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**Ron Gaston**  
Director, Nuclear Licensing

10 CFR 50.54(f)

NL-20-046

June 8, 2020

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

Subject: Cancellation of Commitment Related to Beyond-Design-Basis External Event  
Seismic Actions

Indian Point Nuclear Generating Unit No. 2  
NRC Docket No. 50-247  
Renewed Facility Operating License No. DPR-26

In Reference 1, the U.S. Nuclear Regulatory Commission (NRC) issued a "Request for Information Pursuant to Title 10 of the Code of Federal Regulations [10 CFR] 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident" to all NRC power reactor licensees and holders of construction permits in active or deferred status. The enclosures in Reference 1 contain specific requested actions, requested information, and required responses associated with Recommendations 2.1 (Seismic and Flooding), 2.3 (Seismic and Flooding), and 9.3 (Emergency Preparedness).

In Reference 2, Entergy Nuclear Operations, Inc. (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.

In Reference 3, Entergy requested NRC approval to defer completion of regulatory commitments associated with Beyond-Design-Basis External Event Seismic Actions for IP2 and IP3. The requested deferral applied to the Entergy commitments to use the insights gained through the performance of the Seismic Probabilistic Risk Assessments (SPRAs) for IP2 and IP3 to determine what modifications, procedure or strategy changes would provide the best safety improvement. The deferral of these commitments was predicated, and evaluated by the NRC, based on the Reference 2 notification of planned permanent shutdown of IP2 in 2020 and IP3 in 2021. The NRC approved the requested deferral in Reference 4.

Regarding the continued applicability of the commitments, the NRC stated in the Reference 4 commitment deferral approval letter that:

"If the licensee decides to continue to operate the units beyond 2020 and 2021, respectively, the licensee would need to provide the SPRAs and the SFP assessments associated with the seismic hazard reevaluations at IP2 and IP3 by August 1, 2020, and August 1, 2021, respectively. The seismic MSAs associated with the seismic hazard reevaluations at IP2 and IP3 would need to be provided by August 1, 2020, and August 1, 2021, respectively."

In Reference 5, Entergy submitted certifications in accordance with 10 CFR 50.82(a)(1)(i) and (a)(1)(ii) that power operations had ceased at IP2 on April 30, 2020 and that the fuel was permanently removed from the IP2 reactor vessel and placed in the IP2 spent fuel pool on May 12, 2020. By docketing these two certifications, Entergy has established that the IP2 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel in the reactor vessel. These certifications also establish the non-applicability of the conditional actions that were identified in the NRC's Reference 4 commitment deferral approval letter if IP2 would have operated beyond 2020.

In the Reference 1 10 CFR 50.54(f) information request, it states that: "Operating power reactor licensees under 10 CFR Part 50 are required to respond to all of the information requests." As described above, IP2 is no longer an operating power reactor licensee, in that the IP2 reactor has been permanently shutdown and defueled and the 10 CFR Part 50 license no longer authorizes operation of the reactor. Therefore, the Reference 3 commitment regarding performance of the SPRAs in response to the 10 CFR 50.54(f) information request is no longer applicable to IP2, and as such, Entergy is cancelling the commitment.

If you have any questions regarding this submittal, please contact Ms. Mahvash Mirzai, Manager, Regulatory Assurance, at 914-254-7714. There are no new regulatory commitments made in this letter.

Respectfully,

A handwritten signature in black ink, appearing to read "Ron W. Gaston", with a long horizontal flourish extending to the right.

Ron Gaston

RWG/cdm/jls

- References:
- 1) U.S. Nuclear Regulatory Commission (NRC) Letter to Entergy Nuclear Operations, Inc. (Entergy), "Request for Information Pursuant to Title 10 of the Code of Federal Regulations 50.54(f) Regarding Recommendations 2.1, 2.3, and 9.3 of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident," (ADAMS Accession No. ML12053A340), dated March 12, 2012
  - 2) Entergy letter to NRC, "Notification of Permanent Cessation of Power Operations," (Letter No. NL-17-021) (ADAMS Accession No. ML17044A004), dated February 8, 2017
  - 3) Entergy letter to NRC, "Request for Deferral of Actions Related to Beyond-Design-Basis External Event Seismic Actions – Commitment Date Changes," (Letter No. NL-17-062) (ADAMS Accession No. ML17136A345), dated May 10, 2017
  - 4) NRC letter to Entergy, "Indian Point Nuclear Generating Unit Nos. 2 and 3 – NRC Response to Request for Deferral of Actions Related to Beyond-Design-Basis Seismic and Flooding Hazard Reevaluations," (ADAMS Accession No. ML 17136A345), dated October 4, 2017
  - 5) Entergy letter to NRC, "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel," (Letter No. NL-20-042), (ADAMS Accession No. ML20133J902), dated May 12, 2020

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