

February 10, 2016

OFFICE OF NUCLEAR REACTOR REGULATION

NOTIFICATION OF SIGNIFICANT LICENSING ACTION

LICENSEE: Entergy Nuclear Indian Point 2, LLC and Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Unit No. 2
Docket No. 50-247

SUBJECT: PROPOSED ISSUANCE OF A FINAL NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND LICENSE AMENDMENT FOR
WHICH A HEARING HAS BEEN REQUESTED

This is to inform the Commission that a final no significant hazards consideration determination and license amendment will be issued on or about February 23, 2016, to Entergy Nuclear Operations, Inc. (Entergy, the licensee). This action is being taken in response to Entergy's license amendment application dated December 9, 2014,¹ as supplemented by additional letters,² and will modify Facility Operating License No. DPR-26 for the Indian Point Nuclear Generating Unit No. 2 (IP2). Specifically, the license amendment will revise IP2 Technical Specification 5.5.14, "Containment Leakage Rate Testing Program," to extend the frequency of the containment integrated leak rate test from once every 10 years to once every 15 years on a permanent basis.

A hearing on the license amendment was requested by the State of New York, through the Office of the Attorney General for the State of New York, on May 18, 2015 (Hearing Request).³ On September 25, 2015, the Atomic Safety and Licensing Board (ASLB) presiding over the matter denied the hearing request.⁴ On October 20, 2015,⁵ the State of New York filed an appeal to the Commission regarding the ASLB order. The State's appeal is currently pending before the Commission.

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¹Letter from Entergy Nuclear Operations, Inc. to the U.S. Nuclear Regulatory Commission, "Proposed License Amendment Regarding Extending the Containment Type A Leak Rate Testing Frequency to 15 Years," dated December 9, 2014 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14353A015).

²Supplemental letters dated May 20, 2015 (ADAMS Accession No. ML15149A137); May 20, 2015 (ADAMS Accession No. ML15149A139); June 8, 2015 (ADAMS Accession No. ML15163A166); and June 29, 2015 (ADAMS Accession No. ML15189A026).

³State of New York Petition to Intervene and Request for Hearing, dated May 18, 2015 (Package Accession No. ML15138A413).

⁴ Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Unit No. 2), LBP-15-26 (Sept. 25, 2015, ADAMS Accession No. ML15268A386).

⁵State of New York Notice of Appeal Pursuant to 10 CFR § 2.311 of Atomic Safety and Licensing Board Decision LBP-15-26 Denying New York's Petition to Intervene and Request for Hearing, (Oct. 20, 2015, ADAMS Accession No. ML15293A584) (Notice of Appeal); State of New York Brief Supporting Appeal (Oct. 20, 2015, ADAMS Accession No. ML15293A585) (Brief).

The U.S. Nuclear Regulatory Commission staff previously issued a proposed No Significant Hazards Consideration determination, published in Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations (80 FR 13902, 13905-06 (March 17, 2015)). The staff has now completed its review of the requested license amendment and has made a final determination that the requested amendment involves no significant hazards considerations and has determined that the application should be granted. The staff's draft safety evaluation may be found at ADAMS Accession No. ML15349A794. Therefore, in accordance with 10 CFR 50.92(c), the staff hereby provides advance notification to the Commission of its determination to issue a Final No Significant Hazards Consideration determination and contemplated issuance of the requested operating license amendment. The requested operating license amendment will be issued 6 days after this Notification has been transmitted to the Commission, unless otherwise instructed by the Commission.

The Office of the General Counsel will notify the Counsel for the State of New York of this Notification of Significant Licensing Action and any subsequent Notice of Issuance of the final no significant hazards consideration determination and license amendment, and will provide them with the ADAMS accession numbers for the license amendment and related safety evaluation report.

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NOTE: Information to be added after issuance of the amendment.
 Date amendment issued: 2/23/2016
 Date received by licensee: 2/23/2016
 Date [petitioner] notified: 2/24/2016

DISTRIBUTION:

NON-PUBLIC [draft]
 PUBLIC [after EDO concurs]
 Chairman Burns
 Commissioner Svinicki
 Commissioner Ostendorff
 Commissioner Baran
 RidsACRS_MailCTR Resource
 RidsEdoMailCenter Resource
 RidsNrrOd Resource
 RidsNrrDorl Resource
 RidsNrrDorlLpl1-1 Resource
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ADAMS Accession No.: ML16011A177

OFFICE	NRR/DORL/LPL1-1/PM	NRR/DORL/LPL1-1/LA	OGC	NRR/DORL/LPL1-1/BC
NAME	DPickett	KGoldstein	STurk	TTate
DATE	1/28/2016	1/12/2016	2/02/2016	2/04/2016
OFFICE	NRR/DORL/D	NRR/D	EDO	
NAME	ABoland	WDean	VMcCree (MJohnson)	
DATE	2/04/2016	2/08/2016	2/10/2016	