

From: Pickett, Douglas
Sent: Thursday, September 06, 2012 11:05 AM
To: 'John.Sipos@ag.ny.gov'
Cc: Frumkin, Daniel; Rader, Robert; Banic, Merrilee
Subject: Request Clarification of NY Attorney General 2.206 Petition

John –

Good morning.

As you might expect, the staff is in the process of preparing our final Director's Decision in response to the New York State Attorney General's 2.206 petition, dated March 28, 2011, regarding compliance with fire protection regulations at Indian Point. A late question has been raised and I would like to seek clarification from your office.

The petition focuses on NRC staff review of exemptions to fire protection regulations submitted by the Indian Point licensee on March 6, 2009. More specifically, the petition asks the NRC to issue an Order that identifies violations of, compels compliance with, and hold a hearing with respect to violations of 10 CFR § 50.48, Appendix R, Paragraph III, **F** (emphasis added) and G at Indian Point Units 1, 2, and 3.

Earlier this morning, the staff pointed out that Entergy did not request an exemption from Paragraph III.F of Appendix R to 10 CFR 50. Paragraph III.F states that fire detection systems shall be automatic and capable of operating with or without offsite power. The licensee requested exemptions from the safe shutdown requirements of Paragraph III.G. Furthermore, the staff guidance documents referenced in the proposed Director's Decision (e.g., Regulatory Issue Summary 2006-10 and Enforcement Guidance Memorandum 07-004) only address Paragraph III.G and not III.F.

The staff has recommended that a short statement be inserted into the final Director's Decision clearly stating that the exemption requests did not involve Paragraph III.F, and therefore the Directors Decision does not discuss violations of Paragraph III.F.

In order to be responsive to your petition, the staff wants to confirm your understanding of Paragraph F and whether you have any further concerns regarding compliance with Paragraph F.

Thanks - Doug

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