

**From:** [Guzman, Richard](#)  
**To:** [Andrea Sterdis](#)  
**Subject:** RE: Indian Point Unit Nos. 1, 2 and 3 - Request for Additional Information - Indian Point Energy Center Quality Assurance Program Manual [EPID L-2021-LLQ-0000]  
**Date:** Wednesday, June 30, 2021 4:42:30 PM

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Andrea,

The purpose of this message is to provide an update on the pending action regarding the subject Request for Additional Information issued on May 18, 2021. As discussed with you last week, in light of the closing of the transfer of the IPEC licenses to HDI on May 28, 2021, the NRC staff is re-evaluating the applicability of the Indian Point QAPM RAIs as applied now to HDI. In particular, the NRC staff is reviewing the latest revision of the Indian Point QAPM (Revision 3) in relation to the HDI Fleet Decommissioning Quality Assurance Program (DQAP) which was approved on January 12, 2021 (ML21011A106).

I expect to have the outcome of the staff's assessment within the next two weeks and will inform you of our next steps to close out this review (e.g, updated RAIs, close-out e-mail). In the interim, as I recognize the due date for HDI's response is today, 6/30, this message also extends the June 30 response date to July 30, 2021. This e-mail communication will be added to ADAMS as an official agency record.

**Thanks,**

**Rich Guzman**

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**From:** Guzman, Richard <[Richard.Guzman@nrc.gov](mailto:Richard.Guzman@nrc.gov)>  
**Sent:** Tuesday, May 18, 2021 3:41 PM  
**To:** Mirzai, Mahvash <[mmirzai@entergy.com](mailto:mmirzai@entergy.com)>  
**Cc:** Couture III, Philip <[pcoutur@entergy.com](mailto:pcoutur@entergy.com)>; Johnson, Matthew R <[mjohn14@entergy.com](mailto:mjohn14@entergy.com)>; Danna, James <[James.Danna@nrc.gov](mailto:James.Danna@nrc.gov)>  
**Subject:** Indian Point Unit Nos. 1, 2 and 3 - Request for Additional Information - Indian Point Energy Center Quality Assurance Program Manual [EPID L-2021-LLQ-0000]

Ms. Mirzai,

On May 6, 2021, the U.S. Nuclear Regulatory Commission (NRC) staff sent Entergy Nuclear Operations, Inc. (Entergy, the licensee) the subject Request for Additional Information (RAI) as a draft e-mail. The RAI relates to the licensee's Indian Point Energy Center Quality Assurance Program Manual submittal, Revision 3 dated April 1, 2021 (ADAMS Accession No ML21091A147).

On May 17, 2021, the NRC staff conducted a conference call with the licensee staff to clarify the request. Following the discussion, your staff indicated that Entergy will provide a

response to this RAI within 30 days of this e-mail communication, or no later than June 30, 2021. Updated below is the official (final) RAI. . A publicly available version of this message will be placed in the NRC's official recordkeeping system (ADAMS). Please contact me if you have any questions in regard to this request.



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REQUEST FOR ADDITIONAL INFORMATION  
INDIAN POINT ENERGY CENTER QUALITY ASSURANCE PROGRAM MANUAL  
INDIAN POINT NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3  
DOCKET NOS. 50-3, 50-247, AND 50-286  
EPID L-2021-LLQ-0000

By letter dated April 22, 2020, Entergy Nuclear Operations, Inc. (Entergy, the licensee) submitted the Indian Point Energy Center (IPEC) Quality Assurance Program Manual (QAPM), Revision 0 (Agencywide Documents and Access Management System (ADAMS) Accession No. ML20113E817) as a conversion from an Entergy Fleet QAPM to a site-specific IPEC QAPM. Subsequent revisions of the IPEC QAPM were submitted by letters dated July 7, 2020 (Revision 1), November 9, 2020 (Revision 2), and April 1, 2021 (Revision 3) (ADAMS Accession Nos. ML20190A163, ML20314A128, and ML21091A147, respectively). As stated by the licensee, the IPEC QAPM, Revision 0 was issued on April 03, 2020 in preparation for the decommissioning of IPEC. To support the implementation of ongoing quality assurance activities and the transition to a decommissioning facility, the licensee adopted the Entergy (fleet) QAPM under the guidance provided in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.54(a)(3) and established a site-specific QAPM for IPEC using the Entergy QAPM as the basis. The licensee further stated that the changes to the IPEC-specific QAPM were assessed using the guidance provided in 10 CFR 50.54(a)(3) and determined that the changes did not constitute a reduction in commitments to the previously approved quality assurance program.

The regulation at 10 CFR 50.54(a)(3), states in part, that a licensee may make a change to a previously accepted quality assurance program description included or referenced in the Safety Analysis Report without prior NRC approval, provided the change does not reduce the commitments in the program description as accepted by the NRC. The NRC staff notes, however, that it has not evaluated the IPEC QAPM; therefore, the proposed

application of 10 CFR 50.54(a)(3) for the stated conversion to the site-specific QAPM and subsequent revisions is not appropriate since it is not based on a previously approved quality assurance program description. The NRC staff is reviewing the IPEC QAPM, Revision 3, and has determined that additional information is needed to complete its review, as described in the request for additional information (RAI) shown below.

### **Regulatory Basis:**

Criterion II, "Quality Assurance Program," of Appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities," states, in part, that "The quality assurance program shall provide control over activities affecting the quality of the identified structures, systems, and components, to an extent consistent with their importance to safety. Activities affecting quality shall be accomplished under suitably controlled conditions."

The IPEC QAPM, Revision 3 was provided as Enclosure 2 to the letter dated April 1, 2021, "Annual Report for Entergy Quality Assurance Program Manual and Indian Point Energy Center Quality Assurance Program changes under 10 CFR 50.54(a)(3), 10 CFR 71.106, and 10 CFR 72.140(d) Notification of Application of Approved Appendix B to 10 CFR 72 subpart G." This enclosure described the changes to the Entergy IPEC QAPM since the IPEC site-specific QAPM, Revision 0 was issued on April 3, 2020. A synopsis of IPEC QAPM Revision 1 was provided as follows:

This change to the IPEC QAPM Revision 0 was made upon the shutdown of IPEC Unit 2 and certification of permanent cessation of operations and permanent defueling of IPEC Unit 2 under 10 CFR 50.82(a)(1). This change provided conditional based exceptions that may be implemented for a unit that has permanently ceased power operations and has docketed a certification of permanent cessation of operations and permanent defueling under 10 CFR 50.82(a)(1) and entered decommissioning. The conditional based exceptions included within this revision to the IPEC QAPM are considered reductions in commitments to the previously approved QAPM, but can be implemented without prior NRC approval for the following reasons:

- The first conditional based exception that is considered a reduction in commitments to the previously approved QAPM is with Table 1 Sections A.1 and C.14 which adds a discussion regarding the position of Certified Fuel Handler (CFH) which becomes equivalent to the position of Senior Reactor Operator once a unit has a certification of permanent cessation of operations under 10 CFR 50.82(a)(1). This exception can only be implemented if a unit has permanently ceased power operations and has Certified under 10 CFR 50.82(a)(1). This conditional based exception relies on an NRC issued License Amendment (LA) to the Administrative Technical Specifications and the associated safety evaluation report (SER) for the specific unit and the submittal of the CFH Training Program to the NRC for review and approval. This would be considered a corresponding change to implement the specific unit's license amendment request (LAR) with the associated SER for a unit that has

permanently ceased power operations and has docketed a certification of permanent cessation of operations and permanent defueling under 10 CFR 50.82(a)(1) and entered decommissioning. This LAR was submitted to the NRC by Entergy IPEC via outgoing letter NL-19-013 (ADAMS Accession No. ML19105B236) and provided requested changes to the Unit 2 and Unit 3 Administrative Technical Specifications.

- The second conditional based exception included in this change and is considered a reduction in commitments to the previously approved QAPM provides an allowance to credit alternative experience to determine the qualifications for the position of CFH and operators for a unit that has permanently ceased power operations and has certified under 10 CFR 50.82(a)(1). This change was previously approved by the NRC for Vermont Yankee [Reference Letter to Vermont Yankee from the NRC, dated June 16, 2016 (ADAMS Accession Nos. ML16165A466 and ML16165A467), which included an associated SER] based on their docketing of the certification of permanent cessation of operations and permanent defueling under 10 CFR 50.82(a)(1). This is a consistent approval basis to the condition that IPEC Units 2 and 3 will achieve when the same milestone is met. This allows the conditional based exception to be included in the QAPM and implemented based on the associated Vermont Yankee SER without requiring prior NRC approval.

#### **RAI-1**

IPEC describes the two conditions above as “reductions in commitments.” The regulation at 10 CFR 50.54(a)(4) would then apply which states in part, “Changes to the quality assurance program description that do reduce the commitments must be submitted to the NRC and receive NRC approval prior to implementation.”

The NRC staff determined that the Entergy IPEC QAPM, Revision 3 should be reviewed because of changing conditions due to decommissioning and potential reduction in commitments not previously reviewed and accepted.

In light of the above, please address the reduction in commitments to the IPEC QAPM that must be submitted to the NRC for approval prior to implementation under 10 CFR 50.54(a)(4).

#### **RAI-2**

The regulation at 10 CFR 50.54, Conditions of licenses, paragraph 50.54(a)(1), states in part:

Each nuclear power plant or fuel reprocessing plant licensee subject to the quality assurance criteria in appendix B of this part shall implement, under Section 50.34(b)(6)(ii) or Section 52.79 of this chapter, the quality assurance program described or referenced in the safety analysis report, including changes to that report.

The IPEC QAPM, Revision 3, paragraph A.1.a. states in part, “The interface and

coordination with the Entergy Fleet QAPM ensure the requirements of the IPEC QAPM are satisfied.” Clarify how the interface and coordination with the Entergy Fleet QAPM ensure the requirements of the IPEC QAPM satisfy requirements of 10 CFR 50.54(a)(1).

### **RAI-3**

NUREG-0800, “Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,” (ADAMS Accession No. ML052350376), Section 17.3, “Quality Assurance Program Description,” Paragraph A.1.c. states in part, “A list of items under the control of the quality assurance program is to be established and maintained at the applicant's facility.”

Paragraph A.1 of the IPEC QAPM does not address how a list of items under the control of the quality assurance program is to be established and maintained at the applicant's facility. Clarify how the IPEC QAPM, specifically in paragraph A.1, establishes and maintains a list of items under the control of the quality assurance program at the applicant's facility.

### **RAI-4**

NUREG-0800, Section 17.3, Paragraph A.3.c. states, “Senior-level management is to assess annually the adequacy of the QA program's implementation.”

Paragraph A.3 of the IPEC QAPM does not address how senior-level management is to assess annually the adequacy of the QA program's implementation. Clarify how the IPEC QAPM, specifically in paragraph A.3, provides responsibility for senior-level management to assess the adequacy of the QA program's implementation annually.

### **RAI-5**

NUREG-0800 SRP 17.3 Section II.A.7 states in part, “Except where acceptable alternatives are provided, the applicant is to comply with the regulatory positions in the appropriate revisions of the regulatory guides listed in Section VI.A of this chapter” and “in Section VI.B of this chapter.” Table 1 of the QAPM does not list the following regulatory guides specified in NUREG 0800.”

NUREG-0800 SRP 17.3 Section VI. “References” cites the following regulatory or programmatic QA guidance:

- Regulatory Guide 1.28, “Quality Assurance Program Requirements (Design and Construction),” using NQA-1 and NQA-2
- Radioactive waste QA controls are to be in accordance with Regulatory Position 6 of Regulatory Guide 1.143, “Design Guidance for Radioactive Waste Management Systems, Structures, and Components Installed in Light Water-cooled Nuclear Power Plants.”
- Regulatory Guide 7.10, “Establishing Quality Assurance Programs for Packaging Used in the Transport of Radioactive Material.”

Explain why Table 1 of the IPEC QAPM does not commit to the listed references.

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