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**Fred Dacimo**  
Site Vice President  
Administration

May 31, 2005

Indian Point Units 2 and 3  
Docket Nos. 50-247, and 50-286  
NL-05-070

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
11555 Rockville Pike  
Rockville, Maryland 20852

**SUBJECT:** Response to NRC Guidance for Use in Achieving Satisfactory Compliance  
With February 25, 2002 Order EA-02-026, Section B.5.b

**REFERENCES:**

1. March 18, 2002, *Entergy Operations, Inc. – Response to Issuance of Order for Interim Safeguards and Security Compensatory Measures* (NL-02-041 and IPN-02-016)
2. February 25, 2005 letter from J. E. Dyer to Holders of Licenses for Operating Power reactors as Listed in Enclosure 1 *NRC Staff Guidance for Use in Achieving Satisfactory Compliance with February 25, 2002, Order Section B.5.b.*

Dear Sir:

The NRC issued Order For Interim Safeguards and Security Compensatory Measures (“Order EA-02-026” or “ICM Order”) dated February 25, 2002, for Indian Point Units 2 and 3.

Order EA-02-026 imposed requirements on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order required licensees to implement certain changes in physical security plans and safeguards contingency plans on an interim basis until final requirements were established. Among other requirements, Entergy Nuclear Operations, Inc. (ENO) completed implementation of the requirements of Section II.B.5.b. of Order EA-02-026 by August 31, 2002.

Subsequently, the NRC issued Orders, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat for Operating Power Reactors (“Order EA-03-086” or “DBT Order”) and other security related Orders (collectively “Orders”) for Indian Point Units 2 and 3. In many ways, Order EA-03-086 complemented or superseded requirements the interim measures imposed by Order EA-02-026.

As required by Order EA-03-086, the plans for the above-mentioned licensed facility have been implemented. Subsequently, ENO was requested to respond to your letter dated February 25, 2005, NRC Staff Guidance for Use

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in Achieving Satisfactory Compliance with February 25, 2002, Order Section B.5.b, ("NRC B.5.b. Guidance") by May 31, 2005, and to implement appropriate enhancement to current mitigation strategies by August 31, 2005. Specifically, nuclear power plant licensees were requested by Enclosure 2, Developing Mitigating Strategies / Guidance for Nuclear Power Plants to Respond to Loss of Large Areas of the Plant in Accordance with B.5.b of the February 25, 2002, Order (dated February 24, 2005) ("NRC B.5.b. Guidance"), to the February 25, 2005, letter to review the Areas of Consideration delineated in Attachment A to that Enclosure and evaluate additional considerations for potential inclusion in the licensees' mitigating strategies that licensees deemed appropriate in accordance to Attachment B to that Enclosure.

Subsequently, the Nuclear Energy Institute ("NEI"), in conjunction with the NEI Security Working Group, developed and issued guidance for licensee use ("NEI Guidance") to assist licensees in responding to the February 25, 2005, letter.

As requested in the February 25, 2005, letter, ENO has reviewed the information in Attachments A and B in accordance with the NEI Guidance and is hereby submitting, as a Safeguards Information enclosure to this letter (Enclosure), ENO's evaluation of the information the NRC provided. The Enclosure reflects the results of a comprehensive and thorough review of the guidance and describes the considerations that ENO either has already or intends to implement at Indian Point Units 2 and 3 by August 31, 2005.

The primary guiding principles used in the conduct of this evaluation were (1) whether or not equipment and resources were "readily available," and (2) if equipment is readily available, can it be effectively utilized in a licensee's mitigating strategy. ENO considered "readily available" to mean that the equipment or resources was already licensee owned, under contract, or part of an existing Memorandum of Understanding. Further, even if equipment and resources are readily available, the second criterion is to ensure that the equipment can be used in a mitigating strategy in an effective manner. Even if the equipment is readily available, it is of no value if it cannot be effective in implementing the mitigating strategy.

In accordance with these principles, mitigative strategies are being implemented to address the NRC B.5.b. Guidance. These actions are considered to be commitments for that purpose and will be managed in accordance with ENO's commitment management system. The Attachment to this letter identifies those actions ENO considers commitments and the schedule that ENO has developed regarding the implementation of these commitments.

If you have any questions, or require additional information, please contact Mr. Patric W. Conroy, Manager, Licensing at (914) 736-6668

Sincerely,



Fred R. Dacimo  
Site Vice President  
Indian Point Energy Center

Attachment - Schedule for Completion of Actions and List of Regulatory Commitments  
Enclosure - ENO Evaluation of NRC B.5.b Guidance

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cc: w/ enclosure and attachment

Mr. Samuel J. Collins  
Regional Administrator-Region I  
U.S. Nuclear Regulatory Commission

Mr. Patrick D. Milano, Sr. Project Manager  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation  
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cc: w/o enclosure or attachment

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U.S. Nuclear Regulatory Commission

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Mr. Paul Eddy  
NYS Department of Public Service

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