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NL-12-109

August 1, 2012

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

**SUBJECT:** Comments on Proposed Director's Decision Under 10 CFR 2.206 dated July 2, 2012 regarding March 28, 2011 petition from New York State on compliance with fire protection regulations  
Indian Point Nuclear Generating Unit Nos. 2 and 3  
Docket Nos. 50-247, 50-286  
License Nos. DPR-26, DPR-64

**References:**

- 1) NRC letter dated 07/02/12, from Michele Evans to Vice President, Operations, Indian Point Energy Center regarding the petition from the Attorney General of the State of New York dated March 28, 2011, to Mr. R. William Borchardt, Executive Director for Operations, about compliance with fire protection regulations at the Indian Point Nuclear Generating Unit Nos. 1, 2, and 3.
- 2) Entergy letter NL-12-041, 03/01/12, "Response to Request for Additional Information Regarding Operator Manual Actions."
- 3) Entergy letter NL-12-093, 07/11/12, "Revision to Response to Request for Additional Information Regarding Operator Manual Actions."

Dear Sir or Madam:

Entergy Nuclear Operations, Inc. ("Entergy") is responding to Reference 1 by providing, in Attachment 1, comments on the Proposed Director's Decision Under 10 CFR 2.206.

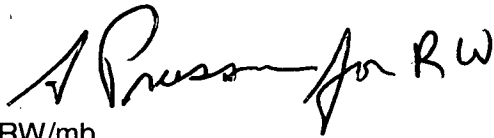
References 2 and 3 concern Entergy's response to the NRC's Request for Additional Information (RAI) regarding Operator Manual Actions (OMA). As noted in Attachment 1, Entergy has identified that the resolution of Unit 3 OMA 10 will require a physical plant modification that requires a plant outage to install. Entergy will submit a revision to the initial RAI response (Reference 2) by August 17<sup>th</sup> 2012.

There are no new commitments contained in this letter.

4E03  
NRR

If you have any questions or require additional information, please contact me at 914-254-6710.

Sincerely,

A handwritten signature in black ink that reads "A Pruss for RW". The signature is fluid and cursive, with the initials "RW" written in a larger, more distinct font at the end.

RW/mb

Attachments:

1. Comments on Proposed Director's Decision Under 10 CFR 2.206

cc: Mr. William Dean, Regional Administrator, NRC Region 1  
Mr. Douglas Pickett, Senior Project Manager, NRC NRR DORL  
IPEC NRC Resident Inspector's Office  
Mr. Stephen Giebel, IPEC NRC Unit 1 Project Manager  
Michele G. Evans, Director, Division of Operating Reactor Licensing, NRR  
Mrs. Bridget Frymire, New York State Department of Public Service

**Attachment 1**

**Comments on Proposed Director's Decision Under 10 CFR 2.206**

Entergy Nuclear Operations, Inc.  
Indian Point Nuclear Generating Units 2 and 3  
Docket Nos. 50-247, 50-286

INDIAN POINT NUCLEAR GENERATING UNIT NOS 2 AND 3  
Comments on Proposed Director's Decision Under 10 CFR 2.206

A. General Comments

Section III, Conclusion, Pages 9 and 10

The letter indicates the NRC is granting the petitioner's request for identifying violations and taking enforcement actions as well as bringing IPEC into compliance. It is Entergy's belief that the NRC is following the requirements and protocols established in the regulatory oversight process (ROP) as relates to these actions, and is not granting the petitioner's request. The letter should indicate that the ROP is a mature process that provides guidance to the NRC and licensees. The items identified by NY State were items the NRC staff were well aware of and the actions taken by the NRC would have been taken regardless of the NY State petition.

B. Specific Comments

Suggested changes are shown as strikethroughs for ~~deletions~~ and underlines for additions.

Section II, Discussion, Page 5

Suggested Change:

"However, neither the diesel generator fire area zone..."

Basis for suggested change:

The IP2 Appendix R/SBO diesel generator is in Fire Zone 360 in Fire Area J and Entergy requested exemptions for OMAs in other fire zones (17, 19, 25, 39A, 43A, 45A, 46A, 47A, 50A, 270) that are also in Fire Area J. The OMA in Fire Zone 17 was approved but this zone is far distant from Fire Zone 360 – Fire Zone 360 is located on the 33' elevation of the Unit 1 Turbine Building and Fire Zone 17 is located on the 15' elevation of the Unit 2 Turbine Building, North end (Turbine Lube Oil Reservoir).

Section II, Discussion, Page 8

Suggested Change:

"Exceptions to projected completion involve plant modifications for Indian Point Units No. 3 and No. 2, which will not be completed until the spring 2013 and 2014 refueling outages respectively because those modifications involve access to plant areas accessible only during a plant shutdown activities that require plant outages to install said modifications."

Basis for suggested change:

As noted in References 2 and 3 given the substantial technical challenge imposed by the OMA resolution effort, and recognizing that the requisite engineering evaluations are in progress at this time, the presently conceptualized solutions may

change, in that the scope of the analysis and/or the nature and scope of plant physical modifications may require revision as the OMA resolutions are finalized. Reference 3 documents a necessary revision to the initial response (Reference 2) to the NRC's Request for Additional Information (RAI) regarding Unit 2 OMAs. Entergy has very recently determined that there will be a necessary revision to the resolution methodology for Unit 3 OMA 10. The engineering evaluation has determined that the resolution of Unit 3 OMA 10 requires a physical plant modification that requires a plant outage to install. That modification will be completed during the upcoming Unit 3 outage scheduled for spring 2013.