



Indian Point Energy Center  
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April 11, 2007

Re: Indian Point Unit 2  
Docket No. 50-247  
License No. DPR-26  
NL-07-047

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

Subject: Withdrawal of License Amendment Request (LAR) for Indian Point Unit 2 to Add Spent Fuel Cask Loading Requirements to the Technical Specifications

- Reference:
1. Letter to NRC, "Application for a Technical Specification Change to Add Spent Fuel Cask Loading Requirements," July 10, 2006; Letter No. NL-06-020.
  2. Nuclear Regulatory Commission (NRC) Regulatory Issue Summary (RIS) 2005-05, "Regulatory Issues Regarding Criticality Analyses for Spent Fuel Pools and Independent Spent Fuel Storage Installations," March 23, 2005.
  3. Final Rules 10 CFR 50 – "Criticality Control of Fuel within Dry Storage Casks or Transportation Packages in a Spent Fuel Pool," Federal Register Vol. 72, No. 17, Friday, January 26, 2007.

Dear Sir:

Entergy Nuclear Operations, Inc. (ENO) submitted a License Amendment Request (LAR), (Reference 1) for a Technical Specification change to add spent fuel cask loading requirements to the Technical Specifications (TS) for Indian Point Unit 2. Specifically, the LAR request proposed adding requirements to the 10 CFR 50 license that established cask storage area boron concentration limits and restrict the minimum burnup of spent fuel assemblies associated with spent fuel cask loading operations.

The Reference 1 LAR was submitted based on Nuclear Regulatory Commission (NRC) Regulatory Issue Summary (RIS) 2005-05, (Reference 2) which highlighted the differences between the 10 CFR Part 50 and Part 72 criticality requirements and emphasized that licensees are expected to comply with both Part 50 and Part 72 during cask loading operations.

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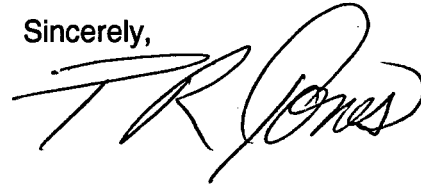
A recent direct rule change to 10 CFR 50.68 (Reference 3) has eliminated the need to comply with the criticality requirements of Part 50.68 if fuel is within a cask in a spent fuel pool. The Part 72 criticality requirements will apply. The cask Certificate of Compliance details the Part 72 required spent fuel pool boron concentration requirements that must be met while the cask is within the spent fuel pool.

Based on the rule change in Reference 3, there is no longer a need for the TS changes sought by the LAR submittal in Reference 1. Entergy is requesting the amendment request for the TS changes be withdrawn.

There are no new commitments contained in this letter.

If you have any questions or require additional information, please contact Mr. T.R. Jones, Acting Manager, Licensing at 914-734-6670.

Sincerely,

A handwritten signature in black ink, appearing to read "T.R. Jones", written in a cursive style.

T.R. Jones  
Acting Manager, Licensing  
Indian Point Energy Center

cc: Mr. John P. Boska, Senior Project Manager, NRC NRR DORL  
Mr. Samuel J. Collins, Regional Administrator, NRC Region I  
NRC Resident Inspector's Office  
Mr. Peter R. Smith, President, NYSERDA  
Mr. Paul Eddy, New York State Department of Public Service