

From: [Cruz Perez, Zahir](#)
To: [Jean Fleming](#)
Cc: [Bill Noval](#); [Matthew Johnson](#); [Walter Wittich](#); [Watson, Bruce](#)
Subject: Acceptance Review: License Amendment Request to Revise Emergency Plan and Emergency Action Level Scheme to address Permanently Defueled condition for Indian Point Energy Center
Date: Monday, February 07, 2022 11:12:00 AM

Dear Ms. Fleming:

By letter dated December 22, 2021 (Agencywide Documents Access and Management System [ADAMS]) Accession No. Main Library [ML] ML21356B704), Holtec Decommissioning International, LLC (HDI) submitted a license amendment request for Indian Point Nuclear Generating Units Nos. 1, 2 and 3, collectively referred to as Indian Point Energy Center (IPEC). HDI submitted a revision to the license amendment requests on February 4, 2022 (ADAMS Accession No. ML22035A121). The requested license amendments would revise the IPEC Emergency Plan and Emergency Action Level (EAL) scheme for the permanently shutdown and defueled condition at IPEC. The proposed changes are being submitted to the U.S. Nuclear Regulatory Commission (NRC) for approval prior to implementation, as required under Paragraph 50.54(q)(4) of Title 10 of the *Code of Federal Regulations* (10 CFR) and 10 CFR Part 50, Appendix E, Section IV.B.2.

The proposed Permanently Defueled Emergency Plan (PDEP) and Permanently Defueled EAL scheme are commensurate with the significantly reduced risk associated with the spent fuel stored in the IPEC Unit 2 and IPEC Unit 3 spent fuel pools after it has sufficiently decayed such that the radiological impact of accidents is not expected to result in radioactive releases that exceed U.S. Environmental Protection Agency (EPA) Protective Action Guidelines (PAGs) beyond the site boundary. The proposed changes are necessary to properly reflect the conditions of the facility while continuing to preserve the IPEC Decommissioning Trust Funds and the effectiveness of the Emergency Plan. HDI requested approval of the proposed license amendments by July 1, 2022, and a 31-day implementation period after the effective date of the amendments.

The purpose of this e-mail is to provide the results of the NRC staff's acceptance review of this request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your request and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendment in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised through separate correspondence by mid-April 2022, and a response will be due 30 days from the receipt of the request for additional information.

The proposed PDEP and Permanently Defueled EAL scheme are predicated on approval of

requests for exemptions from portions of 10 CFR 50.47(b); 10 CFR 50.47(c)(2); and 10 CFR Part 50, Appendix E, Section IV, also submitted on December 22, 2021. Therefore, the NRC staff expects to complete this review by January 30, 2023 (approximately 400 hours). If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date, the reasons for the changes, along with a new estimate, will be communicated during the routine interactions with the assigned project manager.

The associated notice of consideration of issuance of amendment to facility operating license, proposed no significant hazards consideration determination, and opportunity for a hearing was published in NRC's monthly Notice in the Federal Register on January 25, 2022 (87 FR 3844).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this email will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please contact me.

Zahira

Zahira Cruz

(Pronouns: [She/Her/Hers](#))

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