

May 10, 2007

Mr. Thomas Gurdziel
9 Twin Orchard Drive
Oswego, NY 13126

Dear Mr. Gurdziel:

In an email addressed to the Office of Public Affairs at the Nuclear Regulatory Commission (NRC), dated April 14, 2007, you requested, pursuant to 10 CFR 2.206 of the NRC's regulations, that Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3) be shut down on April 16, 2007, if they do not meet an April 15, 2007, deadline to install backup power for the Indian Point siren system. You also requested that the NRC take action to support its Confirmatory Order program if the Order deadline was not met. Your petition was referred to the Office of Nuclear Reactor Regulation (NRR).

On January 31, 2006, the NRC issued a Confirmatory Order Modifying License (Order) to Entergy Nuclear Operations, Inc. (Entergy or licensee) requiring the licensee to install backup power for the Indian Point siren system, as required by the Energy Policy Act of 2005, by January 30, 2007. On January 11, 2007, Entergy submitted a request to relax the Order, to extend the deadline to April 15, 2007. On January 23, 2007, the NRC approved Entergy's request after finding that Entergy had made a good faith effort to comply with the Order and had demonstrated good cause to relax the Order. On April 13, 2007, Entergy submitted a second request to relax the Order, to extend the deadline to August 31, 2007. On April 13, 2007, the NRC denied the relaxation request and stated that the NRC would consider action under the NRC's Enforcement Policy. On April 23, 2007, the NRC issued a Notice of Violation and Proposed Imposition of Civil Penalty for \$130,000 (EA 07-092) to Entergy because of its failure to meet the April 15, 2007, deadline.

The NRR petition review board (PRB) has considered your petition request. The PRB made an initial determination that your April 14, 2007, petition request not be accepted for review as a petition pursuant to 10 CFR 2.206. The NRC staff informed you of this determination on May 9, 2007, at which time you indicated that you did not want to meet with the PRB on this matter. The PRB's final determination is that your request not be accepted for review pursuant to 10 CFR 2.206.

Your request that the NRC take action to support its Confirmatory Order program because the April 15, 2007, deadline was not met is rejected for review as a Section 2.206 petition because the request was evaluated by the NRC staff and was resolved by the NRC's enforcement action of April 23, 2007.

Your request that IP2 and IP3 be shut down due to the failure to meet the Order deadline is not accepted for review as a Section 2.206 Petition because you have not provided facts sufficient to constitute a basis for the requested action. Specifically, you have provided no information to indicate that Entergy's failure to meet the Order by April 16, 2007, created adverse conditions which would warrant a plant shutdown. As the NRC noted in its April 13, 2007, letter to Entergy, the current siren system in service at Indian Point is capable of alerting the public of an event at the plant. NRC Region I will continue enhanced oversight of the existing system while the new system is completed. The NRC believes there is reasonable assurance that adequate

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protective measures can and will be taken in the event of a radiological emergency in terms of alerting the public. Furthermore, you have provided no information to identify any violation of NRC requirements that would warrant a plant shutdown. As noted above, the NRC has already taken appropriate enforcement action for the licensee's failure to meet the April 15, 2007, deadline.

Thank you for your interest in these matters.

Sincerely,

/RA/

Jennifer Golder, Deputy Director (Acting)
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosure:
Email by Mr. Gurdziel dated April 14, 2007

cc w/encl: See next page

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while the new system is completed. The NRC believes there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency in terms of alerting the public. Furthermore, you have provided no information to identify any violation of NRC requirements that would warrant a plant shutdown. As noted above, the NRC has already taken appropriate enforcement action for the licensee's failure to meet the April 15, 2007, deadline.

Thank you for your interest in these matters.

Sincerely,

/RA/

Jennifer Golder, Deputy Director (Acting)
Division of Policy and Rulemaking
Office of Nuclear Reactor Regulation

Docket Nos. 50-247 and 50-286

Enclosure:
Email by Mr. Gurdziel dated January 11, 2007

cc w/encl: See next page

Package: ML071290052, Letter: ML071290044, Incoming/Enclosure: ML071070311

OFFICE	LPL1-1/PM	LPL1-1/LA	LPL1-1/BC	DD/DPR(A)
NAME	JBoska	SLittle	MKowal	JGolder
DATE	5/10/07	5/10/07	5/10/07	5/10/07

Official Record Copy

LETTER TO MR. GURDZIEL DATED MAY 10, 2007

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ECobey, RI

GLongo, OGC

JGolder

RidsOGCMailCenter

RidsEDOMailCenter

RidsOpaMail

RidsRgn1MailCenter

RidsAcrcAcnwMailCenter

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Indian Point Nuclear Generating Unit Nos. 2 & 3

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Indian Point Nuclear Generating Unit Nos. 2 & 3

cc:

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