

January 31, 2006

EA-05-190

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

SUBJECT: CONFIRMATORY ORDER MODIFYING LICENSE TO REQUIRE BACKUP
POWER FOR THE EMERGENCY NOTIFICATION SYSTEM FOR INDIAN
POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3

Dear Mr. Kansler:

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing the enclosed Confirmatory Order to Entergy Nuclear Operations, Inc., to address the requirement of PL 109-58, 119 Stat 594, Section 651(b) of the Energy Policy Act (Act) of 2005. The Act was enacted on August 8, 2005. The Act mandates that "for any licensed nuclear power plants located where there is a permanent population, as determined by the 2000 decennial census, in excess of 15,000,000 within a 50-mile radius of the power plant, not later than 18 months after enactment of this Act, the Commission shall require that backup power to be available for the emergency notification system of the power plant, including the emergency siren warning system, if the alternating current supply within the 10-mile emergency planning zone of the power plant is lost." Indian Point Nuclear Generating Unit Nos. 2 and 3 meet the criteria of the Act. The Confirmatory Order will require backup power for the emergency notification system used for Indian Point Nuclear Generating Unit Nos. 2 and 3. The Confirmatory Order will become effective immediately upon issuance and fully implemented by January 30, 2007.

Questions concerning this Confirmatory Order should be addressed to Eric J. Leeds, Director, Division of Preparedness and Response, who can be reached at (301) 415-2334 or Nader L. Mamish, Director, Emergency Preparedness Directorate, who can be reached at (301) 415-1086.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to civil monetary penalty.

In accordance with Title 10 of the *Code of Federal Regulations*, Section 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the publicly available record component of the NRC's Agencywide Documents Access and Management System (ADAMS).

M. Kansler

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ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html> (Public Electronic Reading Room). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov; select *What We Do, Enforcement*, then *Significant Enforcement Actions*.

Sincerely,

/RA/

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

Docket Nos. 50-247 and 50-286

Enclosure: As stated

M. Kansler

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Sincerely,

/RA/

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

Docket Nos. 50-247 and 50-286

Enclosure: As stated

cc: w/encl: See next page

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Indian Point Nuclear Generating Unit Nos. 2 & 3

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