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10 CFR 50.90
10 CFR 50.54(p)
10 CFR 73.55(r)

January 17, 2023

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

Subject: License Amendment Request for the Independent Spent Fuel Storage
Installation-Only Security, Training and Qualification, Safeguards Contingency
Plan

Indian Point Nuclear Generating Unit Nos. 1, 2, and 3
Docket Nos. 50-003, 50-247, 50-286 and 72-051
Provisional Operating License No. DPR-5
Renewed Facility License No. DPR-26 and No. DPR-64

References:

1. Letter, Entergy to U.S. Nuclear Regulatory Commission (NRC), "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel, Indian Point Nuclear Generating Unit No. 2," dated May 12, 2020 (Letter NL-20-042) (ADAMS Accession No. ML20133J902)
2. Letter, Entergy to NRC, "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel, Indian Point Nuclear Generating Unit No. 3," dated May 11, 2021 (Letter NL-21-033) (ADAMS Accession No. ML21131A157)
3. Letter, NRC to Entergy, "Indian Point Nuclear Generating Station, Unit Nos. 1, 2, and 3 - Order Approving Transfer of Licenses and Draft Conforming Administrative License Amendments, (EPID-L-2019-LLM-0003)," dated November 23, 2020 (ADAMS Accession No. ML20297A321)
4. Letter, Holtec Decommissioning International, LLC (HDI) to NRC, "Report of Changes to Physical Security, Training and Qualification, Safeguards Contingency Plan, and ISFSI Security Program, Revision 27," dated October 12, 2022 (Letter HDI-IPEC-22-066) (ADAMS Accession No. ML22287A122)

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 50.90, "Application for

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The Enclosure contains ~~Safeguards Information~~. When separated from the Enclosure this letter is not ~~Safeguards~~.

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amendment of license, construction permit, or early site permit," Holtec Decommissioning International, LLC (HDI), on behalf of Holtec Indian Point 2, LLC (IP1 & IP2) and Holtec Indian Point 3, LLC (IP3), collectively referred to as Indian Point Energy Center (IPEC), requests an amendment to the renewed facility licenses and U.S. Nuclear Regulatory Commission (NRC) review and approval of the IPEC Independent Spent Fuel Storage Installation Facility-Only Security, Training and Qualification, and Safeguards Contingency Plan, Rev 0 (ISFSI-O PSP). The proposed amendment would revise the IP2 and IP3 renewed facility license to reflect the requirements associated with security changes for the Independent Spent Fuel Storage Installation Facility (ISFSI) consistent with permanent removal of all spent fuel from the IP2 and IP3 Spent Fuel Pools (SFPs) to dry cask storage within a site controlled ISFSI.

In References 1 and 2, Entergy certified to the NRC, in accordance with 10 CFR 50.82(a)(1)(i), that power operations ceased at IP2 on April 30, 2020, and at IP3 on April 30, 2021. In addition, Entergy certified in accordance with 10 CFR 50.82(a)(1)(ii), that the fuel was permanently removed from the IP2 reactor vessel and placed in the IP2 SFP on May 12, 2020, and that the fuel was permanently removed from the IP3 reactor vessel and placed in the IP3 SFP on May 11, 2021. Therefore, as specified in 10 CFR 50.82(a)(2), the 10 CFR Part 50 license for IPEC no longer authorizes operation of the reactor or emplacement or retention of fuel in the reactor vessels.

On May 28, 2021, pursuant to the NRC Order (Reference 3), Entergy notified the NRC that IPEC ownership and the IPEC operating licenses were transferred to Holtec Indian Point 2, LLC (IP1 & IP2) and Holtec Indian Point 3, LLC (IP3).

The proposed plan will supersede the currently approved Physical Security, Training & Qualification and Safeguards Contingency Plan (Reference 4) and addresses the protection of material on site that is licensed by the Indian Point License(s) that include the Independent Spent Fuel Installation (ISFSI) as well as other special nuclear material on site. The protection of material subject to the requirements of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radiation Material," is addressed in a separate plan.

HDI expects that transfer of the spent fuel from the IP2 and IP3 SFPs to dry storage within the ISFSI will be completed before February 2023 and December 2023, respectively. In support of these changes, HDI is proposing revisions to the IPEC Security, Training and Qualification, Safeguards Contingency Plan to comport with the requirements for a facility configuration with all spent fuel in dry storage within an ISFSI. The reason for this proposed amendment request is to revise the IP2 and IP3 renewed facility license and to obtain NRC approval of the IPEC ISFSI-O PSP. The proposed changes are being submitted to the NRC for approval prior to implementation, as required under 10 CFR 50.54(p)(1).

HDI requests review and approval of the proposed license amendments by November 15, 2023, and a thirty-day implementation period following HDI's notification to the NRC that all spent fuel assemblies have been transferred from the IP2 SFP and IP3 SFP to dry storage within the ISFSI.

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Attachments 1, 2 and 3 to this letter contain non-controlled descriptions of the Evaluation of the Proposed Changes, and the License Condition Changes. The evaluation includes the regulatory evaluation, the no significant hazards consideration determination, and the environmental considerations:

The Enclosure to this letter provides "Security-Related Information" and "Safeguards Information." The "Security-Related Information" is required to be withheld from public disclosure pursuant to 10 CFR 2.390. The "Safeguards Information" as defined by 10 CFR 73.22 and its disclosure to unauthorized individuals is prohibited by Section 147 of the Atomic Energy Act of 1954, as amended, and must be protected accordingly.

HDI has reviewed the proposed amendments in accordance with 10 CFR 50.91(a)(1), using the criteria in 10 CFR 50.92, and concludes that this change does not involve a significant hazards consideration. HDI has also determined that the proposed changes satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22(c)(10) and do not require an environmental review. Therefore, in accordance with 10 CFR 51.22(b), no environmental impact statement or environmental assessment is required.

As required by 10 CFR 50.91, "Notice for public comment; State consultation," paragraph (b), copies of this application, with the non-controlled Attachments, are being provided to the New York State Department of Health and Emergency Management Agency.

This letter contains no new regulatory commitments. Should you have any questions or require additional information, please contact Mr. Walter Wittich, IPEC Licensing at 914-254-7212.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 17, 2023.

Sincerely,

Jean A. Fleming

Digitally signed by Jean A.
Fleming
Date: 2023.01.17 07:54:25 -05'00'

Jean A. Fleming
Vice President, Licensing, Regulatory and PSA
Holtec International

Attachments:

1. Summary and Evaluation of Proposed Changes
2. Proposed Change to IPEC Renewed Facility License Condition 3.G (mark- up)
3. Revised IPEC Renewed Facility License Condition 3.G (clean copy)

Enclosure:

1. Description of IPEC Physical Security Plan Changes – (Safeguards and Security-Related Information)

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CC:

NRC Senior Project Manager, NRC NMSS
NRC Region I Regional Administrator
NRC Senior Regional Inspector, IPEC
New York State (NYS) Liaison Officer Designee, NYSERDA
NYS Public Service Commission

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The Enclosure contains ~~Safeguards Information~~. When separated from the Enclosure this letter is not ~~Safeguards~~.

Attachment 1

Summary and Evaluation of Proposed Changes

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Attachment 2: Proposed Change to IP2 & IP3 Renewed Facility License Condition (mark-up)

Attachment 3: Revised IP2 & IP3 Renewed Facility License Condition (clean copy)

Summary and Evaluation of Proposed Changes

1.0 INTRODUCTION AND DESCRIPTION

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 50.90, "Application for amendment of license, construction permit, or early site permit," Holtec Decommissioning International, LLC (HDI), on behalf of Holtec Indian Point 2, LLC (IP2) and Holtec Indian Point 3, LLC (IP3), requests U.S. Nuclear Regulatory Commission (NRC) review and approval of an amendment to Renewed Facility License No. DPR-26 and Renewed Facility License No. DPR-64. The proposed License Amendment would revise the 10 CFR Part 50 Renewed Facility Licenses (FLs) to reflect approval of the proposed "Indian Point (IPEC) Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0" (ISFSI-O PSP) provided in Enclosure 1.

IP1 was permanently shutdown on October 31, 1974, and all spent fuel was removed from the IP1 reactor vessel in 1975. All spent fuel has since been removed from the IP1 SFP and transported offsite or placed in the existing ISFSI as reported in the Entergy letter to the NRC regarding this subject, dated December 11, 2008 (ADAMS Accession No. ML083510667) (Reference 1). The IP1 Provisional Operating License prohibits taking the reactor to criticality or operation of the facility at any power level, and the IP1 Technical Specifications do not allow fuel to be loaded into the reactor core or moved into the reactor containment building without prior review and authorization by the NRC. IP1 is being maintained in SAFSTOR status. The IP1 SFP is no longer in use because all spent fuel has been transferred to the ISFSI and other material has been removed, and the IP1 SFP has been drained.

In References 2 and 3, Entergy certified to the NRC, in accordance with 10 CFR 50.82(a)(1)(i), that power operations ceased at IP2 on April 30, 2020 and at IP3 on April 30, 2021. In addition, Entergy certified in accordance with 10 CFR 50.82(a)(1)(ii), that the fuel was permanently removed from the IP2 reactor vessel and placed in the IP2 SFP on May 12, 2020 and that the fuel was permanently removed from the IP3 reactor vessel and placed in the IP3 SFP on May 11, 2021. Therefore, as specified in 10 CFR 50.82(a)(2), the 10 CFR Part 50 license for IPEC no longer authorizes operation of the reactors or emplacement or retention of fuel in the IP2 and IP3 reactor vessels.

On May 28, 2021, pursuant to the NRC Order (Reference 4), Entergy notified the NRC that IPEC ownership and the IPEC operating licenses were transferred to Holtec Indian Point 2, LLC (IP1 & IP2) and Holtec Indian Point 3, LLC (IP3).

The proposed plan will supersede the currently approved Physical Security, Training & Qualification and Safeguards Contingency Plan (Reference 5) and addresses the protection of material on site that is licensed by the Indian Point License that includes the Independent Spent Fuel Installation (ISFSI) as well as other special nuclear material on site. The protection of material subject to the requirements of 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radiation Material," is addressed in a separate plan.

Pending Licensing Actions under NRC Review

There are four pending licensing actions currently under NRC Review that relate to this LAR.

On May 20, 2022 (Reference 6) HDI submitted a LAR to modify the renewed facility licenses to eliminate Cyber Security requirements.

On August 2, 2022, (Reference 7) HDI submitted a License Amendment Request (LAR) to revise the IP2 PDTS to modify staffing requirements following the transfer of spent fuel to dry storage.

On November 2, 2022 (Reference 8) HDI submitted a LAR to modify the renewed facility licenses and Technical Specifications to reflect permanent removal of spent fuel from the IP2 and IP3 Spent Fuel Pits.

On November 17, 2022 (Reference 9) HDI requested NRC approval of a proposed revision to the IPEC Emergency Plan to accommodate transition to an ISFSI Only Emergency Plan (IOEP).

2.0 PROPOSED CHANGES

The proposed license amendment modifies the IP2 and IP3 FLs to comport to the condition of all IP2 and IP3 irradiated fuel stored in approved dry casks within the site controlled ISFSI storage location. The proposed amendment would document approval of the proposed "Indian Point (IPEC) Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0" (ISFSI-O PSP) provided in Enclosure 1. Upon NRC approval and HDI implementation of the proposed ISFSI-O PSP, the Independent Spent Fuel Storage Installation (ISFSI), will be identified as the ISFSI-O and will be the only spent fuel storage area at Indian Point. The ISFSI-O will also be the only Protected Area (PA) identified by the site ISFSI-O PSP. Consistent with the overall HDI decommissioning plan, all spent fuel will be offloaded from the spent fuel pool and located within the ISFSI-O, the existing IPEC site PA will be eliminated, and the site will return to an industrial facility. Security protection requirements for the site areas outside of the ISFSI-O PA, will be protected as necessary in accordance with 10 CFR Part 37, Physical Protection of Category 1 and Category 2 Quantities of Radiation Material.

The proposed ISFSI-O PSP was developed to meet regulatory requirements for protection of the spent fuel against the design basis threat of radiological sabotage. The proposed ISFSI-O PSP is designed to meet the physical protection requirements for protection of spent fuel stored in an ISFSI cask storage area.

The proposed ISFSI-O PSP is consistent with NRC guidance provided in Nuclear Security Incident Response/Division of Security Policy – Interim Staff Guidance (NSIR/DSP-ISG)-03, "Review of Security Exemptions/License Amendment Requests for Decommissioning Nuclear Power Plants," (Reference 10). In addition, the PSP was informed by security plans recently reviewed/approved by NRC for similar facilities with all spent fuel in dry cask storage within an ISFSI (Reference 11).

The proposed ISFSI-O PSP evaluated Security Orders previously issued by the NRC that are applicable to the current Indian Point PSP. The currently approved Physical Security Plan required update to reflect changes proposed in the ISFSI-O PSP.

3.0 APPLICABLE REGULATORY REQUIREMENTS

Pursuant to 10 Code of Federal Regulations (CFR) 50.54(p) and 10 CFR 50.90, Holtec Decommissioning International, LLC (HDI) is requesting approval of proposed Indian Point ISFSI-O PSP and an amendment for a conforming change to the IP2 Renewed Facility License Condition

2.H and IP3 Renewed Facility License Condition 2.G. In accordance with 10 CFR 72.212(b)(9), the proposed ISFSI-O PSP is required to protect spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions set forth in the physical security requirements of 10 CFR 73.55 with certain conditions and exceptions as specified in the regulation, and NRC Orders. This submittal includes requests for alternative measures pursuant to 10 CFR 73.55(r), 10 CFR 50.90 and 10 CFR 50.54 that support the proposed PSP revision.

4.0 NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The proposed Independent Spent Fuel Storage Installation ISFSI Only Physical Security Plan (ISFSI-O PSP) addresses the physical protection of material on site that is licensed under the Indian Point Energy Center (IPEC) Renewed Facility License, as well as the general license for the IPEC ISFSI-O cask storage pad.

Indian Point has submitted the certifications for 10 CFR 50.82(a)(1), therefore the 10 CFR Part 50 license for IPEC no longer authorizes operation of the reactors or emplacement or retention of fuel into the reactor vessels, pursuant to 10 CFR 50.82(a)(2). A pending license amendment for ISFSI-Only Technical Specifications (IOTS) requests a revised license condition that will permanently preclude storage of fuel in the Spent Fuel Pools (SFP) after all spent fuel has been removed and transferred to dry casks. The proposed amendment for the ISFSI-O PSP reflects the configuration of the facility after spent nuclear fuel has been removed from the SFPs and stored in approved dry casks in the ISFSI-O protected area (PA).

HDI has evaluated the proposed amendment to determine if a significant hazards consideration is involved by focusing on the three standards set forth in 10 CFR 50.92, Issuance of Amendment, as discussed below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Response: No

Indian Point has submitted notification pursuant to 10 CFR 50.82(a)(1) for permanent cessation of power reactor operations and permanent removal of fuel from the reactor vessels. Upon docketing of the 10 CFR 50.82(a)(1) certifications, under 10 CFR 50.82(a)(2) the IPEC Part 50 license no longer authorizes operation of the reactors or emplacement or retention of fuel into the reactor vessels. The irradiated fuel at IPEC is currently stored in the SFPs and within the "on-site" ISFSI in dry casks. In this condition, the number of credible accidents or transients is significantly smaller than for a plant authorized to operate the reactor or emplace or retain fuel in the reactor vessels.

The ISFSI-O storage pads are designed to allow for complete off-load of all spent fuel from the SFPs to dry fuel storage casks, to include the capacity to store the existing dry casks currently located in the "on-site" ISFSI storage pads, plus additional allowance for storage of reactor-related Greater than Class C (GTCC) waste storage casks.

The ISFSI-O PSP reflects the future site configuration with all spent fuel removed from the spent fuel pool, and stored within the ISFSI-O PA. With all spent fuel

removed from the spent fuel pool, the Fuel Handling Accident (FHA) currently described in IPEC Defueled Safety Analysis Report (DSAR) Chapter 6 is no longer credible. Since the FHA is no longer applicable, the proposed amendment would not involve a significant increase in the probability or consequences of accidents previously evaluated.

The casks are maintained in accordance with the provisions of the Holtec International HI-STORM 100 Cask System, Certificate of Compliance (CoC) No. 72-1014, and in accordance with the associated Cask Final Safety Analysis Report (FSAR). The HI-STORM 100 Cask System consists of spent nuclear fuel (SNF) residing within a fuel basket structure contained within a sealed metallic canister, or Multi-Purpose Canister (MPC). The HI-STORM 100 receives and contains the sealed MPC for long term storage, and provides gamma and neutron shielding, ventilation passages, missile protection, and protection against natural phenomena and accidents for the MPC. Cask FSAR Chapter 11, "Accident Analysis", Section 11.2 provides the evaluation of accidents for the HI-STORM 100 Cask System which satisfies the following minimum acceptance criteria:

- The MPC confinement boundary maintains radioactive material confinement,
- The MPC fuel basket structure maintains the fuel contents subcritical,
- The stored SNF can be retrieved by normal means, and
- The system provides adequate shielding.

The HI-STORM 100 Cask System provides the spent nuclear fuel and radioactive material in storage with confinement, radiation shielding, criticality and passive heat removal, independent of other facility structures, systems and components (SSCs).

Security modifications associated with the ISFSI-O storage pad include security systems for lighting, intruder detection systems, protected area boundary fencing, access control systems, telecommunications equipment, a vehicle barrier system, and a central alarm station. These security modifications do not significantly affect the ability of the Cask System and MPC to perform their functions as described in the Cask FSAR. Hence the proposed amendment has no effect on the ability of the Cask System to perform its design function nor would it increase the likelihood of an accident previously evaluated.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of a previously evaluated accident or a reduction in the margin of safety.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated

Response: No

The proposed amendment does not involve any physical alteration of any facility

structures, systems, and components (SSCs) or Cask System components required to mitigate or prevent any accident previously evaluated and does not have a significant effect on the capability of any facility SSC or Cask System component to perform its design functions. Thus, the proposed amendment does not create any initiators or precursors of a new or different kind of accident than previously evaluated. Likewise, the proposed amendment does not create the possibility of a new failure mode associated with any SSC malfunction or personnel errors that could result in a new or different kind of accident. Since the proposed amendment does not significantly affect any Cask System components, the credible events for the ISFSI are not changed.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety

Response: No

Pursuant to 10 CFR 50.82(a)(2), the 10 CFR Part 50 license for IPEC no longer authorizes operation of the reactors or emplacement or retention of fuel into the reactor vessels, therefore the occurrence of any postulated accidents associated with an operating nuclear reactor is no longer credible. The proposed changes would become effective when all spent fuel has been transferred to the new ISFSI-O storage pad with no intent to return spent fuel to the spent fuel pools. With all spent fuel stored in approved dry casks and located in the ISFSI-O storage area, the fuel handling accident described in IPEC DSAR Chapter 6 is no longer credible.

The proposed amendment does not involve a significant change in any facility SSC or Cask System component's design, configuration, or operation. Therefore, the modifications associated with this proposed amendment do not significantly affect the capability or manner in which the Cask System and the ISFSI-O storage pad perform their safety functions, or the safety margins associated with their design and design function.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

Based on the above, HDI concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of "no significant hazards consideration" is justified.

5.0 Environmental Considerations

HDI has evaluated this proposed amendment against the criteria for identification of licensing and regulatory actions requiring environmental assessment in accordance with 10 CFR 51.21 and determined that it meets the criteria for categorical exclusion set forth in 10 CFR 51.22(c)(12). The proposed amendment is being submitted under the provisions of 10 CFR Part 50 for approval of a safeguards plan and changes to the IPEC Renewed Facility License, and in accordance with 10 CFR Part 72.

Activities associated with the proposed amendment do not involve any significant construction impacts and are consistent with the plan for future reduction in the security area that focuses primarily on the storage for spent fuel, described in (Reference 12) NUREG-0586, "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities," as a general activity expected to occur during decommissioning. The proposed amendment is confined to (i) organizational and procedural matters; and (iii) administrative changes.

The proposed amendment did not implement any new security modifications in order to facilitate ISFSI-O PSP operation. The currently approved Site Security Plan (Revision 27) was previously implemented along with the site modifications necessary to ensure ISFSI operational status. The site security mods implemented for the PSP Revision 27 were previously evaluated and it was determined that they qualified for a categorical exclusion from an environmental review based on the criterion of 10 CFR 51.22(c)(12).

Therefore, pursuant to 10 CFR 51.22(b), an environmental assessment or impact statement is not required to be prepared in connection with the proposed amendment.

6.0 Precedent

Many decommissioning nuclear power plant sites have transition to ISFSI-Only Security Plans and have updated their security License Condition. Indian Point is requesting a security plan change that is similar to previous approved ISFSI-Only Security Plans. The changes included in the ISFSI-O Security Plan proposed in this amendment request are informed by the ISFSI-O PSP provided to the NRC by the Pilgrim Nuclear Power Station (Reference 11)

7.0 Conclusion

Based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by the proposed changes, (2) activities consistent with the approved changes will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

8.0 References

1. Letter, Entergy to NRC, Notification of Unit 1 Transfer of 160 Spent Fuel Assemblies from the Spent Fuel Pool to the Indian Point Independent Spent Fuel Storage Installation," (ADAMS Accession No. ML083510667), dated December 11, 2008
2. Letter, Entergy to NRC, "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel, Indian Point Nuclear Generating Unit No. 2," dated May 12, 2020 (ADAMS Accession No. ML20133J902)
3. Letter, Entergy to NRC, "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel, Indian Point Nuclear Generating Unit No. 3," dated May 11, 2021 (ADAMS Accession No. ML21131A157)
4. Letter, NRC to Entergy, "Indian Point Nuclear Generating Station, Unit Nos. 1, 2,

and 3 - Order Approving Transfer of Licenses and Draft Conforming Administrative License Amendments, (EPID-L-2019-LLM-0003)," dated November 23, 2020 (ADAMS Accession No. ML20297A321)

5. Letter, HDI to NRC, "Report of Changes to Physical Security, Training and Qualification, Safeguards Contingency Plan, and ISFSI Security Program, Revision 27," dated October 12, 2022 (ADAMS Accession No. ML22287A122)

6. Letter, HDI to NRC, "License Amendment Request – Revise License Condition to Eliminate Cyber Security Plan Requirements," dated May 20, 2022 (ADAMS Accession No. ML22140A126)

7. Letter, HDI to NRC, "License Amendment Request to Revise Indian Point Nuclear Generating Unit No. 2 Permanently Defueled Technical Specifications to Modify Staffing Requirements following Transfer of Spent Fuel to Dry Storage," dated August 2, 2022 (ADAMS Accession No. ML22214A128)

8. Letter, HDI to NRC, "License Amendment Request to Revise Indian Point Nuclear Generating Unit Nos. 2 and 3 Renewed Facility Licenses and Permanently Defueled Technical Specifications and IP3 Appendix C Technical Specifications to Reflect Permanent Removal of Spent Fuel from the IP2 and IP3 Spent Fuel Pits," dated November 2, 2022 (ADAMS Accession No. ML22306A165)

9. Letter, HDI to NRC, "License Amendment Request to Approve the Independent Spent Fuel Storage Installation-Only Emergency Plan," dated November 17, 2022 (ADAMS Accession No. ML22321A148)

10. NRC Interim Staff Guidance, NSIR/DSP-ISG-03, "Review of Security Exemptions/ License Amendment Requests for Decommissioning Nuclear Power Plants," September 28, 2015 (ADAMS Accession No. ML15106A737)

11. Letter, HDI to NRC, "Pilgrim Station Proposed Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan," dated March 17, 2021 (ADAMS Accession No. ML21085A596)

12. NUREG-0586, "Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities," Volumes 1 & 2 of Supplement 1, November 2002 (ML023470327 and ML023500310)

HDI-IPEC-23-001

Attachment 2

**Proposed Change to IP2 & IP3 Renewed Facility License Condition
(mark-up)**

H. HDI shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "~~Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0,~~" and was ~~submitted by letter dated October 14, 2004, as supplemented by letter dated May 18, 2006.~~

Add... "Indian Point (IPEC) Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0"

HDI has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. HDI shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

Deleted

- (a) Deleted
- (b) Provisional Trust:
 - (i) The provisional trust agreement must be in a form acceptable to the NRC.
 - (ii) Investments in the securities or other obligations of Holtec International or its affiliates, subsidiaries, successors, or assigns are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.

~~1. The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.~~

- (4) HDI pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus or components;
- (5) HDI pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials that were produced by the operation of the facility.

C. This renewed license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

- (1) Deleted per Amendment No. 270
- (2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. [XXX], are hereby incorporated in the renewed license. HDI shall maintain the facility in accordance with the Technical Specifications.

D. (DELETED)

E. (DELETED)

F. This renewed license is also subject to appropriate conditions by the New York State Department of Environmental Conservation in its letter granting a Section 401 certification under the Federal Water Pollution Control Act Amendments of 1972.

G. HDI shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and to the authority of 10 CFR 50.90 and CFR 50.54(p). The combined set of plans¹ for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: ~~"Physical Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0,"~~ and was submitted by letter dated ~~October 14, 2004, as supplemented by letter dated May 18, 2006.~~

Add... "Indian Point (IPEC) Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0"

¹ ~~The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.~~

Attachment 3 to

HDI-IPEC-23-011

**Revised IP2 & IP3 Renewed Facility License Condition
(clean copy)**

- H. HDI shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: " Indian Point (IPEC) Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0,"

HDI has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Section II supplemented with Section III of Attachment 1 to its application submitted by letter dated August 20, 2013, as supplemented by letters dated November 21, 2013, and July 24, 2014, and citing letters dated April 27, 2011, and January 4, 2012. HDI shall fully implement and maintain in effect the provisions of the Commission-approved authorization.

3. Deleted

(a) Deleted

(b) Provisional Trust:

- (i) The provisional trust agreement must be in a form acceptable to the NRC.
- (ii) Investments in the securities or other obligations of Holtec International or its affiliates, subsidiaries, successors, or assigns are and shall be prohibited. Except for investments tied to market indexes or other non-nuclear-sector mutual funds, investments in any entity owning one or more nuclear power plants are and shall be prohibited.

- (4) HDI pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus or components;
 - (5) HDI pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials that were produced by the operation of the facility.
- C. This renewed license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:
- (1) Deleted per Amendment No. 270
 - (2) Technical Specifications
- The Technical Specifications contained in Appendices A and B, as revised through Amendment No. [XXX], are hereby incorporated in the renewed license. HDI shall maintain the facility in accordance with the Technical Specifications.
- D. (DELETED)
- E. (DELETED)
- F. This renewed license is also subject to appropriate conditions by the New York State Department of Environmental Conservation in its letter granting a Section 401 certification under the Federal Water Pollution Control Act Amendments of 1972.
- G. HDI shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822), and to the authority of 10 CFR 50.90 and CFR 50.54(p). The combined set of plans for the Indian Point Energy Center, which contain Safeguards Information protected under 10 CFR 73.21, is entitled: "Indian Point (IPEC) Independent Spent Fuel Storage Installation-Only Security, Training and Qualification, and Safeguards Contingency Plan, Revision 0."