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10 CFR 50.55a(z)(2)

NL-19-076

September 24, 2019

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

Subject: Relief Request for Extension of Fourth 10-Year Inservice
Test Interval (IP3-IST-RR-001)

Indian Point Nuclear Generating Unit No. 3
NRC Docket Nos. 50-286 and 72-51
Renewed Facility Operating License No. DPR-64

Reference: Entergy Nuclear Operations, Inc., (Entergy) letter to U.S. Nuclear
Regulatory Commission (NRC), "Notification of Permanent Cessation of
Power Operations," dated February 8, 2017 (Letter NL-17-021) (ADAMS
Accession No. ML17044A004)

Dear Sir or Madam:

In accordance with 10 CFR 50.55a(z)(2), Entergy Nuclear Operations, Inc. (Entergy), on behalf of Indian Point Generating Unit No. 3 (IP3), requests relief from the requirements of the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code). Specifically, Entergy requests an extension of the current Inservice Test (IST) interval (i.e., the fourth 10-year interval) by approximately nine months (i.e., through April 30, 2021) on the basis that implementing the new requirements for a fifth ten-year interval will present an undue hardship, without a compensating increase in the level of quality and safety. The enclosure to this letter provides the basis for the requested relief.

In the referenced letter, pursuant to 10 CFR 50.82(a)(1)(i), Entergy submitted, on behalf of IP3, a notification of its intent to permanently cease operations no later than April 30, 2021 for IP3.

IP3 currently complies with the ASME OM Code, 2001 Edition through the OM Code-2003 Addenda. The fourth IST interval began on July 21, 2009, and will currently conclude on July 20, 2020 including the one-year extension as allowed by paragraph ISTA-3120(d) of the OM Code.

Entergy requests NRC approval of this relief request by June 30, 2020.

This letter contains no new commitments and no revisions to existing commitments.

Should you have any questions or require additional information, please contact Mahvash Mirzai at 914-254-7714.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Gaston", written in a cursive style.

Ron Gaston

RWG/mm/aye

Enclosure: Relief Request for Extension of the Fourth 10-year IST Interval

cc: Regional Administrator, NRC Region I
NRC Senior Resident Inspector, Indian Point Nuclear Generating Units 2 and 3
NRC Senior Project Manager, NRC/NRR/DORL
President and CEO, NYSERDA
New York State Public Service Commission

Enclosure

NL-19-076

Relief Request for Extension of the Fourth 10-year IST Interval

**Indian Point Nuclear Generating Unit No. 3
NRC Docket Nos. 50-286 and 72-51
Renewed Facility Operating License DPR-64**

Indian Point Nuclear Generating Unit No. 3
10 CFR 50.55a Relief Request Number IP3-IST-RR-001
Proposed Alternative in Accordance with 10 CFR 50.55a(z)(2)
Hardship or Unusual Difficulty Without a Compensating Increase in Quality and Safety

1. ASME Code Component(s) Affected

All components within the scope of the Indian Point Nuclear Generating Unit No. 3 (IP3) Inservice Test (IST) Program.

2. Applicable Code Edition and Addenda

American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code) 2001 Edition through the 2003 Addenda.

3. Applicable Code Requirement

ISTA-3200, Administrative Requirements, subparagraph (f)(3), *Successive Inservice Test Intervals*, states, "The test plan for each successive inservice test interval shall comply with the edition and addenda of the Sections that have been adopted by the regulatory authority 12 months prior to the start of the inservice test interval, or subsequent editions and addenda that have been adopted by the regulatory authority. Specific portions of such subsequent editions or addenda may be used, provided all related requirements are met."

10 CFR 50.55a(f)(4)(ii) states: "Inservice tests to verify operational readiness of pumps and valves, whose function is required for safety, conducted during successive 120-month intervals must comply with the requirements of the latest edition and addenda of the ASME OM Code incorporated by reference in paragraph (a)(1)(iv) of this section 12 months before the start of the 120-month interval (or the optional ASME Code Cases listed in NRC Regulatory Guide (RG) 1.147 or RG 1.192 as incorporated by reference in paragraphs (a)(3)(ii) and (iii) of this section, respectively), subject to the conditions listed in paragraph (b) of this section."

Paragraph (a)(1)(iv)(C)(1) identifies the 2012 Edition of the ASME OM Code as the latest approved Edition.

4. Reason for Request

The IP3 Fourth IST Program Interval (i.e., the current interval) implements the requirements of the 2001 Edition with the 2003 Addenda of the OM Code and ends on July 20, 2020, including the one-year extension allowed by paragraph ISTA-3120(d) of the OM Code. As previously indicated in Reference 1, IP3 will permanently cease power operation no later than April 30, 2021. There are no additional refueling outages scheduled prior to the April 30, 2021 shutdown date. Updating the Fifth Interval IST Program to the requirements of the OM Code, 2012 Edition would require significant personnel resources and procedure/process changes, with minimal impact on the actual valve and pump testing during the remaining nine months of plant operation. This requirement would result in an undue hardship without a compensating increase in quality and safety.

5. Proposed Alternative and Basis for Use

In accordance with 10 CFR 50.55a(a)(z)(2), Entergy Nuclear Operations, Inc. (Entergy) proposes to continue implementation of the testing requirements specified in the 2001 Edition with the 2003 Addenda of the OM Code by extending the fourth ten-year interval from July 21, 2020 to the permanent plant shutdown date, currently scheduled for no later than April 30, 2021. This proposal is an alternative to the requirements of ISTA-3200(f)(3) and 10 CFR 50.55a(f)(4)(ii), Applicable IST Code: Successive 120-month intervals, requirements for determining the OM Code Edition and Addenda.

In implementing this proposal, Entergy will comply with all NRC conditions as specified in 10 CFR 50.55a applicable for the 2001 Edition through the 2003 Addenda of the OM Code, including the augmented requirements of (f)(4) and (f)(6)(ii). Code Cases that were adopted per RG 1.192 will continue to be those cases applicable to the 2001 Edition through the 2003 Addenda. In summary, Entergy will continue to implement the current IP3 IST Program Fourth Interval with all applicable Conditions specific to the 2001 Edition through the 2003 Addenda in 10 CFR 50.55a.

There are many changes which occurred in the ASME OM Code between the 2001 with 2003 Addenda and the 2012 Edition. However, none are necessary to ensure an acceptable level of quality and safety nor were these changes made to address a deficiency in the OM Code that adversely impacted safety.

In summary, Entergy proposes to extend the IP3 Fourth IST Program Interval from July 21, 2020 to the permanent plant shutdown date, currently scheduled for no later than April 30, 2021. This extension, if approved, would allow IP3 to continue to implement the requirements of the OM Code, 2001 Edition with the 2003 Addenda, in lieu of the OM Code, 2012 Edition until the permanent plant shutdown. If the decision to permanently shutdown IP3 is later changed, an updated IST Program, developed in accordance with the applicable Edition and Addenda of the OM Code then in effect per 10 CFR 50.55a, will be implemented.

Implementation of this request will provide adequate detection of component degradation and will continue to provide reasonable assurance of the operational readiness of affected IP3 components. Therefore, compliance with the requirements of ISTA-3200(f)(3) and 10 CFR 50.55a(f)(4)(ii) would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety pursuant to 10 CFR 50.55a(z)(2).

6. Duration of Proposed Alternative

The proposed alternative, if approved, would be implemented between July 21, 2020 and the permanent IP3 shutdown date, currently scheduled for no later than April 30, 2021.

7. Precedent

In Reference 2, the NRC approved a relief request to extend the James A. Fitzpatrick Nuclear Power Plant (JAF) Fourth IST Interval by an additional eight months (i.e., beyond the OM Code allowed one-year extension). This IP3 relief request is slightly different than the referenced JAF submittal in that JAF was initially scheduled to permanently shutdown, a decision which was reversed by the new owner. However, both the approved JAF and proposed IP3 extensions involve a short-time extension of the current IST Interval (i.e., eight months for JAF and nine months for IP3) and demonstrate that compliance with the new OM Code would present an undue hardship without a compensatory increase in the level of safety and quality.

8. References

1. Entergy letter to NRC, "Notification of Permanent Cessation of Power Operations," dated February 8, 2017 (Letter NL-17-021) (ADAMS Accession No. ML17044A004).
2. NRC letter to Exelon Generation Company, LLC, "James A. Fitzpatrick Nuclear Power Plant – Issuance of Relief Request No. RR-01 - Alternative to Certain Requirements of the ASME Code for Extension of the Fourth 10-Year Inservice Testing Interval (CAC No. MF9816)," dated August 4, 2017 (ADAMS Accession No. ML17201M289).