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Director, Nuclear Licensing

10 CFR 50.54(f)

NL-20-076

November 2, 2020

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Subject: Revision of Commitment Related to Nuclear Reactor Safeguards Interim  
Compensatory Measure - Section B.5.b Issue Regarding Spent Fuel Dispersal

Indian Point Nuclear Generating Unit No. 3  
NRC Docket No. 50-286  
Renewed Facility Operating License No. DPR-64

On February 25, 2002, the NRC issued Interim Compensatory Measures (ICM) Order (EA-02-026). The ICM Order was issued following the events of September 11, 2001, as part of an effort to improve the capabilities of commercial nuclear reactor facilities to respond to terrorist threats. Section B.5.b. of the Order required licensees to develop specific guidance and strategies to maintain or restore core cooling, containment, and spent fuel pool cooling capabilities using existing or readily available resources that could be effectively implemented under the circumstances associated with loss of large areas of the plant due to explosions or fire, including those that an aircraft impact might create

The NRC Safety Evaluation (SE) in Reference 1 details the interactions between the NRC and Entergy Nuclear Operations, Inc. (Entergy), as well as the rest of the nuclear industry, related to the final resolution of Section B.5 b. of the ICM Order of 2002. The letter specifically notes:

The license conditions that capture the ICM Order Section B.5.b mitigation strategy requirements and incorporates them into the licensing basis.

"The implementing details of the mitigating strategies required by the license condition are identified in licensee submittals dated January 11, 2007 (ADAMS Accession No. ML070160073), and June 14, 2007 (ADAMS Accession No. ML071700242). These details will be implemented by commitment and managed in accordance with the NEI commitment management guideline, NEI 99-04."

Entergy adopted an alternate spent fuel pool dispersal strategy (Reference 2) based on a strategy which had been accepted by the NRC with subsequent review of site-specific details of its application and implementation (Reference 3).

This strategy was captured in License Condition A.C (b)(7). In Reference 2, Entergy committed to the strategy and stated:

"Where feasible and practical, consistent with safe fuel handling practices, Entergy will make every attempt to pre-configure the spent fuel pool to enable direct placement of the expended assemblies from the vessel to the final distributed fuel pattern. Where this is not feasible or practical, we will distribute the fuel into the final pattern as soon as possible but no later than 60 days after subcriticality. NOTE: There may be extenuating circumstances associated with extended outages for major component replacement where this is not achievable. This will be handled on a case-by-case basis."

In Reference 4, Entergy notified the NRC that it had decided to permanently cease power operations of Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3) by April 30, 2020 and April 30, 2021, respectively. After IP3 is shutdown, Entergy will offload the full core to the spent fuel pool. During planning, Entergy determined that IP3 would not be able to meet the final distribution pattern. There will be 92 assemblies in the undispersed configuration for one year after shutdown (i.e., May 1, 2022) until the assemblies cool from "hot" to "warm." This situation requires an alternate plan which would be allowed by the guidance of NEI 06-12, "B.5.b Phase 2 & 3 Submittal Guideline:"

"When fuel is stored in an undispersed configuration, the system should be capable of being deployed within 2 hours from the time plant personnel diagnose that external SFP makeup is required. Once the fuel is dispersed, then the system should be capable of being deployed within 5 hours from the time plant personnel diagnose that external SFP makeup is required."

Considering the above, the commitment made in Reference 2 is being revised in accordance with NEI 99 04, "Guidelines for Managing Commitments" to state:

"Procedure changes for the industry proposed fuel dispersal strategy will be effective for use during the next refueling beginning after June 30, 2006. There may be extenuating circumstances where the dispersal strategy is not achievable. If the dispersal strategy is not achievable, the ability to provide at least 200 gallons per minute of Spent Fuel Pool spray within 2 hours from the time makeup is determined to be required will be demonstrated."

The revised regulatory commitment is provided as an attachment to this letter. This and other statements in this submittal are provided for information purposes.

If you have any questions regarding this submittal or the enclosed commitment revision, please contact Ms. Mahvash Mirzai, Manager, Regulatory Assurance, at 914-254-7714.

Respectfully,



Ron Gaston

RG/sp/jls

Attachment: Revision of Regulatory Commitment

- References:
1. NRC letter to Entergy, "Indian Point Nuclear Generating Unit Nos. 2 and 3 - Conforming License Amendments to Incorporate the Mitigation Strategies required by Section B.5.b. of Commission Order EA-02-026 (TAC Nos. MD4541 and MD4542)," (ADAMS Accession No. ML071920023), dated July 11, 2007
  2. Entergy letter to US NRC (ENOC-2006-000130), "Supplemental Response to Report of Inspection of Nuclear Reactor Safeguards Interim Compensatory Measure - Section B.5.b, Temporary Instruction 2515/164; NRC Inspection Reports 05000247/2005010, 05000271/2005009, 05000286/2005008, 05000293/2005008 and 05000333/2005010," dated April 26, 2006
  3. NRC letter to all Holders of Licenses for Operating Power Reactors, dated June 21, 2006 (ADAMS Accession No. ML061670146)
  4. Entergy letter to NRC, "Notification of Permanent Cessation of Power Operations," (Letter No. NL-17-021) (ADAMS Accession No. ML17044A004), dated February 8, 2017

cc: NRC Senior Project Manager, NRC NRR  
DORL Regional Administrator, NRC Region I  
NRC Senior Resident Inspector, Indian Point Energy Center  
President and CEO, NYSERDA  
New York State (NYS) Public Service Commission

Attachment to NL-20-076

Revision to Regulatory Commitment

The following table describes a revised regulatory commitment by Entergy Nuclear Operations, Inc. The cover letter describes the basis and justification for the revised commitment. This and other statements in this submittal are provided for information purposes.

Commitment and Supplement	Action (pick one)		SCHEDULED COMPLETION DATE (If Required)
	One Time Action	Continuing Compliance	
Procedure changes for the industry proposed fuel dispersal strategy will be effective for use during the next refueling beginning after June 30, 2006. There may be extenuating circumstances where the dispersal strategy is not achievable. If the dispersal strategy is not achievable, the ability to provide at least 200 gallons per minute of Spent fuel Pool spray within 2 hours from the time makeup is determined to be required will be demonstrated.		X	Not Required