

January 23, 2007

EA-05-190

Mr. Michael R. Kansler
President
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: RELAXATION OF IMPLEMENTATION DATE FOR NRC CONFIRMATORY ORDER (EA-05-190) - EMERGENCY NOTIFICATION SYSTEM BACKUP POWER FOR INDIAN POINT NUCLEAR GENERATING UNITS 2 AND 3

Dear Mr. Kansler:

On January 31, 2006, the U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order, EA-05-190 (Order), to Entergy Nuclear Operations, Inc. (Entergy), to implement Section 651(b) of the Energy Policy Act (Act) of 2005. Section 651(b) of the Act provides that the NRC shall require nuclear power plants located within certain population densities to have back-up power for their emergency notification systems, including sirens. Indian Point Nuclear Generating Units 2 and 3 (Indian Point), located at the Indian Point Energy Center in Buchanan, New York, was the only NRC-licensed facility that met the population density threshold of the Act. NRC's Order required implementation of back-up power for the Indian Point emergency notification system by January 30, 2007.

Section IV.V of the Order permits Entergy to request relaxation of requirements of the Order. By letter dated January 11, 2007, Entergy requested that the NRC relax Section IV.II of the Order to change the required implementation date for the back-up power system to the emergency notification system from January 30, 2007, to April 15, 2007. In its extension request letter, Entergy identified the following three factors that contributed to the delay: permits and approval, equipment installation issues, and other follow-up activities such as system testing and emergency personnel training.

In the extension request, Entergy provided a summary of the progress it has made in complying with the Order. Entergy indicated that it had completed the research, design, and fabrication of the two redundant, physically separated communication systems that will comprise the communication links for the new emergency notification system. In addition, Entergy has nearly completed installation of all of the equipment. Entergy indicated that the system will consist of 150 new sirens and metal poles, 12 computer-based control stations, and new communications links between the redundant technologies. Entergy also stated that it expects installation of the few remaining components, with the exception of equipment to be installed on the Grasslands Tower, to be completed by January 30, 2007.

The NRC staff evaluated the factors presented in the extension request and Entergy's ability to have reasonably foreseen difficulties impacting the required completion date of January 30, 2007. Additionally, the NRC staff evaluated Entergy's level of control to rectify each problem. In particular, the NRC staff noted that the structural modification of the Grasslands Tower was the critical path element impacting the schedule. The NRC staff determined that Entergy provided sufficient evidence that the necessary structural modifications for the Grasslands Tower to support the equipment installation of antennas and microwave dishes could not have been reasonably foreseen any earlier. The NRC staff review included evaluating when Entergy discovered the need to modify the tower and whether Entergy could control the necessary modifications. After receiving a preliminary analysis that identified structural deficiencies, Entergy undertook the coordination for additional analysis and structural repairs to expedite the completion of the tower improvement project.

Pursuant to Section IV.V of the Order, the NRC staff concludes that Entergy has made a good faith effort to comply with the order and has demonstrated good cause to relax the Order. Therefore, I hereby grant Entergy's request to change the implementation date of the Order from January 30, 2007, to April 15, 2007.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

cc: See next pages

The NRC staff evaluated the factors presented in the extension request and Entergy's ability to have reasonably foreseen difficulties impacting the required completion date of January 30, 2007. Additionally, the NRC staff evaluated Entergy's level of control to rectify each problem. In particular, the NRC staff noted that the structural modification of the Grasslands Tower was the critical path element impacting the schedule. The NRC staff determined that Entergy provided sufficient evidence that the necessary structural modifications for the Grasslands Tower to support the equipment installation of antennas and microwave dishes could not have been reasonably foreseen any earlier. The NRC staff review included evaluating when Entergy discovered the need to modify the tower and whether Entergy could control the necessary modifications. After receiving a preliminary analysis that identified structural deficiencies, Entergy undertook the coordination for additional analysis and structural repairs to expedite the completion of the tower improvement project.

Pursuant to Section IV.V of the Order, the NRC staff concludes that Entergy has made a good faith effort to comply with the order and has demonstrated good cause to relax the Order. Therefore, I hereby grant Entergy's request to change the implementation date of the Order from January 30, 2007, to April 15, 2007.

Sincerely,

/RA/

J. E. Dyer, Director
Office of Nuclear Reactor Regulation

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