LLC

AND ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 262
License No. DPR-64

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

- A. The application for amendment by Entergy Nuclear Operations, Inc. (Entergy, the licensee) dated August 16, 2016, 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.

Enclosure 1

2. Accordingly, the license is amended by changes 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, B, and C, as revised through Amendment No. 262, are hereby incorporated in the License. ENO shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of the transfer of control of the Master Decommissioning Trust and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

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

William M. Dean, Director
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Operating License

Date of Issuance: January 30, 2017

INDIAN POINT NUCLEAR GENERATING UNIT NO. 3

ATTACHMENT TO LICENSE AMENDMENT NO. 262

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 Pages

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|-----|---|-----------------------|
| (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) | <u>Maximum Power Level</u> | |
| | 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) | <u>Technical Specifications</u> | |
| | The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 262 are hereby incorporated in the License. ENO shall operate the facility in accordance with the Technical Specifications. | |
| (3) | <u>(DELETED)</u> | Amdt. 205 2-27-01 |
| (4) | <u>(DELETED)</u> | 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.

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| 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. | (DELETED) | |
| R. | (DELETED) | |
| S. | (DELETED) | |
| T. | (DELETED) | |

U. (DELETED)

V. (DELETED)

W. For purposes of ensuring public health and safety, ENIP3, upon the transfer of this license to it, and upon transfer of decommissioning funds from PASNY to ENO, shall provide decommissioning funding assurance for the facility by the prepayment or equivalent method, to be held in a decommissioning trust fund for the facility, of no less than the amount required under NRC regulations at 10 CFR 50.75. Any amount held in any decommissioning trust maintained by ENO for the facility after the transfer of the facility license to ENIP3 may be credited towards the amount required under this paragraph.

X. ENIP3 shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for the transfer of this license to ENIP3 and ENO, as modified by the request to transfer decommissioning funds from PASNY, and the requirements of the order approving the transfer and order approving the transfer of decommissioning funds from PASNY to ENO, and consistent with the safety evaluations supporting such orders.

AA. The following conditions relate to the amendment approving the conversion to Improved Standard Technical Specifications:

Amdt. 205
2/27/01

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"



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ENTERGY NUCLEAR FITZPATRICK, LLC

AND ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 313
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Entergy Nuclear Operations, Inc. (Entergy, the licensee) dated August 16, 2016, 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.

Enclosure 2

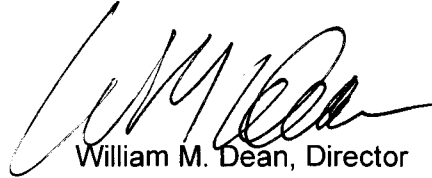
2. Accordingly, the license is amended by changes as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. DPR-59 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and C, as revised through Amendment No. 313, are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of the transfer of control of the Master Decommissioning Trust and shall be implemented within 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read 'W. M. Dean', is written over the printed name and title.

William M. Dean, Director
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Operating License

Date of Issuance: January 30, 2017

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

ATTACHMENT TO LICENSE AMENDMENT NO. 313

RENEWED FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Replace the following pages of the renewed 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

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- (4) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools.
- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

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

(1) Maximum Power Level

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

(2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. 313, are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.

(3) Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protections program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994), and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 subject to the following provision:

will be incorporated in Licensed Operator training during 1997. Simulator discrepancies identified will be addressed in accordance with simulator Configuration Management procedural requirements.

F. Additional Conditions

The Additional Conditions contained in Appendix C, as revised through Amendment No. 289, are hereby incorporated into this renewed operating license. ENO shall operate the facility in accordance with the Additional Conditions.

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

H. DELETED

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P. For purposes of ensuring public health and safety, ENF, upon the transfer of this license to it, and upon transfer of decommissioning funds from PASNY to ENO, shall provide decommissioning funding assurance for the facility, to be held in a decommissioning trust fund for the facility by the prepayment or equivalent method, of no less than the amount required under NRC regulations at 10 CFR 50.75. Any amount held in any decommissioning trust maintained by ENO for the facility after the transfer of the facility license to ENF may be credited towards the amount required under this paragraph.

Q. ENF shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application for the transfer of this license to ENF and ENO, as modified by the request to transfer decommissioning funds from PASNY, and the requirements of the order approving the transfer and order approving the transfer of decommissioning funds from PASNY to ENO, and consistent with the safety evaluations supporting such orders.

R. Mitigation Strategy License Condition

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
 - 7. Spent fuel pool mitigation measures
- (c) Actions to minimize release to include consideration of:
 - 1. Water spray scrubbing
 - 2. Dose to onsite responders

SUBJECT: INDIAN POINT NUCLEAR GENERATING UNIT NO. 3 AND JAMES A. FITZPATRICK NUCLEAR POWER PLANT – ISSUANCE OF AMENDMENTS RE: APPLICATION FOR ORDER TO TRANSFER MASTER DECOMMISSIONING TRUST FROM THE POWER AUTHORITY OF THE STATE OF NEW YORK TO ENTERGY NUCLEAR OPERATIONS, INC., CONSENTING TO AMENDMENTS TO TRUST AGREEMENT, AND APPROVING PROPOSED LICENSE AMENDMENTS TO MODIFY AND DELETE DECOMMISSIONING TRUST LICENSE CONDITIONS UPON THE TRANSFER OF TRUST FUNDS (CAC NOS. MF8288 AND MF8289) DATED JANUARY 30, 2017

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