

April 13, 2007

EA-05-190

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

SUBJECT: RESPONSE TO ENTERGY LETTER REGARDING 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 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. This letter denies your April 13, 2007 request for relaxation of the subject Confirmatory Order. Because of the inoperability of the new emergency notification system (ENS) by the date required by the NRC Order, the NRC will also consider action under the NRC's Enforcement Policy. We recognize that the new siren system cannot be used by Entergy to meet NRC requirements until it satisfies the NRC Order.

The Order required Entergy to install backup power for the Indian Point ENS, which is used to alert the public of an event at the plant, by January 30, 2007. Entergy's January 11, 2007, request for a relaxation of the completion date to April 15, 2007, was granted by the NRC on January 23, 2007.

Your April 13, 2007 letter stated that the new ENS would not be operable by April 15, 2007, and requested a relaxation of the requirements of the Order, with a new completion date of August 31, 2007. The letter also stated that Entergy would provide a detailed plan to the NRC by May 14, 2007, as to how and when Entergy plans to meet the conditions of the Order. The NRC will review Entergy's plan when it is submitted, and will discuss it with Entergy at a meeting open to the public, in the vicinity of the site.

As part of the request, Entergy discussed the difficulties encountered in achieving reliable operation in the radio-only activation mode. The NRC staff evaluated the factors presented in the request, as well as Entergy's ability to have reasonably foreseen difficulties which impacted the completion date of April 15, 2007. Additionally, the NRC staff evaluated the extent to which the factors described by Entergy were within its control. The NRC concludes that these factors were known or should have been known by Entergy at the time the first extension was requested. Therefore, inasmuch as Entergy has not demonstrated good cause, the NRC denies Entergy's request for a relaxation of the Order.

M. Kansler

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The NRC acknowledges that the current siren system in service at Indian Point is capable of alerting the public of an event at the plant and that the existing system was successfully tested in March 2007. NRC Region I will continue enhanced oversight of the existing system while the new ENS system is completed. Therefore, the NRC believes that, at this time, there continues to be reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency in terms of alerting the public, while Entergy works to demonstrate operability of the new ENS.

Sincerely,

/RA by WKane for/

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

Docket Nos. 50-247 and 50-286

cc: See next pages

The NRC acknowledges that the current siren system in service at Indian Point is capable of alerting the public of an event at the plant and that the existing system was successfully tested in March 2007. NRC Region I will continue enhanced oversight of the existing system while the new ENS system is completed. Therefore, the NRC believes that, at this time, there continues to be reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency in terms of alerting the public, while Entergy works to demonstrate operability of the new ENS.

Sincerely,

/RA by WKane for/

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

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cc: See next pages

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