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10CFR50.48

ENOC-08-00042

August 28, 2008

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

Subject: Request for Extension of Discretion for the Interim Enforcement Policy  
For Fire Protection Issues on 10CFR50.48(c), *National Fire Protection  
Association Standard NFPA 805*

Arkansas Nuclear One  
Units 1 & 2  
Docket Nos. 50-313 & 50-368  
License Nos. DPR-51 & NPF-6

Palisades Nuclear Plant  
Docket No. 50-255  
License No. DPR-20

Waterford 3 Steam Electric Station  
Docket No. 50-382  
License No. NPF-38

Dear Sir or Madam:

In accordance with COMSECY-08-0022 and as approved by the NRC Commission on August 19, 2008, Entergy Operations, Inc. and Entergy Nuclear Operations, Inc. (Entergy) request that the period of subject enforcement discretion be extended until NRC's approval of the License Amendment Requests (LARs) to be submitted for the following Entergy units: Arkansas Nuclear One, Unit 1 (ANO-1), Arkansas Nuclear One, Unit 2 (ANO-2), Palisades Nuclear Plant (Palisades), and Waterford 3 Steam Electric Station (Waterford 3). As outlined below, Entergy plans to submit the LARs on a staggered basis for each site.

Each Entergy site submitted a letter of intent to adopt National Fire Protection Association (NFPA) 805 (Performance-Based Standard for Fire Protection for Light Water Reactor Generating Plants, 2001 Edition) in accordance with 10CFR50.48(c). In accordance with Federal Register Notice 71 FR 19905 dated April 18, 2006 (ML060940409), the NRC subsequently granted three years of enforcement discretion for the sites as outlined below.

Entergy submitted a letter of intent for ANO-1 and ANO-2 to the NRC on November 2, 2005 (ML053140128). By letter dated January 31, 2006 (ML05300434), the NRC acknowledged receipt of the letter of intent, but did not specifically grant a three year

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enforcement discretion period requested in the letter of intent. The NRC specifically granted a third year of enforcement discretion for ANO-1 and ANO-2 by letter dated August 18, 2006 (ML06202058).

Nuclear Management Company, LLC (NMC), the former license holder, submitted a letter of intent for Palisades to the NRC on November 30, 2005 (ML053460342). By letter dated March 14, 2006 (ML060730265), NMC submitted a supplement which requested an extension of the enforcement discretion period to 48 months. The NRC granted a third year of enforcement discretion by Federal Register Notice 71 FR 19905 dated April 18, 2006 (ML060940409). Consistent with the Federal Register Notice, the NRC did not allow the request for discretion past 36 months and specifically granted a third year of enforcement discretion for Palisades by letter dated September 7, 2006 (ML061500035).

Entergy submitted a letter of intent for Waterford 3 to the NRC on December 21, 2005 (ML060030453) and requested an enforcement discretion window of 42 months. The NRC did not allow the request for discretion past 36 months and specifically granted a third year of enforcement discretion for Waterford 3 that will expire on December 31, 2008, by letter dated April 13, 2006 (ML061000040).

As identified during the NFPA 805 Pilot Plant effort, certain resources required to support selected areas in preparing a basis for the license transition are limited. There is a desire to maintain consistency among the Entergy plants that can only be facilitated by allowing some portions of the transition to be performed in series. To successfully complete this process Entergy plans to levelize the work between the various plants within our fleet to ensure adequate resources, both internally and externally, are available. This approach will benefit both the industry and NRC by not overwhelming the limited resources and is a key component for the length of this extension request.

Entergy plans to submit the LARs on the following staggered schedule for the sites:

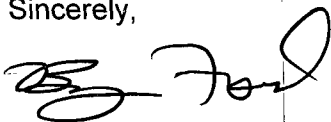
ANO-2	6 Months after the Safety Evaluation is issued for the second pilot plant
Waterford 3	9 Months after the Safety Evaluation is issued for the second pilot plant
ANO-1	12 Months after the Safety Evaluation is issued for the second pilot plant
Palisades	19 Months after the Safety Evaluation is issued for the second pilot plant

Based upon the demonstrated substantial progress toward completion of NFPA 805 transition as discussed in the attachments to this letter, Entergy requests that enforcement discretion be extended until the LAR is submitted for each site as described above and to continue until the final NRC disposition of the LAR.

There are no new commitments contained in this submittal.

If you have any questions concerning this submittal, please contact Dale James at 479-858-4619.

Sincerely,



BSF/slp

Attachments:

1. Progress on NFPA 805 Transitions for Arkansas Nuclear One, Unit 1
2. Progress on NFPA 805 Transitions for Arkansas Nuclear One, Unit 2
3. Progress on NFPA 805 Transitions for Palisades Nuclear Plant
4. Progress on NFPA 805 Transitions for Waterford 3 Steam Electric Station

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Cynthia A. Carpenter  
Director, Office of Enforcement  
U. S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Attachment 1**

**ENOC-08-00042**

Progress on NFPA 805 Transitions for:

Arkansas Nuclear One, Unit 1

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of National Fire Protection Association (NFPA) 805 transition, as a condition of granting an extension of enforcement discretion. Entergy Operations, Inc. (Entergy) has made substantial progress in the Arkansas Nuclear One, Unit 1 (ANO-1) NFPA 805 transition effort. Entergy has participated in the Nuclear Energy Institute (NEI) NFPA 805 Task Force and Fire Probabilistic Risk Assessment (PRA) Task Forces. Entergy also participated in the Frequently Asked Questions (FAQ) process and made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for ANO-1 associated with NFPA 805 transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports (TR) that document the results of the NFPA 805 TRs. As shown in the table below, ANO-1 has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone Completion
N/A	Safe Shutdown Analysis Update (Pre-Requisite Task)	100%	Complete
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	60% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	80% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area – by – Fire Area Review (Table B-3)	60% <sup>1</sup>	1 <sup>st</sup> Quarter 2010
4.3 <sup>2</sup> Attachment D	Non-Power Operational Modes (Table F-1)	0%	3 <sup>rd</sup> Quarter 2009
4.4 <sup>2</sup> Attachment E	Radioactive Release (Table G-1)	75%	3 <sup>rd</sup> Quarter 2009
4.5.1	Fire PRA Development	40%	1 <sup>st</sup> Quarter 2010

<sup>1</sup>Completion of these tables contain open items that may require fire PRA to close (change evaluation)

<sup>2</sup>Although required for transition to NFPA 805, this is a new requirement and does not require enforcement discretion

### Physical Modifications

While physical modifications may be identified as part of the NFPA 805 transition effort, no physical modifications to the plant have been performed specifically for that purpose since the Entergy decision to transition ANO-1 to NFPA 805. Entergy plans to identify

any required modifications during the NFPA 805 transition project in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications. However, while not specifically in response to NFPA 805 analysis, ANO-1 has completed physical modifications to the facility to minimize the number of manual actions based on their complexity or time critical nature. These modifications will reduce overall fire risk and may have been required by the NFPA 805 transition process had they not been implemented.

### **NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

### **Information Available On Site**

In addition to the information contained in this attachment, COMSECY-08-0022 requested that additional information be compiled/documented on site and available for inspection/audit.

In accordance with NFPA 805 and the enforcement discretion provided, the fire protection related noncompliances associated with the conversion to NFPA 805 have been entered in the Entergy corrective action program and appropriate compensatory measures for those noncompliances have been implemented. In accordance with COMSECY-08-0022, this information is available for onsite NRC audit/inspection.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the fire protection program. The fire protection program requires that any such action comply with Regulatory Issue Summary (RIS) 2005-07, Compensatory Measures to Satisfy the Fire Protection Program Requirements. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the existing safe shutdown analysis. This feasibility may require modification and/or revision due to the information generated by the NFPA 805 transition effort. The feasibility review can not be completed until most other transition efforts are complete since the information generated during the transition effort may change which actions are required or may change the timing required for certain actions. Some of this effort is tied to the completion of the fire PRA. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This is consistent with the pilot plants efforts.

**Attachment 2**

**ENOC-08-00042**

Progress on NFPA 805 Transitions for:

Arkansas Nuclear One, Unit 2

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of National Fire Protection Association (NFPA) 805 transition, as a condition of granting an extension of enforcement discretion. Entergy Operations, Inc. (Entergy) has made substantial progress in the Arkansas Nuclear One, Unit 2 (ANO-2) NFPA 805 transition effort. Entergy has participated in the Nuclear Energy Institute (NEI) NFPA 805 Task Force and Fire Probabilistic Risk Assessment (PRA) Task Forces. Entergy also participated in the Frequently Asked Questions (FAQ) process and made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for ANO-2 associated with NFPA 805 transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports (TR) that document the results of the NFPA 805 TRs. As shown in the table below, ANO-2 has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone Completion
N/A	Safe Shutdown Analysis Update (Pre-Requisite Task)	100%	Complete
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	60% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	80% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area – by – Fire Area Review (Table B-3)	80% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.3 <sup>2</sup> Attachment D	Non-Power Operational Modes (Table F-1)	0%	3 <sup>rd</sup> Quarter 2009
4.4 <sup>2</sup> Attachment E	Radioactive Release (Table G-1)	75%	3 <sup>rd</sup> Quarter 2009
4.5.1	Fire PRA Development	70%	3 <sup>rd</sup> Quarter 2009

<sup>1</sup>Completion of these tables contain open items that may require fire PRA to close (change evaluation)

<sup>2</sup>Although required for transition to NFPA 805, this is a new requirement and does not require enforcement discretion

### Physical Modifications

While physical modifications may be identified as part of the NFPA 805 transition effort, no physical modifications to the plant have been performed specifically for that purpose since the Entergy decision to transition ANO-2 to NFPA 805. Entergy plans to identify any required modifications during the NFPA 805 transition project in the LAR submittal



letter and that letter will provide a schedule and commitments for any such modifications. However, while not specifically in response to NFPA 805 analysis, ANO-2 has completed physical modifications to the facility to minimize the number of manual actions based on their complexity or time critical nature. These modifications will reduce overall fire risk and may have been required by the NFPA 805 transition process had they not been implemented.

### **NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

### **Information Available On Site**

In addition to the information contained in this attachment, COMSECY-08-0022 requested that additional information be compiled/documented on site and available for inspection/audit.

In accordance with NFPA 805 and the enforcement discretion provided, the fire protection related noncompliances associated with the conversion to NFPA 805 have been entered in the Entergy corrective action program and appropriate compensatory measures for those noncompliances have been implemented. In accordance with COMSECY-08-0022, this information is available for onsite NRC audit/inspection.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the fire protection program. The fire protection program requires that any such action comply with Regulatory Issue Summary (RIS) 2005-07, Compensatory Measures to Satisfy the Fire Protection Program Requirements. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the existing safe shutdown analysis. This feasibility may require modification and/or revision due to the information generated by the NFPA 805 transition effort. The feasibility review can not be completed until most other transition efforts are complete since the information generated during the transition effort may change which actions are required or may change the timing required for certain actions. Some of this effort is tied to the completion of the fire PRA. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This is consistent with the pilot plants efforts.

**Attachment 3**

**ENOC-08-00042**

Progress on NFPA 805 Transitions for:

Palisades Nuclear Plant

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of National Fire Protection Association (NFPA) 805 transition, as a condition of granting an extension of enforcement discretion. Entergy Nuclear Operations, Inc. (Entergy) has made substantial progress in the Palisades Nuclear Plant (Palisades) NFPA 805 transition effort. Entergy has participated in the Nuclear Energy Institute (NEI) NFPA 805 Task Force and Fire Probabilistic Risk Assessment (PRA) Task Forces. Entergy also participated in the Frequently Asked Questions (FAQ) process and made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for Palisades associated with NFPA 805 transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports (TR) that document the results of the NFPA 805 TRs. As shown in the table below, Palisades has demonstrated substantial progress in the NFPA 805 transition process.

<b>LAR/TR Reference</b>	<b>Topic</b>	<b>Approximate % Complete<sup>3</sup></b>	<b>Current Milestone Completion<sup>3</sup></b>
N/A	Safe Shutdown Analysis Update (Pre-Requisite Task)	N/A	N/A
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	27% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	67% <sup>1</sup>	1 <sup>st</sup> Quarter 2009
4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area – by – Fire Area Review (Table B-3)	10% <sup>1</sup>	4 <sup>th</sup> Quarter 2009
4.3 <sup>2</sup> Attachment D	Non-Power Operational Modes (Table F-1)	12%	3 <sup>rd</sup> Quarter 2009
4.4 <sup>2</sup> Attachment E	Radioactive Release (Table G-1)	0%	2 <sup>nd</sup> Quarter 2009
4.5.1	Fire PRA Development	26%	3 <sup>rd</sup> Quarter 2010

<sup>1</sup>Completion of these tables contain open items that may require fire PRA to close (change evaluation)

<sup>2</sup>Although required for transition to NFPA 805, this is a new requirement and does not require enforcement discretion

<sup>3</sup>It should be noted that since the start of the NFPA 805 Transition Palisades has changed ownership from NMC to Entergy in April 2007 resulting in significant changes to the original NFPA 805 transition schedule.

### **Physical Modifications**

While physical modifications may be identified as part of the NFPA 805 transition effort, since the Entergy decision to transition Palisades to NFPA 805 there have been no physical modifications to the plant performed to address NFPA 805 fire protection issues. Entergy plans to identify any required modifications during the NFPA 805 transition project in the LAR submittal letter and that letter will provide a schedule and commitments for any such modifications.

### **NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

### **Information Available On Site**

In addition to the information contained in this attachment, COMSECY-08-0022 requested that additional information be compiled/documentated on site and available for inspection/audit.

In accordance with NFPA 805 and the enforcement discretion provided, the fire protection related noncompliances associated with the conversion to NFPA 805 have been entered in the Entergy corrective action program and appropriate compensatory measures for those noncompliances have been implemented. In accordance with COMSECY-08-0022, this information is available for onsite NRC audit/inspection.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the fire protection program. The fire protection program requires that any such action comply with Regulatory Issue Summary (RIS) 2005-07, Compensatory Measures to Satisfy the Fire Protection Program Requirements. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. Operator Manual Actions with feasibility that could be challenged also had compensatory fire tours put in place as an additional level of defense. The feasibility review for these actions was done based on the existing safe shutdown analysis. This feasibility may require modification and/or revision due to the information generated by the NFPA 805 transition effort. The feasibility review can not be completed until most other transition efforts are complete since the information generated during the transition effort may change which actions are required or may change the timing required for certain actions. Some of this effort is tied to the completion of the fire PRA. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This is consistent with the pilot plants efforts.

**Attachment 4**

**ENOC-08-00042**

Progress on NFPA 805 Transitions for:

Waterford 3 Steam Electric Station

COMSECY-08-0022 requested information from licensees on demonstrated progress toward completion of National Fire Protection Association (NFPA) 805 transition, as a condition of granting an extension of enforcement discretion. Entergy Operations, Inc. (Entergy) has made substantial progress in the Waterford 3 Steam Electric Station (Waterford 3) NFPA 805 transition effort. Entergy has participated in the Nuclear Energy Institute (NEI) NFPA 805 Task Force and Fire Probabilistic Risk Assessment (PRA) Task Forces. Entergy also participated in the Frequently Asked Questions (FAQ) process and made significant efforts in performing work activities in an effective manner, while utilizing the lessons learned from the Pilot Plant process.

The following table represents the major work activities for Waterford 3 associated with NFPA 805 transition. The "LAR/TR Reference" column refers to the referenced section of the Pilot Plant NFPA 805 LAR/Transition Reports (TR) that document the results of the NFPA 805 TRs. As shown in the table below, Waterford 3 has demonstrated substantial progress in the NFPA 805 transition process.

LAR/TR Reference	Topic	Approximate % Complete	Current Milestone Completion
N/A	Safe Shutdown Analysis Update (Pre-Requisite Task)	100%	Complete
4.1 Attachment A	Fundamental FP Program Elements and Minimum Design Requirements (Table B-1)	60% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	80% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area – by – Fire Area Review (Table B-3)	20% <sup>1</sup>	3 <sup>rd</sup> Quarter 2009
4.3 <sup>2</sup> Attachment D	Non-Power Operational Modes (Table F-1)	25%	3 <sup>rd</sup> Quarter 2009
4.4 <sup>2</sup> Attachment E	Radioactive Release (Table G-1)	50%	4 <sup>th</sup> Quarter 2008
4.5.1	Fire PRA Development	30%	3 <sup>rd</sup> Quarter 2009

<sup>1</sup>Completion of these tables contain open items that may require fire PRA to close (change evaluation)

<sup>2</sup>Although required for transition to NFPA 805, this is a new requirement and does not require enforcement discretion

### Physical Modifications

While physical modifications may be identified as part of the NFPA 805 transition effort, since the Entergy decision to transition Waterford 3 to NFPA 805 there have been no physical modifications to the plant performed to address NFPA 805 fire protection issues. Entergy plans to identify any required modifications during the NFPA 805

transition project in the LAR submittal letter and that letter would provide a schedule and commitments for any such modifications.

### **NFPA 805 Monitoring Program**

COMSECY-08-0022 requested that as part of the status report for demonstrating substantial progress on the transition that the status of the NFPA 805 monitoring program be provided. The NFPA 805 monitoring program is highly dependent on fire PRA results as well as the traditional fire protection program issues. Therefore, the monitoring program is one of the last items to be completed during the transition effort. This is consistent with the manner in which both pilot plants are proceeding.

### **Information Available On Site**

In addition to the information contained in this attachment, COMSECY-08-0022 requested that additional information be compiled/documented on site available for inspection/audit.

In accordance with NFPA 805 and the enforcement discretion provided, the fire protection related noncompliances associated with the conversion to NFPA 805 have been entered in the Entergy corrective action program and appropriate compensatory measures for those noncompliances have been implemented. In accordance with COMSECY-08-0022, this information is available for onsite NRC audit/inspection.

Unallowed Operator Manual Actions (those designated as bin H under NEI 04-02) are considered compensatory measures according to the fire protection program. The fire protection program requires that any such action comply with Regulatory Issue Summary (RIS) 2005-07, Compensatory Measures to Satisfy the Fire Protection Program Requirements. The feasibility of the Operator Manual Actions has been reviewed and any such action being considered as a compensatory measure is considered feasible. The feasibility review for these actions was done based on the existing safe shutdown analysis. This feasibility may require modification and/or revision due to the information generated by the NFPA 805 transition effort. The feasibility review can not be completed until most other transition efforts are complete since the information generated during the transition effort may change which actions are required or may change the timing required for certain actions. Some of this effort is tied to the completion of the fire PRA. Therefore, the feasibility of some of these actions will be reviewed at the completion of the fire PRA effort. This is consistent with the pilot plants efforts.