



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

February 1, 2012

Mr. John Ventosa, Site Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

SUBJECT: INDIAN POINT ENERGY CENTER UNITS 2 & 3--REQUEST FOR ADDITIONAL INFORMATION REGARDING OPERATOR MANUAL ACTIONS

Dear Mr. Ventosa:

On February 1, 2012, the U.S. Nuclear Regulatory Commission (NRC) issued two letters in response to Entergy Nuclear Operations' (Entergy's) requests for exemption from certain fire protection program requirements for Indian Point Energy Center (IPEC) Units 2 and 3. As further described below, while the NRC approved portions of Entergy's exemption requests, other portions were denied. The purpose of this letter is to request additional information from Entergy regarding its plans for achieving compliance with fire protection regulations in light of the denied exemptions.

The NRC requirements related to fire protection are provided in Title 10 of the Code of Federal Regulations (CFR) Section 50.48. In accordance with 10 CFR 50.48(b), nuclear power plants licensed to operate before January 1, 1979 are required to meet Section III.G, of 10 CFR Part 50, Appendix R. The underlying purpose of Section III.G of 10 CFR Part 50, Appendix R, is to ensure that the ability to achieve and maintain safe-shutdown is preserved following a fire event. The regulation intends for licensees to accomplish this by extending the concept of defense-in-depth to:

- Prevent fires from starting;
- Rapidly detect, control, and promptly extinguish those fires that do occur; and
- Provide protection for structures, systems, and components important to safety so that a fire that is not promptly extinguished by the fire suppression activities will not prevent the safe shutdown of the plant.

Paragraph III.G.2 of Appendix R requires one of the following means to ensure that a redundant train of safe-shutdown cables and equipment is free of fire damage, where redundant trains are located in the same fire area outside of primary containment:

- a. Separation of cables and equipment by a fire barrier having a three-hour rating;
- b. Separation of cables and equipment by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards and with fire detectors and an automatic fire suppression system installed in the fire area; or

- c. Enclosure of cables and equipment of one redundant train in a fire barrier having a one-hour rating and with fire detectors and an automatic fire suppression system installed in the fire area.

However, as a result of safe-shutdown focused inspections conducted in 2000, the NRC identified that, in lieu of the methods specified in Paragraph III.G.2, some licensees, including IPEC, were crediting operator manual actions (OMAs) to achieve and maintain safe shutdown in the event of a fire impacting areas in which both trains of a safe-shutdown system or component are co-located. These licensees believed OMAs were acceptable under Appendix R, either due to their misinterpretation of the regulation or because Appendix R did not explicitly prohibit their use.

The NRC considered rulemaking to permit the use of OMAs that were determined by the NRC to meet specific regulatory acceptance criteria. However, due, in part, to stakeholder feedback, this rulemaking was not implemented, and, in 2006, the NRC issued Regulatory Issue Summary 2006-10, "Regulatory Expectations with Appendix R Paragraph III.G.2 Operator Manual Actions," which clarified Appendix R and that OMAs are not permitted, unless they have been specifically approved by the NRC as part of a licensee's request for exemption from the requirements of Paragraph III.G.2. The NRC also granted enforcement discretion for licensees relying on non-compliant OMAs to bring themselves back into compliance with the existing regulations. After some extensions, the enforcement discretion provided licensees until March 6, 2009, to complete their corrective actions.

In response to this issue, on March 6, 2009, Entergy submitted exemption requests for IPEC Units 2 and 3 in which it sought exemption from certain requirements of Paragraph III.G.2, to permit the use of OMAs upon which it had been relying for safe-shutdown SSCs in a number of fire areas. Because the acceptability of the OMAs was being considered under this exemption request, enforcement discretion continued for the duration of the NRC review. The NRC considered Entergy's exemption requests, as supplemented by information provided by Entergy in response to NRC requests for additional information.

The period of enforcement discretion for noncompliance with NRC fire protection requirements at IPEC Units 2 and 3 ended with the NRC issuance of the February 1, 2012, letters documenting completion of the NRC review. The NRC recognizes that Entergy implemented additional compensatory measures (fire watches in all affected fire areas) to enhance the fire protection response in the areas. In a triennial fire protection inspection in June 2011, NRC inspectors verified the feasibility of these compensatory measures. In addition, NRC fire protection inspections have verified that IPEC Units 2 and 3 have implemented a defense-in-depth fire protection program, including a site fire brigade, which is trained and equipped to respond to and fight fires. Accordingly, the NRC does not have an immediate safety concern. However, notwithstanding these compensatory measures, the denied OMAs represent potential violations of NRC requirements.

In order to determine how the denied OMAs affect Entergy's compliance with Appendix R requirements, additional inspection and review of your action plans will be necessary. Accordingly, the NRC requests that Entergy provide information regarding its schedule and plans for IPEC Units 2 and 3 to verify and/or achieve compliance with the Appendix R requirements for those areas for which the NRC denied Entergy's request to use OMAs. Please submit your written response to the Regional Administrator, Region I, 475 Allendale Rd., King of Prussia, PA 19406 within 30 days of the date of this letter. Your response should include, for each unit, a description of the corrective steps that have been and/or will be taken for each

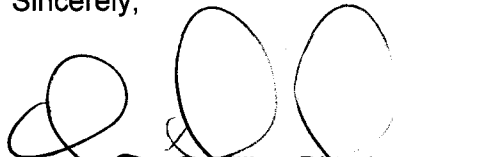
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denied OMA and the date when full compliance will be achieved. Upon receipt of your response, the NRC will review the information provided and will inform you of our plans for future inspection of this issue. Following completion of our inspection activities, the NRC will inform Entergy of its enforcement decisions regarding this matter.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be available electronically for public inspection in the NRC Public Document Room and from the Publicly Available Records (PARS) component of the NRC's Agency-wide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,



Christopher G. Miller, Director
Division of Reactor Safety

Docket Nos.: 50-247, 50-286
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Sincerely,

/RA/

Christopher G. Miller, Director
Division of Reactor Safety

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