



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

July 12, 2012

Christopher M. Crane, Esq.
Legislative Counsel
Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Dear Mr. Crane:

I am responding to your letter of May 18, 2012. In your letter, you requested responses to eight questions. Below are your questions, with the Nuclear Regulatory Commission's (NRC) response beneath.

Question 1:

The summary of Baseline Inspection results posted on the NRC website at <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/listofinspcomprpt.html#inpt> ends with year 2008. Is a more updated Baseline Inspection summary available for year 2011?

NRC Response:

The Baseline Inspection summary information is still publicly available, but is no longer accessible from the above cited link. The information for calendar year 2011 can be found by searching the NRC's Agencywide Documents Access and Management System ("ADAMS"), using ADAMS accession number ML12039A276. In the future the reports can be found by taking the following steps:

- Go to: <http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/program-evaluations.html>
- The table under Annual Self Assessments provides links to SECY papers for the year of interest. As an example, for information from 2011, click the link for SECY-12-0055.
- Go to Enclosure 1, "Reactor Oversight Process Program Area Evaluations," and go to the subsection titled "Inspection Program."
- Under "Inspection Program," the ADAMS Accession numbers are provided for the annual baseline inspection program for each region. Thus, the 2011 Baseline Inspection summary for Region I can be found at ML12039A276.
- Search ADAMS using the Accession Number <http://www.nrc.gov/reading-rm/adams.html>

Question 2:

According to the Inspection/Activity Plan attached to NRC's March 5, 2012 Annual Assessment letter, the Review of License Renewal Activities pursuant to TI 2516/001 for IP Unit 2 is scheduled to be conducted in 2 phases during March 2012 and June 2013. In the Inspection/Activity Plan accompanying the September 1, 2011 Mid-Cycle Assessment letter, NRC had scheduled this review as a single phase during March 2012. Please explain the revision to a staggered two-phase inspection for IP Unit 2. I am in possession of NRC's description of the March 2012 inspection in ADAMS Accession No. ML12110A315.

NRC Response:

TI 2516/001 had been scheduled as a two phase inspection. The second phase did not show up on the March 2012 mid-cycle letter because that document only listed inspections that were scheduled to be conducted between July 1, 2011 and December 31, 2012. The intent of the first phase is to inspect during the outage preceding the proposed period of extended operation for the purpose of observing or verifying commitments of tests or other activities that require containment entries or access to rooms that would normally be posted as a high-radiation area when the reactor is operating. The second phase will look at the remainder of the activities and can be completed at any other time before the period of extended operation. If the license is renewed, additional inspections can be performed later to follow up on issues identified during previous license renewal inspections.

Question 3:

Will NRC's recent denial of Entergy applications for fire protection exemptions, as well as the exemptions currently contested by the New York Attorney General, cause NRC to re-evaluate or re-consider portions of its May 2011 Triennial Fire Protection Inspection for IP Unit 3? See ADAMS Accession No. ML111920339. Similarly, will the review of fire protection exemptions affect NRC's scope of triennial fire inspection for IP Unit 2, presently scheduled in early 2013?

NRC Response:

The May 2011 inspection was an examination and review of the fire protection program in place at that point in time. During that inspection, the inspectors verified that the compensatory measures that were in place were adequate, should the exemption requests' proposed operator manual actions (OMAs) be denied. The inspection concluded that as compensatory measures for non-compliance with 10 CFR Part 50, Appendix R, section III.G.2, they are adequate. However, with the denial of the exemption requests' OMAs, the licensee must come into compliance with the specific methods of cable protection specified in that section. The NRC Region I has requested that the licensee provide its plans to achieve full compliance. NRC Region I will verify that compensatory measures remain in place until full compliance is established.

Question 4:

Please state the total number of unplanned scrams during the annual assessment period for IP Units 2 and 3. If this is described in a particular inspection report, please provide the ADAMS accession number. For example, NRC's 2011 1st quarter inspection report for IP Unit 3, describes a review of unplanned scrams during critical hours, but does not provide the quantity. See, e.g., ML111320365 at page 34 (Report No. 05000286/2011002). It is presumed that providing the total number of unplanned scrams is a straightforward response, and, if not, then a summary response is fine.

NRC Response:

The number of unplanned scrams is listed on our public website. Both Indian Point Units 2 and 3 had zero unplanned scrams during calendar year 2011. For future reference, here are the relevant links to our website:

http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/IP2/ip2_pi.html#IE01

http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/IP3/ip3_pi.html#IE01

Question 5:

Approximately how many shut-down nuclear reactors in the United States are being maintained in long-term storage (SAFSTOR), similar to IP Unit 1? Has NRC substantially revised or

updated its program, IMC 2561, Decommissioning Power Reactor Inspection Program? When was the last major revision?

NRC Response:

The NRC annually publishes NUREG 1350, "Information Digest." The current version can be found on our website: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1350/>

Appendix B to NUREG-1350 on pages 115 and 116, lists the reactors that have permanently ceased operations and their decommissioning status. The table indicates there are eight reactors currently in SAFSTOR, including Indian Point Unit 1. Additionally, Three Mile Island Unit 2 has been placed in a post-defueling monitored storage mode until Unit 1 permanently ceases operation, at which time both units are planned to be decommissioned. Manual Chapter 2561 was last revised in April 2003, to reflect changes in the program.

Question 6:

Does NRC's baseline inspection program consider, on a cumulative basis, the outstanding number of preventative maintenance actions? A 2008 report by a panel convened by Entergy identified a large number of preventative maintenance actions.

NRC Response:

Yes. There are a number of inspection modules included in the NRC's baseline inspection program in which inspectors may consider the potential impact of outstanding preventive maintenance actions (maintenance backlog) while conducting various baseline inspections. In particular, with regard to a cumulative basis-type review, the NRC's Problem Identification and Resolution (PIR) team inspection (Inspection Procedure 71152), conducted biennially, generally reviews a station's maintenance backlog. This review would typically focus and assess whether maintenance backlog items are appropriately addressed in the corrective action program and are being completed in a timely manner commensurate with their safety significance and consistent with station procedures. The biennial PIR inspections were last completed at Indian Point Unit 2 in 2010 (ML101760345) and at Unit 3 in 2011 (ML112570059). Those inspections included a review of each respective Unit's maintenance backlog. No deficiencies of significance with regard to the maintenance backlogs were identified.

Question 7:

Has the cause for increase in tritium concentrations found in Unit 1 monitoring wells MW-56 and MW-57 been identified? See IP Unit 3, Inspection Report, 3rd Quarter 2011, ML11311A222, Report No. 05000286/2011004 p. 15-16.

NRC Response:

The licensee reported finding a Unit 1 Waste Distillate Tank discharge valve and related drain piping to be leaking, which are in the direct vicinity of MW-56 and MW-57. The valve and drain piping have been repaired. The licensee's groundwater monitoring program includes monitoring these wells to ensure the detection and repair of leakage to ground water. The NRC will inspect the licensee's performance as part of its normal baseline inspections.

Question 8:

During 2011, NRC has granted Entergy Relief Requests for various weld examinations. See, e.g. ML11105A122, ML113180244. Does the Aging Management Program (AMP) implementation referenced in the March 5, 2012 Annual Assessment Letter consider such relief requests in evaluating the monitoring of passive components?

NRC Response:

In general, a license renewal application (LRA) AMP addresses applicable monitoring and other programs to manage the effects of aging and does not consider individual relief requests similar to the ones cited above.

NRC regulations at 10 CFR 54.21(b) require licensees to amend their license renewal applications on an annual basis and to identify any change to the current licensing basis that materially affects the license renewal application. If a licensee concludes that an individual relief request does not meet this criterion, the application would not be updated with respect to that relief request and it would not be considered by the AMP.

This is consistent with the NRC's revision of the license renewal rule on June 7, 1995, in which relief requests pursuant to 10 CFR 50.55a were specifically excluded from consideration in a LRA. As stated in the Statement of Consideration published in the *Federal Register* on May 8, 1995 (60 FR 22483):

A relief from Codes need not be evaluated as part of the license renewal process. A relief granted pursuant to 10 CFR 50.55a is specifically envisioned by the regulatory process. A relief expires after a specified time interval (not to exceed 10 years) and a licensee is required to rejustify the basis for the relief. At that time, the NRC performs another review and may or may not grant the relief. Because a relief is, in fact, an NRC-approved deviation from the Codes and subject to a periodic review, the Commission concludes that reliefs are adequately managed by the existing regulatory process and should not require an aging management review and potential rejustification for license renewal. Therefore, the Commission has deleted the requirement to list and evaluate reliefs from § 54.21(c).

Thank you for your interest in these matters. If you have further questions, please feel free to contact Doug Tifft, Regional State Liaison Officer at 610-337-6918.

Sincerely,

/RA/

Mel Gray, Branch Chief
Projects Branch 2
Division of Reactor Projects

NRC Response:

In general, the AMP does not consider individual relief requests similar to the ones cited above. NRC regulations at 10 CFR 54.21(b) require licensees to amend their license renewal application on an annual basis that identifies any change to the current licensing basis that materially affects the contents of the license renewal application. If a licensee concludes that an individual relief request does not meet this criterion, the application will not be updated with respect to this relief request and it will not be considered by the AMP.

Furthermore, when the NRC revised its license renewal rule on June 7, 1995, relief requests pursuant to 10 CFR 50.55a were specifically excluded from consideration. As stated in the *Federal Register* on May 8, 1995 (60 FR 22483):

A relief from Codes need not be evaluated as part of the license renewal process. A relief granted pursuant to 10 CFR 50.55a is specifically envisioned by the regulatory process. A relief expires after a specified time interval (not to exceed 10 years) and a licensee is required to rejustify the basis for the relief. At that time, the NRC performs another review and may or may not grant the relief. Because a relief is, in fact, an NRC-approved deviation from the Codes and subject to a periodic review, the Commission concludes that reliefs are adequately managed by the existing regulatory process and should not require an aging management review and potential rejustification for license renewal. Therefore, the Commission has deleted the requirement to list and evaluate reliefs from § 54.21(c).

Thank you for your interest in these matters. If you have further questions, please feel free to contact Doug Tift, Regional State Liaison Officer at 610-337-6918.

Sincerely,
/RA/
 Mel Gray, Branch Chief
 Projects Branch 2
 Division of Reactor Projects

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