



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

March 4, 2009

Mr. Joseph E. Pollock
Site Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
Buchanan, NY 10511-0249

**SUBJECT: ANNUAL ASSESSMENT LETTER - INDIAN POINT NUCLEAR GENERATING
UNITS 2 AND 3 (REPORTS 05000247/2009001 & 05000286/2009001)**

Dear Mr. Pollock:

On February 10, 2009, the NRC staff completed its performance reviews of Indian Point Nuclear Generating Units 2 and 3. Our technical staff reviewed performance indicators for the most recent quarter and inspection results from January 1 through December 31, 2008. The purpose of this letter is to inform you of our assessment of your safety performance during this period and our plans for future inspections at your facility.

This performance review and enclosed inspection plan do not include security information. A separate letter designated and marked as "Official Use Only – Security Information" will include the security cornerstone review and resultant inspection plan.

Overall, Indian Point Nuclear Generating Units 2 and 3 operated in a manner that preserved public health and safety and fully met all cornerstone objectives. Plant performance at Unit 2 and 3 for the most recent quarter, as well as for the first three quarters of the assessment cycle, was within the Licensee Response column of the NRC's Action Matrix based on all inspection findings being classified as having very low safety significance (Green) and all performance indicators indicating performance at a level requiring no additional NRC oversight (Green). Therefore, we plan to conduct Reactor Oversight Process (ROP) baseline inspections at your facility.

In our mid-cycle performance review letter dated September 2, 2008 [ML082470316]¹, we advised you of continuing a substantive cross-cutting issue in the area of human performance related to procedure adequacy (H.2(c))² at Units 2 and 3. At that time, we concluded that the criteria for clearing the cross-cutting issue, as initially established in the March 2, 2007, annual assessment letter [ML070610603] were not satisfied. Specifically, during the 2008 mid-cycle performance review, we concluded that the scope and definition of some actions were still being formulated by Entergy and other actions were in the initial stages of implementation.

¹ Designation in parentheses refers to an ADAMS ascension number. Documents referenced in this letter are publicly available using the ascension number in ADAMS.

² This is a descriptor which correlates to the cross cutting aspect in Inspection Manual Chapter 0305, "Operating Reactor Assessment Program".

Additionally, you were evaluating and developing insights and actions from a recently completed safety culture assessment conducted at Indian Point in August 2008 that would help confirm your corrective actions.

During the last six months of the performance assessment cycle, the NRC staff reviewed your corrective action plans and progress in implementing your actions as part of Problem Identification and Resolution focused inspection samples conducted in October 2008 [ML083300034] and December 2008 [Ref. ML090370084]. During the October 2008 inspection, the staff also reviewed the results of your safety culture assessment and your consideration of the results in developing and affirming your corrective actions. Based on the results of these inspections and a decreasing trend in the number of findings at your Indian Point Units 2 and 3 related to procedure adequacy, the NRC has concluded that you have satisfied the criteria for clearing this substantive cross-cutting issue. Specifically, Entergy has demonstrated sustainable performance improvement as evidenced by effective implementation of your corrective action plans that resulted in no safety significant inspection findings and a notable reduction in the overall number of inspection findings with the causal factor of procedure adequacy. In accordance with NRC inspection manual chapter 0305 "Operating Reactor Assessment Program," we will continue to monitor your performance in this area through the ROP baseline inspection program.

In our 2008 mid-cycle performance review, we also advised you of continuing the substantive cross-cutting issue in the area of problem identification and resolution related to implementation of corrective actions (P.1(d)) at Unit 2. At that time, we concluded the exit criteria for clearing the cross-cutting issue, as initially established in the March 3, 2008, annual assessment letter [ML080610015] were not satisfied. Specifically, during the 2008 mid-cycle performance review, we concluded that key corrective actions were either in the early stages of implementation or remained to be completed, and as a result, the exit criteria related to the effectiveness of your actions had yet to be demonstrated.

During the last six months of the performance assessment cycle, the NRC staff reviewed your corrective action plans and progress in implementing your actions as part of a Problem Identification and Resolution focused inspection sample conducted in December 2008 [ML090340463]. Based on the results of this inspection and the results of other baseline inspections, and no findings identified during the assessment period related to corrective action effectiveness, we have concluded that you satisfied the criteria for clearing this substantive cross-cutting issue. Specifically, Entergy has demonstrated sustainable performance improvement as evidenced by effective implementation of an appropriate corrective action plan that has resulted in no safety significant inspection findings and no inspection findings during the assessment period with the causal factor of implementation of corrective actions. In accordance with NRC inspection manual chapter 0305 "Operating Reactor Assessment Program," we will continue to monitor your performance in this area through the ROP baseline inspection program.

During this 2008 annual review period, the NRC staff identified there were four green inspection findings at Indian Point Unit 3 for the current 12-month assessment period with documented cross-cutting aspects in the area of human performance, and there is a cross-cutting theme in the aspect of human error prevention techniques (H.4(a)) associated with these findings. In evaluating Entergy's scope of efforts and progress in addressing the cross-cutting theme, the NRC determined that Entergy appropriately identified the cross-cutting theme and the scope of the issues at your Indian Point Unit 3. Additionally, Entergy scheduled and initiated actions that appear appropriate to address the cross-cutting theme. Therefore, the NRC does not have

concerns with the scope of your efforts or progress, and has concluded that a substantive cross-cutting issue in human performance related to human error prevention techniques does not exist at this time. We will continue to monitor your performance in this area through the ROP baseline inspection program.

During this 2008 annual review period, the NRC staff performed augmented inspections of your activities related to the replacement Alert and Notification System (ANS) in accordance with the Deviation Memorandum in effect for calendar year 2008 [ADAMS Ref. ML073480290]. The Federal Emergency Management Agency (FEMA) provided provisional approval of the replacement ANS on August 22, 2008, and Entergy placed the system in service on August 27, 2008. The NRC staff completed an inspection of your activities related to the replacement ANS in December 2008, and issued the results in an inspection report dated January 27, 2009 [ML090280267]. Based on the status of your actions regarding the replacement ANS, the NRC staff concluded that enhanced inspections and oversight of your activities related to the replacement ANS is no longer warranted. We will continue to monitor your activities required in order to receive final approval of the replacement ANS from FEMA in 2009. Additionally, we plan to monitor implementation of your corrective actions to address the causes of your untimely replacement of the ANS through a focused problem identification and resolution baseline inspection.

In addition to the baseline inspection program, we plan to conduct independent spent fuel storage installation inspections at Unit 2. The NRC will also continue enhanced oversight of Entergy's actions to address issues associated with on-site groundwater contamination characterization and mitigation. We expect to continue enhanced oversight until you have completed actions associated with on-site groundwater contamination as described in the renewed ROP Deviation Memorandum, approved on December 18, 2008 [ML083590057]. The enclosed inspection plan details the baseline and deviation memorandum inspections, less those related to physical protection, scheduled through June 30, 2010. The inspection plan is provided to allow for the resolution of any scheduling conflicts and personnel availability issues well in advance of inspector arrival onsite. Routine inspections by resident inspectors are not listed due to their ongoing and continuous nature. The inspections in the last nine months of the inspection plan are tentative and may be revised at the mid-cycle safety performance review.

In accordance with 10 CFR 2.390 of the NRC's Rules of Practice, a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If circumstances arise which cause us to change this inspection plan, we will contact you to discuss the change as soon as possible. Please contact Mel Gray at 610-337-5209 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

/RA/ Original Signed By:

Samuel J. Collins
Regional Administrator
Region I

Docket Nos. 50-247 and 50-286
License No. DPR-26 and DPR-64

Enclosures: Indian Point Nuclear Generating Unit 2 and Unit 3 Inspection/Activity Plans

cc w/encl:

Senior Vice President, Entergy Nuclear Operations
Vice President, Operations, Entergy Nuclear Operations
Vice President, Oversight, Entergy Nuclear Operations
Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations
Senior Vice President and CCO, Entergy Nuclear Operations
Assistant General Counsel, Entergy Nuclear Operations
Manager, Licensing, Entergy Nuclear Operations
P. Tonko, President and CEO, New York State Energy Research and Development Authority
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
D. O'Neill, Mayor, Village of Buchanan
J. G. Testa, Mayor, City of Peekskill
R. Albanese, Four County Coordinator
S. Lousteau, Treasury Department, Entergy Services, Inc.
Chairman, Standing Committee on Energy, NYS Assembly
Chairman, Standing Committee on Environmental Conservation, NYS Assembly
Chairman, Committee on Corporations, Authorities, and Commissions
M. Slobodien, Director, Emergency Planning
P. Eddy, NYS Department of Public Service
Assemblywoman Sandra Galef, NYS Assembly
T. Seckerson, County Clerk, Westchester County Board of Legislators
A. Spano, Westchester County Executive
R. Bondi, Putnam County Executive
C. Vanderhoef, Rockland County Executive
E. A. Diana, Orange County Executive
T. Judson, Central NY Citizens Awareness Network
M. Elie, Citizens Awareness Network
D. Lochbaum, Nuclear Safety Engineer, Union of Concerned Scientists
Public Citizen's Critical Mass Energy Project
M. Mariotte, Nuclear Information & Resources Service
F. Zalcmán, Pace Law School, Energy Project
L. Puglisi, Supervisor, Town of Cortlandt
Congressman John Hall
Congresswoman Nita Lowey
Senator Hillary Rodham Clinton
Senator Charles Schumer
G. Shapiro, Senator Clinton's Staff
J. Riccio, Greenpeace
P. Musegaas, Riverkeeper, Inc.
M. Kaplowitz, Chairman of County Environment & Health Committee
A. Reynolds, Environmental Advocates
D. Katz, Executive Director, Citizens Awareness Network
S. Tanzer, The Nuclear Control Institute
K. Coplan, Pace Environmental Litigation Clinic

J. Pollock

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M. Jacobs, IPSEC

W. Little, Associate Attorney, NYSDEC

M. J. Greene, Clearwater, Inc.

R. Christman, Manager Training and Development

J. Spath, New York State Energy Research, SLO Designee

A. J. Kremer, New York Affordable Reliable Electricity Alliance (NY AREA)
Institute of Nuclear Power Operations (INPO)

concerns with the scope of your efforts or progress, and has concluded that a substantive cross-cutting issue in human performance related to human error prevention techniques does not exist at this time. We will continue to monitor your performance in this area through the baseline inspection program.

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Sincerely,
/RA/ Original Signed By:
 Samuel J. Collins
 Regional Administrator
 Region I

Distribution: see next page

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**Indian Point
Inspection / Activity Plan**

01/01/2009 - 06/30/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			71121 - OCC RAD SAFETY		1
2	03/23/2009	03/27/2009	IP 7112101	Access Control to Radiologically Significant Areas	
2	03/23/2009	03/27/2009	IP 7112102	ALARA Planning and Controls	
			7111107T - HEAT SINK INSP		1
2	05/11/2009	05/15/2009	IP 7111107T	Heat Sink Performance	
			71122.02 - PUB RAD SAFETY - RADWASTE		1
2	06/22/2009	06/26/2009	IP 7112202	Radioactive Material Processing and Transportation	
			7111121 - CDBI		8
2	07/20/2009	07/24/2009	IP 7111121	Component Design Bases Inspection	
2	08/03/2009	08/07/2009	IP 7111121	Component Design Bases Inspection	
2	08/10/2009	08/14/2009	IP 7111121	Component Design Bases Inspection	
			DEV MEMO - GROUND WATER DEVIATION MEMO		3
2	08/17/2009	08/21/2009	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			7112201 - PUB RAD SAFETY - RETS		1
2	08/31/2009	09/04/2009	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems	
			ISFSI - ISFSI LOADING CAMPAIGN INSPECTION		2
2	09/01/2009	12/31/2009	IP 60855	Operation Of An ISFSI	
			71121 - OCC RAD SAFETY		1
2	09/28/2009	10/02/2009	IP 7112101	Access Control to Radiologically Significant Areas	
2	09/28/2009	10/02/2009	IP 7112102-7112102R	ALARA - Required	
2	09/28/2009	10/02/2009	IP 71151	Performance Indicator Verification	
			EP PROGR - EP PROGRAM INSPECTION		2
2	11/02/2009	11/06/2009	IP 7111402	Alert and Notification System Testing	
2	11/02/2009	11/06/2009	IP 7111403	Emergency Response Organization Augmentation Testing	
2	11/02/2009	11/06/2009	IP 7111404	Emergency Action Level and Emergency Plan Changes	
2	11/02/2009	11/06/2009	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
2	11/02/2009	11/06/2009	IP 71151-EP01	Drill/Exercise Performance	
2	11/02/2009	11/06/2009	IP 71151-EP02	ERO Drill Participation	
2	11/02/2009	11/06/2009	IP 71151-EP03	Alert & Notification System	
			TRI FIRE - TRIENNIAL FIRE PROTECTION INSPECTION		3
2	01/25/2010	01/29/2010	IP 7111105T	Fire Protection [Triennial]	
2	02/08/2010	02/12/2010	IP 7111105T	Fire Protection [Triennial]	
			7/12EXAM - U2 INITIAL OPERATOR LICENSING EXAM		5
2	06/14/2010	06/18/2010	U01787	FY10 - INDIAN POINT U2 INITIAL OPERATOR LICENSING EXAM	

This report does not include INPO and OUTAGE activities.
This report shows only on-site and announced inspection procedures.

Indian Point
Inspection / Activity Plan
01/01/2009 - 06/30/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			7111108P - IP2 INSERVICE INSPECTION		1
2	03/15/2010	03/26/2010	IP 7111108P	Inservice Inspection Activities - PWR	
			71121.01 - UNIT 2 OUTAGE HP INSPECTION		1
2	03/22/2010	03/26/2010	IP 7112101	Access Control to Radiologically Significant Areas	
2	03/22/2010	03/26/2010	IP 7112102-7112102R	ALARA - Required	
			71152B - PI&R		4
2	05/03/2010	05/07/2010	IP 71152B	Identification and Resolution of Problems	
2	05/17/2010	05/21/2010	IP 71152B	Identification and Resolution of Problems	

This report does not include INPO and OUTAGE activities.
This report shows only on-site and announced inspection procedures.

Indian Point 3
Inspection / Activity Plan
01/01/2009 - 06/30/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			TI-172 - U3 TI-172 RCS DISSIMILAR METAL WELDS		1
3	03/16/2009	03/20/2009	IP 2515/172	Reactor Coolant System Dissimilar Metal Butt Welds	
			7111108P - U3 INSERVICE INSPECTION		1
3	03/16/2009	03/27/2009	IP 7111108P	Inservice Inspection Activities - PWR	
			71121 - OCC RAD SAFETY		1
3	03/23/2009	03/27/2009	IP 7112101	Access Control to Radiologically Significant Areas	
3	03/23/2009	03/27/2009	IP 7112102	ALARA Planning and Controls	
			7111107T - HEAT SINK INSP		2
3	05/11/2009	05/15/2009	IP 7111107T	Heat Sink Performance	
			71152B - PI&R BIENNIAL TEAM		4
3	05/18/2009	05/22/2009	IP 71152B	Identification and Resolution of Problems	
3	06/08/2009	06/12/2009	IP 71152B	Identification and Resolution of Problems	
			71122.02 - PUB RAD SAFETY - RADWASTE		1
3	06/22/2009	06/26/2009	IP 7112202	Radioactive Material Processing and Transportation	
			7111111B - BIENNIAL REQUAL INSP - U3		3
3	09/21/2009	09/25/2009	IP 7111111B	Licensed Operator Requalification Program	
			DEV MEMO - GROUND WATER DEVIATION MEMO		3
3	08/17/2009	08/21/2009	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			7112201 - PUB RAD SAFETY - RETS		1
3	08/31/2009	09/04/2009	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems	
			71121 - OCC RAD SAFETY		1
3	09/28/2009	10/02/2009	IP 7112101	Access Control to Radiologically Significant Areas	
3	09/28/2009	10/02/2009	IP 7112102-7112102R	ALARA - Required	
3	09/28/2009	10/02/2009	IP 71151	Performance Indicator Verification	
			MODS - PERMANENT PLANT MODIFICATIONS		3
3	10/19/2009	10/23/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
3	11/02/2009	11/06/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
			EP PROGR - EP PROGRAM INSPECTION		2
3	11/02/2009	11/06/2009	IP 7111402	Alert and Notification System Testing	
3	11/02/2009	11/06/2009	IP 7111403	Emergency Response Organization Augmentation Testing	
3	11/02/2009	11/06/2009	IP 7111404	Emergency Action Level and Emergency Plan Changes	
3	11/02/2009	11/06/2009	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
3	11/02/2009	11/06/2009	IP 71151-EP01	Drill/Exercise Performance	
3	11/02/2009	11/06/2009	IP 71151-EP02	ERO Drill Participation	
3	11/02/2009	11/06/2009	IP 71151-EP03	Alert & Notification System	

This report does not include INPO and OUTAGE activities.
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Indian Point 3
Inspection / Activity Plan
01/01/2009 - 06/30/2010

Unit Number	Planned Dates Start End		Inspection Activity	Title	No. of Staff on Site
71121.01 - HP OUTAGE INSPECTION					
3	03/22/2010	03/26/2010	IP 7112101	Access Control to Radiologically Significant Areas	1
3	03/22/2010	03/26/2010	IP 7112102-7112102R	ALARA - Required	

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