



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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November 23, 2005

Mr. Fred R. Dacimo
Site Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
295 Broadway, Suite 1
P.O. Box 249
Buchanan, NY 10511-0249

**SUBJECT: DEVIATION FROM THE REACTOR OVERSIGHT PROCESS ACTION MATRIX
TO PROVIDE INCREASED NRC OVERSIGHT OF SPECIFIC ISSUES AT
INDIAN POINT ENERGY CENTER**

Dear Mr. Dacimo:

I am writing to inform you of the NRC staff's plan to deviate from the Reactor Oversight Process (ROP) in order to provide increased NRC oversight of the Indian Point Energy Center (IPEC) and activities of Entergy Nuclear Operations, Inc. (Entergy). Specifically, this action will enable continued NRC oversight of Entergy's actions to address the Indian Point Unit 2 spent fuel pool leakage, including on-site tritium contamination; and improve reliability and availability of the Alert and Notification System (ANS), including implementation of backup power requirements delineated in the Energy Policy Act of 2005 (the Act).

As you know, an NRC Special Inspection Team is closely monitoring Entergy's efforts to evaluate and correct apparent leakage from the Indian Point Unit 2 spent fuel pool. This inspection team is expected to complete its review by early December 2005. We understand that your assessment of the past leakage and mitigation of onsite tritium contamination will continue into calendar year 2006 and, currently, the ROP does not provide for continuing NRC inspections in this area. For these reasons, a deviation from the ROP enabling continued NRC oversight of these issues was approved by the NRC Executive Director for Operations on October 31, 2005. A copy of the ROP deviation memorandum is attached for your information. The additional oversight activities are expected to continue until the NRC concludes that any leakage of water from the Unit 2 spent fuel pool has either been stopped or is being effectively monitored and controlled; and on-site tritium contamination has been properly characterized, and is being effectively monitored and controlled.

The approved ROP deviation also provides for additional NRC inspections of Entergy's activities to improve the reliability and availability of the ANS, and to implement the backup power requirements of the Act. Specifically, the NRC will review the actions to improve the ANS reliability and availability described in Entergy's letter to NRC dated October 26, 2005, and will increase inspections related to siren testing and corrective actions. Additional NRC inspections will also be conducted in conjunction with Entergy's efforts to upgrade the siren system, as described in Entergy's letter to NRC dated October 25, 2005. These activities are expected to

continue until the existing ANS demonstrates reliable operation over a period of time; and, subsequently, upon installation, that the new modified ANS demonstrates reliable performance and has been confirmed to comport with NRC requirements to be generated per the Act.

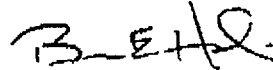
The ROP deviation described in the attached NRC memorandum represents a customized approach for Indian Point that considers factors beyond each unit's Action Matrix categorization. This approach is consistent with the underlying concepts of NRC Inspection Manual Chapter 0305, "Operating Reactor Assessment Program."

Our future inspection plans for the Indian Point Unit 2 spent fuel pool and onsite tritium contamination will be developed, in part, based on the information provided by the ongoing Special Inspection. The NRC plans for inspection of the ANS issues will be developed once Entergy provides an overall schedule and plan for the system improvements. These inspections will be scheduled and communicated to you through the NRC's Annual Assessment Letter and Inspection Plan during the first quarter of 2006.

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 component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html> (the Electronic Reading Room).

Please contact Brian McDermott, Chief, Projects Branch 2, at (610)337-5233 with any questions you may have regarding this letter or the enclosed ROP deviation memorandum.

Sincerely,



Brian E. Holian, Director
Division of Reactor Projects

Docket No. 50-247

Enclosure:

ROP Deviation Memorandum for Indian Point Energy Center

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