



Indian Point Energy Center  
450 Broadway, GSB  
P.O. Box 249  
Buchanan, N.Y. 10511-0249  
Tel (914) 734-6710

May 6, 2008

Re: Indian Point Units 2 & 3  
Docket Nos. 50-247 & 50-286  
NL-08-073

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

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

References:

1. Entergy Letter NL-07-026, "Proposed Change to Fire Protection License Conditions for Indian Point Nuclear Generating Units No. 2 and 3," dated March 13, 2007 (NRC ADAMS Accession No. ML070810237)

Dear Sir or Madam:

The purpose of this letter is to request the withdrawal of a proposed change to the Fire Protection License Conditions for Indian Point Nuclear Generating Units No. 2 (IP2) and 3 (IP3) transmitted via Reference 1.

Entergy Nuclear Operations, Inc. (Entergy) submitted a License Amendment Request (Reference 1) for a change to License Condition 2.K for IP2 and License Condition 2.H for IP3. Specifically, the LAR requested that each of these fire protection license conditions be revised to remove the listing of dated Fire Protection Safety Evaluation Reports (SERs) contained therein. One of the reasons for this request was to eliminate the need for subsequent license amendments to add the dates for future Fire Protection SERs to the license conditions, which would have to be done after an SER was issued, and which would be an unnecessary administrative burden. The impetus for this was the recognition that a number of Exemptions from the requirements of 10 CFR 50, Appendix R could be requested in the future with the necessity to request subsequent License Amendments to revise the fire protection license conditions.

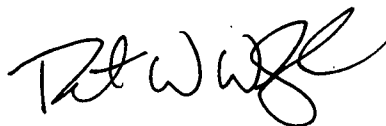
On April 8, 2008, the Nuclear Regulatory Commission (NRC) staff communicated to Entergy that the fire protection license conditions are based on Generic Letter 86-10, which says to include fire protection program provisions which were approved in a SER. Therefore, since 10 CFR 50, Appendix R exemptions do not have SERs associated

ADD  
NRR

with them, the exemption approval dates do not have to be added to the fire protection license conditions. This understanding eliminates the need to revise the fire protection license conditions to include exemption requests, therefore, Entergy is requesting the withdrawal of the amendment request submitted in Reference 1.

If you have any questions or require additional information, please contact Mr. Robert Walpole, Manager, Licensing at 914-734-6710.

Sincerely,

A handwritten signature in black ink, appearing to read 'RW Walpole', written in a cursive style.

Robert W. Walpole  
Manager, Licensing  
Indian Point Energy Center

cc: Mr. John P. Boska, Senior Project Manager, NRC NRR DORL  
Mr. Samuel J. Collins, Regional Administrator, NRC Region I  
NRC Resident Inspector's Office, Indian Point Energy Center  
Mr. Paul Eddy, New York State Department of Public Service  
Mr. Paul D. Tonko, President NYSEERDA