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**Fred Dacimo**  
Site Vice President  
Administration

March 13, 2007

Re: Indian Point Unit Nos. 2 & 3  
Docket Nos. 50-247, 50-286

NL-07-026

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

**SUBJECT: Proposed Change to Fire Protection License Conditions for Indian Point Nuclear Generating Units No. 2 and 3**

Dear Sir:

Pursuant to 10 CFR 50.90, Entergy Nuclear Operations, Inc, (Entergy) hereby requests amendments to Facility Operating License Nos. DPR-26 and DPR-64 for the Indian Point Nuclear Generating Units 2 (IP2) and 3 (IP3), respectively. The proposed changes will revise License Condition 2.K for IP2 and License Condition 2.H for IP3, which require the implementation and maintenance of an approved Fire Protection Program for each unit.

Entergy has evaluated the proposed changes in accordance with 10 CFR 50.91 (a)(1) using the criteria of 10 CFR 50.92 (c) and has determined that the proposed changes involve no significant hazards considerations, as described in Attachment 1. The proposed changes to the Facility Operating Licenses are shown in Attachments 2 (IP2) and 3 (IP3). Commitments to effect the changes are contained in Attachment 4. A copy of this application and the associated attachments are being submitted to the designated New York State official.

Entergy requests approval of the proposed amendments by October 1, 2007. If you have any questions or require additional information, please contact Mr. Patric W. Conroy, IPEC Licensing Manager at (914) 734-6668.

A006

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

March 13, 2007 .

Sincerely,



Fred R. Dacimo  
Site Vice President  
Indian Point Energy Center

**Attachments:**

- 1: Analysis of Proposed Facility Operating License Changes Regarding IP2 and IP3 Fire Protection Programs
- 2: Markup of Facility Operating License Page for Proposed Changes Regarding IP2 Fire Protection Program
- 3: Markup of Facility Operating License Page for Proposed Changes Regarding IP3 Fire Protection Program
- 4: Commitments for Proposed Changes to Fire Protection License Conditions for Indian Point Nuclear Generating Units No. 2 and 3

cc: Mr. John P. Boska, Senior Project Manager, NRC NRR DORL  
Mr. Samuel J. Collins, Regional Administrator, NRC Region 1  
NRC Resident Inspector, IP2  
NRC Resident Inspector, IP3  
Mr. Peter R. Smith, President, NYSERDA  
Mr. Paul Eddy, New York State Dept. of Public Service

**ATTACHMENT 1 TO NL-07-026**

**Analysis of Proposed Facility Operating License Changes  
Regarding IP2 and IP3 Fire Protection Programs**

**ENTERGY NUCLEAR OPERATIONS, INC.  
INDIAN POINT NUCLEAR GENERATING UNITS NO. 2 and 3  
DOCKET NOS. 50-247 and 50-286**

## **1.0 DESCRIPTION**

This letter requests amendments to Facility Operating License DPR-26, Docket No. 50-247 for Indian Point Nuclear Generating Unit No. 2 (IP2), and to Facility Operating License DPR-64, Docket No. 50-286 for Indian Point Nuclear Generating Unit No. 3 (IP3). The proposed changes will revise License Condition 2.K for IP2 and License Condition 2.H for IP3, which require Entergy Nuclear Operations, Inc. (ENO) to implement and maintain in effect all provisions of the approved Fire Protection Program for each unit.

## **2.0 BACKGROUND**

The license conditions for fire protection were previously revised when the Fire Protection Technical Specifications were deleted in accordance with the guidance provided in Generic Letter (GL) 86-10, "Implementation of Fire Protection Requirements," dated April 24, 1986 (Reference 7.1), and GL 88-12, "Removal of Fire Protection Requirements from Technical Specifications," dated August 2, 1988 (Reference 7.2). These changes were made under License Amendment No. 186 (Reference 7.3) for IP2, and License Amendment No. 157 (Reference 7.4) for IP3. The license conditions were modeled after the wording contained in GL 86-10.

## **3.0 PROPOSED CHANGES**

### **3.1 Facility Operating License DPR-26 (IP2)**

License Condition 2.K currently states:

- 2.K ENO shall implement and maintain in effect all provisions of the NRC-approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the Safety Evaluations Reports dated November 30, 1977, February 3, 1978, January 31, 1979, October 31, 1980, August 22, 1983, March 30, 1984, October 16, 1984, September 16, 1985, November 13, 1985, March 4, 1987, January 12, 1989, and March 26, 1996. ENO may make changes to the NRC-approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

License Condition 2.K is proposed to be rewritten as follows (see Attachment 2):

- 2.K ENO shall implement and maintain in effect all provisions of the NRC-approved fire protection program as described in the Updated Final Safety Analysis Report for the facility, which implements the applicable requirements of 10 CFR 50.48 and Appendix R to 10 CFR 50. ENO may make changes to the NRC-approved fire protection program

without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

### 3.2 Facility Operating License DPR-64 (IP3)

License Condition 2.H currently states:

2.H ENO shall implement and maintain in effect all provisions of the approved Fire Protection Program as described in the Final Safety Analysis Report for Indian Point Nuclear Generating Unit No.3 and as approved in NRC fire protection safety evaluations (SEs) dated September 21, 1973, March 6, 1979, May 2, 1980, November 18, 1982, December 30, 1982, February 2, 1984, April 16, 1984, January 7, 1987, September 9, 1988, October 21, 1991, April 20, 1994, January 5, 1995, and supplements thereto, subject to the following provision:

ENO may make changes to the approved Fire Protection Program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

License Condition 2.H is proposed to be rewritten as follows (see Attachment 3):

2.H ENO shall implement and maintain in effect all provisions of the NRC-approved fire protection program as described in the Updated Final Safety Analysis Report for the facility, which implements the applicable requirements of 10 CFR 50.48 and Appendix R to 10 CFR 50. ENO may make changes to the NRC-approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

## 4.0 JUSTIFICATION FOR CHANGES

This change removes the listing of dated Fire Protection Safety Evaluation Reports (SERs) contained in the license conditions. The list of SERs do not need to be included in the operating license since the programs for each unit are described in the Updated Final Safety Analysis Report (UFSAR) for each unit, and the requirements contained in the SERs are incorporated into the documents that comprise the Fire Protection Program for each unit. Further, since the license conditions themselves permit changes to the approved program, the requirements contained in the SERs can be modified through appropriate evaluations and would then no longer exist as described in the cited SER. Lastly, any SERs issued subsequent to those listed could require a license amendment to add them to this condition in order for the license to remain current, which is an unnecessary administrative burden. The list of SERs will be added to the UFSAR of each unit (see Attachment 4 for specific commitments).

## 5.0 **REGULATORY ANALYSIS**

### 5.1 **No Significant Hazards Consideration**

Entergy Nuclear Operations, Inc. (Entergy) has evaluated the safety significance of the proposed changes to the IP2 and IP3 license conditions described in Section 3.0. This proposed change has been evaluated according to the criteria of 10 CFR 50.92, "Issuance of Amendment". Entergy has determined that the subject change does not involve a Significant Hazards Consideration as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The proposed changes are strictly an administrative relocation of the specific fire protection SER references and do not modify any requirements of the fire protection programs.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed changes are strictly an administrative relocation of the specific fire protection SER references and do not modify any requirements of the fire protection programs.

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

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No

The proposed changes are strictly an administrative relocation of the specific fire protection SER references and do not modify any requirements of the fire protection programs.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, Entergy Nuclear Operations, Inc. concludes that the proposed amendments to the Facility Operating Licenses of IP2 and IP3 present no significant

hazards considerations under the standards set forth in 10 CFR 50.92 (c), and, accordingly, a finding of “no significant hazards consideration” is justified.

## 5.2 Applicable Regulatory Requirements / Criteria

Generic Letter 86-10, “Implementation of Fire Protection Requirements,” dated April 24, 1986 (Reference 7.1), and Generic Letter 88-12, “Removal of Fire Protection Requirements from Technical Specifications,” dated August 2, 1988 (Reference 7.2), provided guidance on the standard license condition for a fire protection program. The changes proposed in this application do not alter the NRC-approved fire protection programs of either IP2 or IP3. The list of SERs contained in the existing license condition for each unit will be relocated to the UFSAR of each unit.

## 5.3 Environmental Considerations

The proposed changes to the IP2 and IP3 Facility Operating Licenses do not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluent that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

## 6.0 PRECEDENCE

Facility Operating License No. DPR-50 for the Three Mile Island Nuclear Station, Unit No. 1 (Docket No. 50-289) was modified by License Amendment No. 146 (Reference 7.5) in accordance with Generic Letter 86-10. A listing of SERs was not included.

Facility Operating License Nos. NPF-2 and NPF-8 for the Joseph M. Farley Nuclear Plant Units 1 (Docket No. 50-348) and 2 (Docket No. 50-364) were modified by License Amendments No. 152 and 144, respectively, to delete the listing of Fire Protection SERs (Reference 7.6).

## **7.0 REFERENCES**

- 7.1 Generic Letter 86-10, "Implementation of Fire Protection Requirements," dated April 24, 1986
- 7.2 Generic Letter 88-12, "Removal of Fire Protection Requirements from Technical Specifications," dated August 2, 1988
- 7.3 Letter dated March 26, 1996, J.F. Harold (NRC) to S.E. Quinn (Con Edison), "Issuance of Amendment for Indian Point Nuclear Generating Unit No. 2 (TAC No. M89828)," License Amendment No. 186
- 7.4 Letter dated January 13, 1995, N.F. Conicella (NRC) to W.J. Cahill, Jr. (NYPA), Issuance of Amendment for Indian Point Nuclear Generating Unit No. 3 (TAC No. M89352), License Amendment No. 157
- 7.5 Letter dated November 30, 1988, R.W. Hernan (NRC) to H.D. Hukill (GPU, TMI-1), "Issuance of Amendment (TAC No. 67827)
- 7.6 Letter dated December 7, 2001, F. Rinaldi (NRC) to D.N. Morey, "Joseph M. Farley Nuclear Plant, Units 1 and 2 Re: Issuance of Amendments (TAC Nos. MB0794 and MB0795)



ATTACHMENT 2 TO NL-07-026

**Markup of Facility Operating License Page for  
Proposed Changes Regarding IP2 Fire Protection Program**

**Bold** for added text    ~~Strikeout~~ for deleted text

ENERGY NUCLEAR OPERATIONS, INC.  
INDIAN POINT NUCLEAR GENERATING UNITS NO. 2 and 3  
DOCKET NOS. 50-247 and 50-286

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.

- I. Deleted per Amdt. 133, 7-6-88.
  - J. Deleted per Amdt. 133, 7-6-88.
  - K. ENO shall implement and maintain in effect all provisions of the NRC-approved fire protection program as described in the Updated Final Safety Analysis Report for the facility and as approved in the ~~Safety Evaluations Reports dated November 30, 1977, February 3, 1978, January 31, 1979, October 31, 1980, August 22, 1983, March 30, 1984, October 16, 1984, September 16, 1985, November 13, 1985, March 4, 1987, January 12, 1989, and March 26, 1996,~~ **which implements the applicable requirements of 10 CFR 50.48 and Appendix R to 10 CFR 50.** ENO may make changes to the NRC-approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
  - L. Deleted per Amendment 238
  - M. Deleted per Amendment 238
3. On the closing date of the transfer of the license, Con Edison shall transfer to ENIP2 all of the accumulated decommissioning trust funds for IP2 and such additional funds to be deposited in the decommissioning trusts for IP2 such that the total amount transferred for Indian Point Nuclear Generating Unit No. 1 (IP1) and IP2 is no less than \$430,000,000. Furthermore, ENIP2 shall either (a) establish a provisional trust for decommissioning funding assurance for IP1 and IP2 in an amount no less than \$25,000,000 (to be updated as required under applicable NRC regulations, unless otherwise approved by the NRC) or (b) obtain a surety bond for an amount no less than \$25,000,000 (to be updated as required under applicable NRC regulations, unless otherwise approved by the NRC). The total decommissioning funding assurance provided for IP2 by the combination of the decommissioning trust and the provisional trust and the provisional trust or surety bond at the time of transfer of the licenses shall be at a level no less than the amounts calculated pursuant to, and required under, 10 CFR 50.75. The decommissioning trust, provisional trust, and surety bond shall be subject to or be consistent with the following requirements, as applicable:

ATTACHMENT 3 TO NL-07-026

**Markup of Facility Operating License Page for  
Proposed Changes Regarding IP3 Fire Protection Program**

**Bold** for added text    ~~Strikeout~~ for deleted text

ENERGY NUCLEAR OPERATIONS, INC.  
INDIAN POINT NUCLEAR GENERATING UNITS NO. 2 and 3  
DOCKET NOS. 50-247 and 50-286

- G. ENO 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<sup>1</sup> 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.
- H. ENO shall implement and maintain in effect all provisions of the **NRC-approved fFire pProtection pProgram** as described in the **Updated** Final Safety Analysis Report for **the facility, which implements the applicable requirements of 10 CFR 50.48 and Appendix R to 10 CFR 50.**~~Indian Point Nuclear Generating Unit No. 3 and as approved in NRC fire protection safety evaluations (SEs) dated September 21, 1973, March 6, 1979, May 2, 1980, November 18, 1982, December 30, 1982, February 2, 1984, April 16, 1984, January 7, 1987, September 9, 1988, October 21, 1991, April 20, 1994, January 5, 1995, and supplements thereto, subject to the following provision: ENO may make changes to the NRC-approved fFire pProtection pProgram without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.~~
- I. (DELETED) Amdt. 205  
2/27/01
- J. (DELETED) Amdt. 205  
2/27/01
- K. (DELETED) Amdt.49  
5-25-84
- L. (DELETED) Amdt. 205  
2/27/01
- M. (DELETED) Amdt. 205  
2/27/01
- N. (DELETED) Amdt. 49  
5-25-84

<sup>1</sup> The Training and Qualification Plan and Safeguards Contingency Plan are Appendices to the Security Plan.

**ATTACHMENT 4 TO NL-07-026**

**Commitments for Proposed Changes to Fire Protection  
License Conditions for Indian Point Nuclear Generating Units No. 2 and 3**

**ENTERGY NUCLEAR OPERATIONS, INC.  
INDIAN POINT NUCLEAR GENERATING UNITS NO. 2 and 3  
DOCKET NOS. 50-247 and 50-286**

This table identifies actions discussed in this letter for which Entergy commits to perform. Any other actions discussed in this submittal are described for the NRC's information and are not commitments.

Number	Commitment	Type	Scheduled Completion Date
NL-07-026-1	Relocate the list of Fire Protection Program Safety Evaluation Reports from License Condition 2.K to the IP2 UFSAR	One-Time Action	Within 30 days of NRC approval
NL-07-026-2	Relocate the list of Fire Protection Program Safety Evaluation Reports from License Condition 2.H to the IP3 UFSAR	One-Time Action	Within 30 days of NRC approval