



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

March 2, 2017

EA-16-223

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

SUBJECT: WITHDRAWAL OF NON-CITED VIOLATION 05000286/2016002-02

Dear Mr. Vitale:

In your letter dated September 29, 2016 (ML16281A486<sup>1</sup>), you contested a Green non-cited violation (NCV) that was documented in the Indian Point Entergy Center (Indian Point) 2016 second quarter integrated inspection report dated August 30, 2016 (ML16243A245). The NCV was against 10 CFR 50, Appendix B, Criterion V, "Instructions, Procedures, and Drawings", and described a failure by Entergy Nuclear Operations (Entergy) to follow the operability process as prescribed in Entergy procedures at Indian Point. Specifically, in March 2016, Entergy identified actual or potential degradation of approximately 25 percent of the baffle-former bolts in the Indian Point Unit 2 reactor vessel. A sufficient number of bolts are required to ensure proper core flow during normal and postulated accident conditions, and also to ensure that control rods can be inserted to shut down the reactor. Entergy performed a root cause evaluation and replaced the degraded bolts. Entergy also performed an immediate operability determination for Unit 3 in accordance with its procedure EN-OP-104, "Operability Determination Process." However, after concluding that no degraded condition existed on Unit 3, Entergy concluded that a more detailed operability evaluation of that unit was not required. The NRC did not initially agree with Entergy's basis for this conclusion.

Your September 29, 2016, letter provided an interpretation of Entergy procedure EN-OP-104 related to the baffle-former bolt condition that was different from the NRC's position as described in the inspection report, and requested that the violation be withdrawn. Your letter stated, in part, Entergy's determination that direct evidence of a degraded or non-conforming condition was required to necessitate the performance of a full operability evaluation per your procedure.

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<sup>1</sup> Designation in parentheses refers to an Agencywide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly-available using the accession number in ADAMS.

In response to your letter, the NRC formed a panel to review the information you provided. The staff members involved were independent of the initial inspection effort. Based on a thorough review of the issue, the NRC has concluded that the violation as written cannot be supported. Specifically, the independent review noted different steps within the procedure that could be interpreted to either support or refute Entergy's claim related to the need for direct evidence of a degraded or non-conforming condition. As a result of this potential for differing interpretations of your procedural requirements, the NRC has determined that it was not appropriate to issue a violation for a failure to comply with the procedure. Therefore, the NCV is hereby withdrawn, and we will modify our records accordingly.

The NRC acknowledges that the operability implications of operating experience on systems, structures, and components requires judgment, especially in cases where direct inspection and testing results are not readily available. Given the similarities between Unit 3 and Unit 2, and other operating plants where degradation was observed, a technically adequate assessment was warranted to affirm the presumption of operability of the emergency core cooling system's capability to provide long-term core cooling. While the NRC has determined that your initial assessment of this condition relied on assumptions that were not fully supported, an adequate analysis was ultimately developed to provide reasonable assurance of operability for the emergency core cooling system function until the next refueling outage when inspections could be performed. As such, the NRC does not plan any additional action related to this issue.

As you are aware, on September 29, 2016, the Nuclear Energy Institute (NEI) provided the NRC a letter related to this NCV (ML16274A473) which expressed the intention to clarify the conditions/criteria for entry into the operability process. As stated in our response to NEI (ML16293A951), the NRC staff looks forward to continued meaningful interactions with industry and the public to help ensure necessary and appropriate clarity in operability determination guidance.

This letter will be made available for public inspection and copying at <http://www.nrc.gov/readingrm/adams.html> and at the NRC Public Document Room in accordance with 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding."

If you have any questions regarding this matter, please contact Mr. Daniel Schroeder at (610) 337-5262.

Sincerely,

*/RA/*

James M. Trapp, Director  
Division of Nuclear Materials Safety

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