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10 CFR 50.48

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

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

Request for Extension of Discretion for the Interim Enforcement Policy for Fire Protection Issues on 10 CFR 50.48(c), National Fire Protection Association Standard NFPA 805 - Supplement

Dear Sir or Madam:

Entergy Operations, Inc. (Entergy) letter ENOC-08-00042, dated August 28, 2008, requested the period of the subject enforcement discretion be extended for several Entergy plants including Palisades Nuclear Plant (PNP). This update supersedes and replaces the August 28, 2008 request for PNP. In accordance with COMSECY-08-0022, "Request for Extension of Discretion for the Interim Enforcement Policy for Fire Protection Issues on 10 CFR 50.48(c), 'National Fire Protection Association Standard NFPA 805,'" that was approved by the Nuclear Regulatory Commission (NRC) Commission on August 19, 2008, Entergy Nuclear Operations, Inc (ENO) requests that the period of enforcement discretion be extended until NRC approval of the License Amendment Request (LAR) to be submitted for PNP.

On November 30, 2005 (ML053460342), Nuclear Management Company, LLC (NMC), the former license holder, 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, for PNP in accordance with 10 CFR 50.48(c).

On March 14, 2006, NMC submitted a supplement letter that requested an extension of the enforcement discretion period to 48 months (ML060730265). By letter dated September 7, 2006, the NRC granted a three year period of enforcement discretion for PNP (ML061500035). The three year period began with the letter of intent for PNP on November 30, 2005, and expires November 30, 2008.

On November 3, 2008, a conference call was held with the NRC and ENO. The NRC requested additional information on the progress of the NFPA 805 transition activities at

PNP since the end of August. ENO letter dated November 12, 2008, provided the requested PNP progress information. In the call, the NRC reiterated the schedule information in COMSECY-08-0022. As a result, ENO is providing a revised schedule for submitting a LAR for PNP.

ENO plans to submit the LAR for PNP no later than 6 months after the Safety Evaluation is issued for the second pilot plant.

Based upon the demonstrated progress toward completion of NFPA 805 transition, as discussed in the enclosure to this letter and ENO letter dated November 12, 2008, ENO requests that enforcement discretion be extended until the LAR is submitted for PNP as described above and to continue until the final NRC disposition of the LAR.

Summary of Commitments

This letter contains one new commitment and no revision to existing commitments:

ENO will submit the license amendment request concerning National Fire Protection Association Standard NFPA 805 for the Palisades Nuclear Plant no later than 6 months after the Safety Evaluation is issued for the second pilot plant.

Christopher J. Schwarz *Kevin for CJSchu ARZ*
Site Vice President
Palisades Nuclear Plant

Enclosure

CC Administrator, Region III, USNRC
Project Manager, Palisades, USNRC
Resident Inspector, Palisades, USNRC

ENCLOSURE 1
REQUEST FOR EXTENSION OF DISCRETION FOR THE INTERIM ENFORCEMENT
POLICY FOR FIRE ISSUES ON 10 CFR 50.48(c), NATIONAL FIRE PROTECTION
ASSOCIATION STANDARD NFPA 805 – UPDATE

COMSECY-08-0022, the NRC 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. (ENO) has made progress in the Palisades Nuclear Plant (PNP) NFPA 805 transition effort. ENO has participated in the Nuclear Energy Institute (NEI) NFPA 805 Task Force and Fire Probabilistic Risk Assessment (PRA) Task Forces. ENO 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 PNP 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. On November 3, 2008, a conference call was held with the NRC and ENO. Additional information on the progress of the NFPA 805 transition activities at PNP, since the end of August, was requested. ENO letter dated November 12, 2008 provided the requested PNP progress information. Information provided in the table below and the November 12, 2008 letter, demonstrates that progress in the NFPA 805 transition process has been made at PNP.

LAR/TR Reference	Topic	Approximate % Complete³	Estimated Milestone Completion^{3,6}
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)	33% ^{1,4}	2 nd Quarter 2009
4.2.1 Attachment B	Nuclear Safety Capability Assessment – Methodology (Table B-2)	67% ¹	1 st Quarter 2009
4.2.2 Attachment C	Nuclear Safety Capability Assessment – Fire Area – by – Fire Area Review (Table B-3)	10% ¹	3 rd Quarter 2009
4.3 ² Attachment D	Non-Power Operational Modes (Table F-1)	11% ⁵	2 nd Quarter 2009
4.4 ² Attachment E	Radioactive Release (Table G-1)	0%	2 nd Quarter 2009
4.5.1	Fire PRA Development	26%	1 st Quarter 2010

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

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

³It should be noted that since the start of the NFPA 805 Transition PNP has changed ownership from NMC to ENO in April 2007 resulting in significant changes to the original NFPA 805 transition schedule.

⁴Completion percentage changed from 27% to 33% based on original task scope, however additional code compliance review scope was identified which added about 700 hours of work. Inclusion of additional scope reduces completion percentage to approximately 26%.

⁵Completion percentage decreased from 12% to 11% as a result of a schedule correction.

⁶The estimated completion milestones are based on a preliminary draft schedule developed to support LAR submittal in accordance with the NRC offered extended enforcement discretion. The extended enforcement discretion provides for 6 months beyond the second pilot plant safety evaluation.

Physical Modifications

While physical modifications may be identified as part of the NFPA 805 transition effort, since the ENO decision to transition PNP to NFPA 805 there have been no physical modifications to the plant performed to address NFPA 805 fire protection issues. ENO 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

In COMSECY-08-0022 the NRC 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, in COMSECY-08-0022 the NRC 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 ENO 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.