

October 13, 2006

Mr. Michael Kansler
President
Entergy Nuclear Operations, Inc.
Indian Point Nuclear Generating Station,
Units 2 & 3
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: INDIAN POINT NUCLEAR GENERATING STATION, UNITS 2 & 3 - MITIGATION STRATEGY ASSESSMENTS AND CLOSURE PROCESS FOR PHASES 1, 2, AND 3

Dear Mr. Kansler:

This letter forwards a summary of the Nuclear Regulatory Commission (NRC) Phase 3 independent assessment for your plant, as well as a draft Mitigation Strategies Table (MST) and a proposed license condition. This letter also requests certain information as described below.

Phase 3

The NRC Phase 3 independent assessment of additional effective mitigation strategies and measures to further enhance the plant's capabilities, plans for which were discussed in our letter of November 4, 2005, has been completed for your plant. This letter forwards a summary report of the NRC independent assessment (Enclosure 1), including a list of candidate enhancement strategies for your review and consideration as discussed below, and requests site-specific implementation details.

An NRC assessment team visited your plant on the dates indicated in Enclosure 1, as part of its Phase 3 independent assessment to identify mitigation strategies to maintain or restore core cooling and containment. During the site visit, the NRC team observed the Nuclear Energy Institute (NEI)-facilitated meeting, which involved the identification of candidate enhancement strategies. The NRC team also performed a number of independent assessment activities, which led to identification of additional strategies.

At the completion of the Phase 3 studies for all operating nuclear power plant sites, NEI provided the NRC with a proposal for closing out Phase 3 (letter to W. Kane, NRC, from M. Fertel, NEI, dated June 27, 2006). In a response letter from J. Dyer, NRC, to M. Fertel, NEI, dated June 29, 2006, the NRC conditionally accepted the NEI proposal for closing out Phase 3. In its June 29, 2006, response to NEI, the staff reiterated that mitigation strategies in NEI's proposal that were identified during the Phase 3 assessments, which utilize reasonable,

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evident, readily available measures (as identified in the February 25, 2005, guidance document) are required pursuant to Section B.5.b of the Order. However, the details of the required strategies can be implemented and managed in accordance with the NEI Commitment Management Guideline, NEI 99-04. The staff believes the NEI proposal reasonably justifies excluding from formal regulatory controls those additional strategies identified during the site-specific Phase 3 assessments that would be required under Section B.5.b of the Order, but not identified in NEI's proposal (see Enclosure 2 for the disposition process). Any mitigation strategies included in the proposal that are not included in the February 25, 2005, guidance, including those that utilize beyond readily available resources, are expected to be treated as commitments, which become part of the licensing basis of the plant. Consistent with the NEI proposal, additional strategies identified during Phase 3 that licensees deem acceptable and valuable to promote diversification and survivability are expected to be incorporated into licensees' severe accident management guidelines (SAMGs), extensive damage mitigation guidelines (EDMGs), or appended to other site implementation guidance. Regardless of the regulatory treatment of the various mitigation strategies, it is expected that they will be integrated into plant procedures or guidance in such a manner that they can also be effectively used for nonsecurity initiated events.

The NRC Phase 3 assessments have determined that resolution of several "command and control" issues is necessary in order to have confidence in the success of any of the mitigation strategies identified. These issues include, but are not limited to, the following: communications capability; availability of plant reference documents; access to plant equipment; normal locations of senior operators and other plant staff, as well as prestaged emergency equipment to assure availability during the loss of large areas of the facility due to explosions and fires; and chain-of-command logistics, given the potential for significant disruption of the normal chain of command. The EDMGs described in the NEI proposal are expected to address these issues.

Please provide, within 90 days of the date of this letter the details of your site-specific implementation of the generic mitigation strategies contained in the NEI Phase 3 proposal and any other site-specific strategies that you intend to implement by procedure. Additionally, within 90 days of the date of this letter please provide the details of your Phase 2 strategies as discussed in our June 21, 2006, letter. This response should include commitments for satisfying the Phase 1 items that were deferred to Phases 2 and 3. Please inform us of any additional strategies that you plan to append to SAMGs, EDMGs, or other site implementation guidance for both Phases 2 and 3. Phase 2 strategies and items deferred from Phase 1 to Phase 2 are applicable to Unit 3 only. Your response should indicate which strategies have already been implemented and should provide your plans and schedules for those strategies intended to be implemented.

Phase 1

This letter also forwards a draft MST (Enclosure 3) with our understanding of a list of required strategies and our understanding of your site specific method of implementation of each

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strategy. Please confirm that this table is a correct representation of your method of implementing the requirements or provide corrections.

Phases 1, 2, and 3: Proposed License Condition

Finally, this letter also forwards a proposed license condition (Enclosure 4), to be included in your Facility Operating License via a future License Amendment, as a means to provide regulatory control of your mitigation strategies and to bring regulatory licensing closure to this process. Please confirm that the enclosed draft License Condition is appropriate to capture your site requirements.

The requested response should be addressed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, 11555 Rockville Pike, Rockville, Maryland 20852. In addition, a copy of the response should be submitted to the appropriate Regional Administrator and by overnight mail to the plant's licensing Project Manager, NRC Office of Nuclear Reactor Regulation (NRR), Division of Operating Reactor Licensing. Questions regarding this letter or the response should be directed to the NRR Project Manager.

Paperwork Reduction Act Statement

This letter contains information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). These information collections were approved by the Office of Management and Budget (OMB) under 10 CFR Parts 50 and 73, approval numbers 3150-0011 and 3150-0002, which expire February 28, 2007, and April 30, 2008, respectively.

The burden to the public for these information collections is estimated to average 750 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of these information collections, including suggestions for reducing the burden, to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet electronic mail to INFOCOLLECTS@NRC.GOV; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0011), Office of Management and Budget, Washington, DC 20503.

Public Protection Notification

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In accordance with Regulatory Information Summary 2005-26, "Control of Sensitive Unclassified Nonsafeguards Information Related to Nuclear Power Reactors," this document will not be placed in the Public Document Room.

Sincerely,

/RA/ by DRoberts for/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos.: 50-247 and 50-286
License Nos.: DPR-26 and DPR-64

Enclosure 1:
Core and Containment Mitigation
Strategy Assessment Summary Report

Enclosure 2:
Disposition of Mitigation Strategies
Identified During Phase 2 and Phase 3

Enclosure 3:
Draft Mitigating Strategies Table

Enclosure 4:
Draft License Condition

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Indian Point Nuclear Generating Station, Units 2 & 3

cc:

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