

June 19, 2006

Mr. Fred 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: RESPONSE TO MARCH 8, 2006, LETTER CONCERNING NCV
05000247/2005-05-07 AND NCV 05000286/2005-05-04: FAILURE TO MAKE A
10CFR50.72(b)(3)(xiii) NOTIFICATION

Dear Mr. Dacimo:

This letter is in regard to your letter dated March 8, 2006, written in response to NRC Inspection Report Nos. 05000247/2005005 and 05000286/2005005. In your letter, you stated that you were not formally contesting the non-cited violations but were providing clarification to the bases and reasons surrounding the findings. Nonetheless, we reviewed your letter to determine if it provided information that would lead us to vacate any previously issued findings or conclusions. The findings stemmed from siren system problems which occurred in August 2005. Your letter provided information regarding Entergy's decision not to make a formal report to the NRC Operations Center when the normal process for siren activation was not available.

We appreciate the perspective that you provided. In our review of your letter, we did not identify any information that had not been considered prior to the issuance of the inspection report or that would have changed our conclusion. Therefore, we have determined that both findings remain valid as documented in the inspection report.

Your letter stated that the sirens could have been activated from the Entergy emergency operations facility, even though Westchester County was unable to activate its sirens for a period of time. The letter also stated that the reportability thresholds of 10 CFR 50.72 were not met because the capability to sound the sirens was degraded but not lost. Your letter then provided several reasons to substantiate your position. The NRC considered these reasons prior to issuing our inspection report and we agree with the factual matters in your letter. As to whether it may have been appropriate to use engineering judgment in not making a report, the NRC has concluded that a formal notification under 10 CFR 50.72(b)(3)(xiii) was indeed required because the normal processes for actuation of the sirens were not available and the site did not have formal procedures for, and had limited experience with, the potential alternate siren actuation method.

The NRC will continue to closely monitor activities related to your siren system. The NRC's Executive Director of Operations approved a deviation from the Reactor Oversight Process for Indian Point on October 31, 2005, that enabled continued NRC oversight of Entergy's actions to improve reliability and availability of the alert and notification system, including implementation of backup power requirements delineated in the Energy Policy Act of 2005.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records 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 you have any questions question this matter, please contact me at 610-337-5126.

Sincerely,

/RA/

A. Randolph Blough, Director
Division of Reactor Safety

Docket Nos: 50-247, 50-286
License Nos: DPR-26, DPR-64

cc:

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C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
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J. G. Testa, Mayor, City of Peekskill
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Chairman, Standing Committee on Environmental Conservation, NYS Assembly
Chairman, Committee on Corporations, Authorities, and Commissions

M. Slobodien, Director, Emergency Planning
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Assemblywoman Sandra Galef, NYS Assembly
County Clerk, Westchester County Legislature
A. Spano, Westchester County Executive
R. Bondi, Putnam County Executive
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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. Zalzman, Pace Law School, Energy Project
L. Puglisi, Supervisor, Town of Cortlandt
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Senator Charles Schumer
J. Riccio, Greenpeace
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A. Reynolds, Environmental Advocates
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F. Dacimo

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