

April 13, 2006

Mr. Joseph E. Venable
Vice President Operations
Entergy Operations, Inc.
17265 River Road
Killona, LA 70066-0751

SUBJECT: WATERFORD STEAM ELECTRIC STATION, UNIT 3 - RESPONSE TO
ENTERGY OPERATIONS, INC. (ENTERGY) LETTER REGARDING NATIONAL
FIRE PROTECTION ASSOCIATION (NFPA) 805

Dear Mr. Venable:

This letter responds to Entergy's letter dated December 21, 2005, Agencywide Documents Access and Management System (ADAMS) Accession No. ML060030453, in which Entergy informed the NRC of its intent to adopt NFPA 805, "Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants," 2001 Edition, in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR), Paragraph 50.48(c) for the Waterford Steam Electric Station, Unit 3 (Waterford 3).

The December 21, 2005, letter requests enforcement discretion for existing identified noncompliances in accordance with NRC's Interim Enforcement Policy (69 FR 33684 and 70 FR 2662). Since Entergy has met the deadline to receive discretion for existing identified noncompliances, NRC approves the request.

In the December 21, 2005, letter, Entergy further informed NRC that its transition to the performance-based standard for fire protection will commence during the first quarter of 2006, and will take approximately 42 months to fully implement. Entergy indicated that the schedule is subject to change, depending on the extent of any physical plant modifications and/or changes to the fire protection program determined necessary to comply with NFPA 805, and noted that the NFPA 805 transition process will proceed in three phases:

Phase 1 - Preliminary assessment of the fire protection program;
Phase 2 - Review and engineering analysis; and
Phase 3 - Implementation.

Entergy's letter provided numerous reasons to request an enforcement discretion window of 42 months, as opposed to the 36-month window approved by the Commission. Some of the key reasons provided for requesting an extension are:

- Within Entergy, and the nuclear industry in general, there are a limited number of experts in the areas of Fire Protection Engineering, System Engineering, and Appendix R Safe Shutdown needed to support the transition to NFPA 805.
- Entergy intends to adopt NFPA 805 for Arkansas Nuclear One (ANO), Units 1 and 2, and, as such, that transition process and available personnel must be considered when

conducting evaluations utilizing the same resources.

- There is a desire to maintain consistency among the Entergy nuclear power plants that can only be facilitated by allowing some portions of the transition to be performed in series. The estimated total project duration for Waterford 3 is 42 months and is based on parallel-, as well as series-implemented standardized approaches to transition tasks. This approach produces a consistent and quality transition for the Entergy plants.
- Waterford 3 utilizes the Hemyc electrical raceway fire barrier system. Resolution of this issue will be performed in parallel to the NFPA 805 transition process.
- Finally, Entergy believes that the risk of granting the requested enforcement discretion window is low since the noncompliances for which Entergy is requesting enforcement discretion have been, or is expected to be, non-safety significant.

The Commission recently approved an extension of the NFPA 805 enforcement discretion from 24 months to 36 months (SRM-COMSECY-06-0016, dated March 24, 2006). Currently, the NRC is not granting additional extensions to the existing approved enforcement discretion policy. Therefore, the NRC will consider the discretion period for Waterford 3 started on December 31, 2005, and will expire on December 31, 2008.

Your letter indicates that it is your understanding that the letter of intent initiates a window of enforcement discretion for Waterford 3 during which no enforcement action will be taken by the NRC for non-safety significant noncompliances, subject to the guidance provided in the Interim Enforcement Policy. Your understanding is accurate. Please note that in order to receive the enforcement discretion, you must: (1) evaluate the risk significance of all noncompliances to assure that they do not constitute "Red" findings or a violation categorized as Severity Level 1, (2) enter them into your corrective action program, and (3) implement and maintain appropriate compensatory measures until the NRC staff approves your license amendment request to transition to NFPA 805 and issues the safety evaluation report. Please refer to NRC Regulatory Issue Summary 2005-07, "Compensatory Measures to Satisfy the Fire Protection Program Requirements," to determine appropriate compensatory measures.

A number of utilities have requested meetings with the NRC staff to review their project plan and discuss transition issues. NRC recognizes the benefits of communication among transitioning licensees, the Office of Nuclear Reactor Regulation, and regional staff. Therefore, periodic workshops will be held at the regional offices on NFPA 805 implementation issues. NRC plans to inform utilities about these workshops, and encourage them to send representatives.

J. Venable

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If there are any questions regarding this matter, please contact Mr. Mel Fields at (301) 415-3062.

Sincerely,

/RA/ Cornelius Holden for

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-382

cc: See next page

J. Venable

- 3 -

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NRR-106

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May 2005