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James Knubel
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June 27, 1997
IPN-97-085

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
Clarification of Technical Specification 5.3.A.1 and Associated Basis

- References:
1. NYPA letter IPN-97-083 to NRC, "Proposed Changes to Technical Specifications Regarding Fuel Reconstitution", dated June 25, 1997.
 2. NRC letter to NYPA, "Issuance of Emergency Amendment for Indian Point Nuclear Generating Unit No. 3 (TAC No. M83401)," dated May 28, 1992.
 3. NYPA letter IPN-92-025 to NRC, "Proposed Changes to Technical Specifications Regarding Reconstituted Fuel Assemblies for Cycles 9 and 10," dated May 22, 1992.

Dear Sir:

During the Authority's review of reference 1, we identified a need to clarify the usage of reconstituted fuel assemblies W51 and W06 during Cycle 10 (technical specification section 5.3.A.1). Assemblies W51 and W06 each contain one stainless steel filler rod in place of a fuel rod. An emergency amendment, reference 2, was issued by the NRC on May 28, 1992. In the Safety Evaluation Report (SER) portion of this amendment, the NRC granted permission to allow the use of two reconstituted fuel assemblies for cycles 9 and 10. The Authority has since decided that these reconstituted fuel assemblies will be retired to the spent fuel pool and not used in the new core design. The reload for the current outage is presently scheduled for July 12, 1997.

Both the Authority's May 22, 1992 proposed emergency technical specification change (reference 3) and the NRC's SER (reference 2) use "allow" to describe the purpose of the change. Therefore, there is an implied "if necessary" omitted from technical specification section 5.3.A.1. The Authority has already submitted a technical specification change to revise section 5.3.A.1 and the associated basis, reference 1. This proposed technical specification change is generic, as described in Generic Letter 90-02, Supplement 1, and would delete the reference to these reconstituted fuel assemblies being used during cycle 10.

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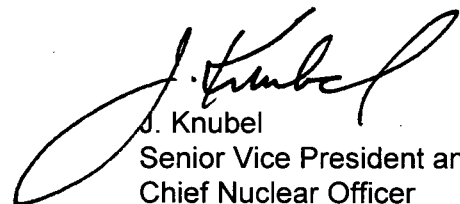
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Therefore, by acknowledging that although technical specification section 5.3.A.1 allows plant operation with reconstituted fuel assemblies W51 and W06 in the core, the Authority will not operate during cycle 10 with reconstituted fuel assemblies (i.e. W51 and W06) that contain stainless steel filler rods.

The commitment made by the Authority in this letter is contained in Attachment I. If you have any questions, please contact Mr. P. Kokolakis at (914) 681-6254.

Very truly yours,



J. Knubel
Senior Vice President and
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Attachment

cc: U.S. Nuclear Regulatory Commission
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COMMITMENT LIST

Number	Commitment	Due Date
IPN-97-085-01	The Authority will not operate during cycle 10 with any reconstituted fuel assemblies (i.e. W51, W06) that contain stainless steel filler rods.	9/15/97