UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 23, 2010

Mr. Sherwood Martinelli
351 Dyckman Street
Peekskill, NY 10566-4631

Dear Mr. Martinelli:

In an e-mail addressed to the Nuclear Regulatory Commission's (NRC's) hearing docket, dated December 19, 2009, you submitted a petition request pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206, "Requests for action under this subpart," asking that the NRC take enforcement action against Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3). You asked the NRC to order the licensee, Entergy, to immediately shut down IP2 and IP3 due to problems with the feedwater systems, and to take additional actions to ensure that the feedwater systems are safe and reliable. Your petition request was referred to the Office of Nuclear Reactor Regulation's (NRR's) Petition Review Board (PRB). The NRC also made your petition publicly available in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML093580111.

On December 22, 2009, the NRR PRB met and considered your request for an immediate shutdown of IP2 and IP3. The PRB denied this request, as they did not identify any immediate safety concerns that would warrant an immediate shutdown. On January 12, 2010, the PRB held a teleconference with you to discuss your petition. The NRC sent you a transcript of that teleconference, and it is also publicly available in ADAMS under Accession No. ML100150010. On January 21, 2010, the PRB again met to consider your petition. The PRB's initial recommendation was to reject your petition on the Indian Point feedwater systems on the basis that the issues you raise have already been reviewed, evaluated, and resolved by the NRC. The licensee is not in violation of its license or of any NRC regulations on these issues. You did not respond to a second opportunity to provide the PRB additional information in support of your petition.

Your petition addressed two broad areas, the performance of the non-safety-related main feedwater pumps and portions of the main feedwater system, and the performance of the safety-related auxiliary feedwater pumps. A non-safety-related system is one which is not credited in the plant's accident analyses. Although malfunctions of the main feedwater system have resulted in plant scrams at IP2 and IP3, the NRC's Reactor Oversight Process includes a performance indicator for unplanned scrams which the NRC uses to evaluate the frequency of plant scrams. You can find the performance indicators on the NRC's web site using www.nrc.gov/NRR/OVERSIGHT/ASSESS/index.html. Select IP2 or IP3 from the list of plants on the left, then select the box labeled "Unplanned Scrams" to see the performance indicator. Performance indicators are color-coded based on the safety significance of their current value. Starting with low safety significance and moving to high safety significance, the color codes are green, white, yellow, and red. Anything above green triggers increased NRC attention. Currently, IP2 is in the green band on this performance indicator, indicating no additional oversight is needed. IP3 is in the white band on this performance indicator, and the NRC is scheduling an inspection to evaluate the licensee's corrective actions. This is part of the NRC's normal process for reactor oversight. If a plant's performance indicator reaches the red band, the NRC would take appropriate action, up to and including ordering a plant shutdown.

Your other area of concern was with the three safety-related auxiliary feedwater pumps at each reactor, which supply water to the steam generators for core decay heat removal for most accident scenarios. On December 15, 2009, Entergy submitted a license amendment request for IP3, requesting that the NRC extend the allowed outage time for one inoperable auxiliary feedwater pump on a one-time basis from the normal 72 hours to 106 hours to allow maintenance work while the reactor remains at power. Entergy tests these pumps regularly, and follows their Technical Specifications if a pump fails a test. As the licensee is in compliance with their Technical Specifications, the PRB finds that no enforcement action is warranted.

The PRB's final recommendation is to reject this petition for review as you have not provided sufficient facts to constitute a basis for the requested enforcement actions or to demonstrate the existence of safety problems or hazardous conditions.

Thank you for your interest in these matters.

Sincerely,

Thomas B Blount

Thomas Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

cc: Distribution via Listserv

Your other area of concern was with the safety-related auxiliary feedwater pumps, three per reactor, which supply water to the steam generators for core decay heat removal for most accident scenarios. On December 15, 2009, Entergy submitted a license amendment request for IP3, requesting that the NRC extend the allowed outage time for one inoperable auxiliary feedwater pump on a one-time basis from the normal 72 hours to 106 hours to allow maintenance work while the reactor remains at power. Entergy tests these pumps regularly, and follows their Technical Specifications if a pump fails a test. As the licensee is in compliance with their Technical Specifications, the PRB finds that no enforcement action is warranted.

The PRB's final recommendation is to reject this petition for review as you have provided insufficient facts to constitute a basis for the requested enforcement actions or to demonstrate that safety problems or hazardous conditions exist.

Thank you for your interest in these matters.

Sincerely,

/RA/

Thomas Blount, Deputy Director
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

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