



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

September 7, 2016

Mr. David A. Lochbaum, Director
Nuclear Safety Project
Union of Concerned Scientists
P.O. Box 15316
Chattanooga, TN 37415

Dear Mr. Lochbaum:

I am responding to your letter dated June 30, 2016, to Mr. Victor M. McCree, Executive Director for Operations (EDO), of the Nuclear Regulatory Commission (NRC). You submitted a petition, pursuant to Title 10, Section 2.206, "Requests for action under this subpart," of the *Code of Federal Regulations*, concerning the reactor vessel baffle-former bolt degradation that was identified during the spring 2016 refueling outage at Indian Point Nuclear Generating Unit No. 2. Specifically, you requested that the NRC take the following enforcement actions:

1. Issue an Order requiring the Indian Point licensee to inspect the baffle bolts and to install the downflow to upflow modification on Unit 2 during its next refueling outage.
2. Issue a Demand for Information requiring the Indian Point licensee to submit an operability determination to the agency regarding continued operation of Unit 3 until its baffle bolts can be inspected per MRP-227-A.
3. Issue a Demand for Information requiring the Indian Point licensee to submit an evaluation of the performance, role and operating experience of the metal impact monitoring system in detecting and responding to indications of loose parts (such as broken baffle bolts) within the reactor coolant system.

Your letter and petition is publicly available on the NRC's Web site <http://www.nrc.gov>, through the Agencywide Documents Access and Management System (ADAMS), using Accession No. ML16187A186. The EDO assigned your petition to the Office of Nuclear Reactor Regulation (NRR) for review. Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," which is publicly available (ADAMS Accession No. ML041770328), describes the NRC's review process for 10 CFR 2.206 petitions.

On July 7, 2016, the NRR petition manager contacted you by electronic mail (e-mail) to describe the 10 CFR 2.206 process. At that time, you were offered an opportunity to address NRR's 2.206 Petition Review Board (PRB) to discuss your petition, which you accepted. On July 28, 2016, you discussed your petition before the PRB and responded to questions from the NRC staff via telephone conference bridge. The transcript of that meeting is publicly available at ADAMS Accession No. ML16215A391.

On August 4, 2016, the PRB met internally to discuss your petition. The PRB's initial recommendation was that your petition met the criteria for review in accordance with MD 8.11, Section III.C, "Criteria for Reviewing Petitions Under 10 CFR 2.206." On that day, the NRR petition manager informed you of the PRB's initial recommendation and offered you a second opportunity to address the PRB. You did not request a second opportunity to address the PRB. Therefore, the PRB's initial recommendation to accept your petition for review under 10 CFR 2.206 becomes final.

D. Lochbaum

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As provided by 10 CFR 2.206, we will take action on your request within a reasonable amount of time. I have assigned Mr. Douglas Pickett to be the petition manager for this petition. Mr. Pickett can be reached by telephone at 301-415-1364 or by e-mail at Douglas.Pickett@nrc.gov.

Enclosed for your information is a copy of the notice that the NRC will publish in the Federal Register. You can find MD 8.11 and NUREG/BR 0200, "Public Petition Process," in ADAMS under Accession Nos. ML041770328 and ML050900248, respectively. If you need hard copies of these documents, please contact Mr. Pickett.

I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. M. Dean', with a long horizontal line extending to the right.

William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

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

cc w/o encl: Listserv

Enclosure

Federal Register Notice

ADAMS Accession No. ML16231A144

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-247 and 50-286; NRC-2016-XXXX]

Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit Nos. 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: 10 CFR 2.206 request; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is giving notice that by petition dated June 30, 2016, Mr. David A. Lochbaum of the Union of Concerned Scientists (the petitioner) requested that the NRC take action with regard to Indian Point Nuclear Generating Unit Nos. 2 and 3. The petitioner's requests are included in the SUPPLEMENTARY INFORMATION section of this document.

ADDRESSES: Please refer to Docket ID <**INSERT: NRC-2016-XXXX**> when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID <**INSERT: NRC-2016-XXXX**>. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search.](#)" For problems with ADAMS,

please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

On June 30, 2016, the petitioner requested that the NRC take action with regard to Indian Point Nuclear Generating Unit Nos. 2 and 3 (ADAMS Accession No. ML16187A186).

The petitioner requested that the NRC take the following enforcement actions:

1. Issue an Order requiring the Indian Point licensee to inspect the reactor vessel baffle-former bolts and to install the downflow to upflow modification on Unit 2 during its next refueling outage;
2. Issue a Demand for Information requiring the Indian Point licensee to submit an operability determination to the agency regarding continued operation of Unit 3 until its reactor vessel baffle-former bolts can be inspected per Material Reliability Project-227-A;
and
3. Issue a Demand for Information requiring the Indian Point licensee to submit an evaluation of the performance, role and operating experience of the metal impact monitoring system in detecting and responding to indications of loose parts (such as broken baffle bolts) within the reactor coolant system.

As the basis for this request, the petitioner cited Licensee Event Report 2016-004-00 “Unanalyzed Condition due to Degraded Reactor Baffle-Former Bolts,” submitted by the licensee on May 31, 2016 (ADAMS Accession No. ML16159A219) that describes an event where there was an unanalyzed condition due to degraded reactor vessel baffle-former bolts at Indian Point Unit 2, which is reportable under § 50.73(a)(2)(ii)(B) of Title 10 of the *Code of Federal Regulations* (10 CFR). Furthermore, the petitioner states that (1) an order is the proper means for ensuring that the bolts are inspected and that the downflow to upflow modification is installed during the next refueling outage at Indian Point Unit 2; (2) Indian Point Unit 3 is potentially operating with degraded baffle-former bolts and an operability determination is the mechanism established by the NRC to properly evaluate situations such as this; and (3) the metal impact monitoring system as described in the Updated Final Safety Analysis Report, has the potential to act as an alternate monitoring system to identify degraded baffle-former bolts, yet neither the NRC nor the licensee have referred to this system in publicly available documents relating to this issue.

The request is being treated pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR) of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. The petitioner met with the Petition Review Board on July 28, 2016, to discuss the petition; the transcript of that meeting is an additional supplement to the petition (ADAMS Accession No. ML16215A391).

Dated at Rockville, Maryland, this 7th day of September 2016.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read 'W. M. Dean', with a long horizontal flourish extending to the right.

William M. Dean, Director,
Office of Nuclear Reactor Regulation.

D. Lochbaum

- 2 -

As provided by 10 CFR 2.206, we will take action on your request within a reasonable amount of time. I have assigned Mr. Douglas Pickett to be the petition manager for this petition. Mr. Pickett can be reached by telephone at 301-415-1364 or by e-mail at Douglas.Pickett@nrc.gov.

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I would like to express my appreciation for your effort in bringing these matters to the attention of the NRC.

Sincerely,
/RA/
William M. Dean, Director
Office of Nuclear Reactor Regulation

Enclosure:
Federal Register Notice

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

cc w/o encl: Listserv

DISTRIBUTION: OEDO-16-00411

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RArrighi, OE	GDentel, RI	EBenner, DORL	RidsNrrDprPgcb

ADAMS Accession Nos.: PKG: ML16187A185; Incoming: ML16187A186;
LTR: ML16231A140; FRN: ML16231A144

***by email**

OFFICE	LPL1-1/PM	LPL1-1/LA	LPL1-1/BC	PGCB/PM	DORL/DD
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DATE	08/18/16	08/18/16	08/23/16	08/22/16	08/23/16
OFFICE	TECH EDITOR	DORL/D	OGC	NRR/D	
NAME	JDougherty*	ABoland	CHair	WDean	
DATE	08/22/16	08/24/16	08/25/16	09/07/16	

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