



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

September 1, 2009

Mr. Joseph E. Pollock
Site Vice President
Entergy Nuclear Operations, Inc.
Indian Point Energy Center
450 Broadway, GSB
Buchanan, NY 10511-0249

**SUBJECT: MID-CYCLE PERFORMANCE REVIEW AND INSPECTION PLAN -
INDIAN POINT NUCLEAR GENERATING UNITS 2 AND 3**

Dear Mr. Pollock:

On August 12, 2009, the NRC staff completed its performance reviews of Indian Point Nuclear Generating Units 2 and 3 for the first half of the calendar year 2009 assessment cycle. Our technical staff reviewed performance indicators (PIs) for the most recent quarter and inspection results for the period from July 1, 2008 through June 30, 2009. The purpose of this letter is to inform you of our assessment of your safety performance during this period and our plans for future inspections at your facility.

This performance review and enclosed inspection plan do not include security information. A separate letter designated and marked as, "Official Use Only--Security Information," will include the security cornerstone review and resultant inspection plan.

Plant performance for the most recent quarter at Indian Point Nuclear Generating Units 2 and 3 was within the Licensee Response column of the NRC's Action Matrix based on all inspection findings being classified as having very low safety significance (Green) and all performance indicators indicating performance at a level requiring no additional oversight (Green). Therefore, we plan to conduct reactor oversight process (ROP) baseline inspections at Units 2 and 3.

Subsequent to completion of our August 12 mid-cycle performance review, Indian Point Unit 3 had an unplanned reactor trip on August 27. In accordance with the ROP, we expect that you will evaluate this unplanned trip as part of your 3rd Quarter 2009 PI data submittal to the NRC in October 2009. If this unplanned trip results in the "Unplanned Scrams per 7000 Critical Hours" NRC PI exceeding the Green/White threshold, the NRC will assess the results at that time and determine appropriate agency action in accordance with the NRC's Action Matrix.

In our annual assessment letter dated March 4, 2009 [ADAMS Ref. ML090620503]¹, we advised you of a cross-cutting theme at Indian Point Unit 3 in the area of human performance related to the aspect of human error prevention techniques (H.4(a))². Based on our review of your performance the previous six months, your actions appear to be appropriate and have resulted in no new findings at Indian Point Unit 3 with the cross-cutting aspect of H.4(a).

¹ Designation in parentheses refers to an ADAMS accession number. Documents referenced in this letter are publicly available using the accession number in ADAMS.

² This is a descriptor which correlates to the cross-cutting aspect in Inspection Manual Chapter 0305, "Operating Reactor Assessment Program."

Therefore, in accordance with Inspection Manual Chapter 0305, "Operating Reactor Assessment Program," the cross-cutting theme at Indian Point Unit 3 no longer exists because there are only three NRC inspection findings for the previous 12-month assessment period with cross-cutting aspects in H.4(a).

During this assessment period, the NRC staff continued augmented oversight of your activities related to on-site groundwater contamination in accordance with the ROP Deviation Memorandum in effect for calendar year 2009 [ADAMS Ref. ML083590057]. Subsequent to this assessment period, during the week of August 17, 2009, the staff conducted an onsite inspection to review your activities associated with characterization and mitigation of onsite groundwater contamination. The results of our reviews are being finalized at this time. The NRC staff will document the inspection results in a forthcoming publicly available report. Based on the results of our inspection and groundwater split sample data, we expect to determine during our end-of-cycle deliberations whether continued enhanced oversight of your actions associated with on-site groundwater contamination is warranted for calendar year 2010.

In addition to the baseline inspection program at Units 2 and 3, we plan to conduct independent spent fuel storage installation inspections. With regard to the replacement Alert and Notification System, the NRC plans to continue to monitor your activities related to final review and approval from the Federal Emergency Management Agency.

The enclosed inspection plan details the baseline and deviation memorandum inspections, less those related to physical protection, scheduled through December 31, 2010. The inspection plan is provided to allow for the resolution of any scheduling conflicts and personnel availability issues well in advance of inspector arrival onsite. Routine resident inspections are not listed due to their ongoing and continuous nature. The inspections in the last nine months of the inspection plan are tentative and may be revised based on our end-of-cycle review.

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 (PARS) 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).

As you may know, the NRC is currently evaluating the scope and frequency of all the baseline inspection procedures as part of our biennial review of the ROP. If the results of the evaluation, or any other circumstances, cause us to change the inspection plan, we will contact you to discuss the change as soon as possible. Please contact Mel Gray at 610-337-5209 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator
Region I

Enclosure: Indian Point 2 & 3 Inspection / Activity Plan

cc w/encl:

Senior Vice President, Entergy Nuclear Operations
Vice President, Operations, Entergy Nuclear Operations
Vice President, Oversight, Entergy Nuclear Operations
Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations
Senior Vice President and COO, Entergy Nuclear Operations
Assistant General Counsel, Entergy Nuclear Operations
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R. Albanese, Four County Coordinator
S. Lousteau, Treasury Department, Entergy Services, Inc.
Chairman, Standing Committee on Energy, NYS Assembly
Chairman, Standing Committee on Environmental Conservation, NYS Assembly
Chairman, Committee on Corporations, Authorities, and Commissions
M. Slobodien, Director, Emergency Planning
P. Eddy, NYS Department of Public Service
Assemblywoman Sandra Galef, NYS Assembly
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A. Spano, Westchester County Executive
R. Bondi, Putnam County Executive
C. Vanderhoef, Rockland County Executive
E. A. Diana, Orange County Executive
T. Judson, Central NY Citizens Awareness Network
M. Elie, Citizens Awareness Network
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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Congresswoman Nita Lowey
Senator Kirsten E. Gillibrand
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G. Shapiro, Senator Gillibrand 's Staff
J. Riccio, Greenpeace
P. Musegaas, Riverkeeper, Inc.
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D. Katz, Executive Director, Citizens Awareness Network
K. Coplan, Pace Environmental Litigation Clinic
M. Jacobs, IPSEC
W. Little, Associate Attorney, NYSDEC
M. J. Greene, Clearwater, Inc.
R. Christman, Manager Training and Development
J. Spath, New York State Energy Research, SLO Designee
F. Murray, President & CEO, New York State Energy Research
A. J. Kremer, New York Affordable Reliable Electricity Alliance (NY AREA)

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Sincerely,
/RA/
 Samuel J. Collins
 Regional Administrator
 Region I

Enclosure: Indian Point 2 & 3 Inspection / Activity Plan

SUNSI Review Complete: mkg* (Reviewer's Initials)

DOCUMENT NAME: S:\ROP-10 MID-CYCLE REVIEW\BRANCH 2\IPEC MC LETTER 2009 FINAL 3.DOC

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DATE	08/26/09	08/26/09	08/26/09	08/31/09

*See prior concurrence

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Indian Point
Inspection / Activity Plan
07/01/2009 - 12/31/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			7111121 - CDBI		8
2	07/20/2009	07/24/2009	IP 7111121	Component Design Bases Inspection	
2	08/03/2009	08/07/2009	IP 7111121	Component Design Bases Inspection	
2	08/10/2009	08/14/2009	IP 7111121	Component Design Bases Inspection	
			DEV MEMO - GROUND WATER DEVIATION MEMO		3
2	08/17/2009	08/21/2009	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			ANS-FEMA - INSPECT ANS AND ACCOMPANY FEMA		1
2	08/17/2009	12/31/2009	IP 7111402	Alert and Notification System Testing	
			7112201 - PUB RAD SAFETY - RETS		1
2	08/31/2009	09/04/2009	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems	
			ISFSI - ISFSI LOADING CAMPAIGN INSPECTION		2
2	09/01/2009	12/31/2009	IP 60855	Operation Of An ISFSI	
			71121 - OCC RAD SAFETY		1
2	09/28/2009	10/02/2009	IP 7112101	Access Control to Radiologically Significant Areas	
2	09/28/2009	10/02/2009	IP 7112102-7112102R	ALARA - Required	
2	09/28/2009	10/02/2009	IP 71151	Performance Indicator Verification	
			EP PROGR - EP PROGRAM INSPECTION		2
2	11/02/2009	11/06/2009	IP 7111402	Alert and Notification System Testing	
2	11/02/2009	11/06/2009	IP 7111403	Emergency Response Organization Augmentation Testing	
2	11/02/2009	11/06/2009	IP 7111404	Emergency Action Level and Emergency Plan Changes	
2	11/02/2009	11/06/2009	IP 71151-EP01	Drill/Exercise Performance	
2	11/02/2009	11/06/2009	IP 71151-EP02	ERO Drill Participation	
2	11/02/2009	11/06/2009	IP 71151-EP03	Alert & Notification System	
2	11/02/2009	11/06/2009	IP 71152-Reviews	In-depth Reviews	
2	11/02/2009	12/31/2009	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
			7111107T - HEAT SINK INSP		2
2	12/07/2009	12/11/2009	IP 7111107T	Heat Sink Performance	
			TRI FIRE - TRIENNIAL FIRE PROTECTION INSPECTION		3
2	01/25/2010	01/29/2010	IP 7111105T	Fire Protection [Triennial]	
2	02/08/2010	02/12/2010	IP 7111105T	Fire Protection [Triennial]	
			7/12EXAM - U2 INITIAL OPERATOR LICENSING EXAM		5
2	06/14/2010	06/18/2010	U01787	FY10 - INDIAN POINT U2 INITIAL OPERATOR LICENSING EXAM	
2	07/12/2010	07/23/2010	U01787	FY10 - INDIAN POINT U2 INITIAL OPERATOR LICENSING EXAM	
			7111108P - U2 INSERVICE INSPECTION		1
2	03/15/2010	03/26/2010	IP 7111108P	Inservice Inspection Activities - PWR	

This report does not include INPO and OUTAGE activities.
This report shows only on-site and announced inspection procedures.

Indian Point
Inspection / Activity Plan
07/01/2009 - 12/31/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			TI-172 - U2 TI 2515/172 DISSIMILAR METAL WELDS		1
2	03/15/2010	03/26/2010	IP 2515/172	Reactor Coolant System Dissimilar Metal Butt Welds	
			71121.01 - UNIT 2 OUTAGE HP INSPECTION		1
2	03/22/2010	03/26/2010	IP 7112101	Access Control to Radiologically Significant Areas	
2	03/22/2010	03/26/2010	IP 7112102-7112102R	ALARA - Required	
			71152B - PI&R		4
2	05/03/2010	05/07/2010	IP 71152B	Identification and Resolution of Problems	
2	05/17/2010	05/21/2010	IP 71152B	Identification and Resolution of Problems	
			71121.01 - OCC HP INSPECTION		1
2	07/19/2010	07/23/2010	IP 7112101	Access Control to Radiologically Significant Areas	
2	07/19/2010	07/23/2010	IP 7112102-7112102R	ALARA - Required	
			7111111B - REQUAL INSP (IP2) WITH P/F RESULTS		3
2	09/27/2010	10/01/2010	IP 7111111B	Licensed Operator Requalification Program	
			71122.03 - ENVIRONMENTAL MONITORING		1
2	08/16/2010	08/20/2010	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			EP EX - EP EXERCISE EVALUATION		4
2	09/13/2010	09/17/2010	IP 7111401	Exercise Evaluation	
2	09/13/2010	09/17/2010	IP 7111404	Emergency Action Level and Emergency Plan Changes	
2	09/13/2010	09/17/2010	IP 71151	Performance Indicator Verification	
			ISFSI - ANNUAL SAMPLE - ISFSI		1
2	09/01/2010	12/31/2010	IP 60855	Operation Of An ISFSI	
			71121.03 - HP INSTRUMENTS		1
2	11/15/2010	11/19/2010	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment	

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Indian Point 3
Inspection / Activity Plan
07/01/2009 - 12/31/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			711111B - BIENNIAL REQUAL INSP - U3		3
3	09/21/2009	09/25/2009	IP 711111B	Licensed Operator Requalification Program	
			DEV MEMO - GROUND WATER DEVIATION MEMO		3
3	08/17/2009	08/21/2009	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			ANS-FEMA - INSPECT ANS AND ACCOMPANY FEMA		1
3	08/17/2009	12/31/2009	IP 7111402	Alert and Notification System Testing	
			7112201 - PUB RAD SAFETY - RETS		1
3	08/31/2009	09/04/2009	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems	
			71121 - OCC RAD SAFETY		1
3	09/28/2009	10/02/2009	IP 7112101	Access Control to Radiologically Significant Areas	
3	09/28/2009	10/02/2009	IP 7112102-7112102R	ALARA - Required	
3	09/28/2009	10/02/2009	IP 71151	Performance Indicator Verification	
			MODS - PERMANENT PLANT MODIFICATIONS		3
3	10/19/2009	10/23/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
3	11/02/2009	11/06/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
			EP PROGR - EP PROGRAM INSPECTION		2
3	11/02/2009	11/06/2009	IP 7111402	Alert and Notification System Testing	
3	11/02/2009	11/06/2009	IP 7111403	Emergency Response Organization Augmentation Testing	
3	11/02/2009	11/06/2009	IP 7111404	Emergency Action Level and Emergency Plan Changes	
3	11/02/2009	11/06/2009	IP 71151-EP01	Drill/Exercise Performance	
3	11/02/2009	11/06/2009	IP 71151-EP02	ERO Drill Participation	
3	11/02/2009	11/06/2009	IP 71151-EP03	Alert & Notification System	
3	11/02/2009	11/06/2009	IP 71152-Reviews	In-depth Reviews	
3	11/02/2009	12/31/2009	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
			7111107T - HEAT SINK INSP		2
3	12/07/2009	12/11/2009	IP 7111107T	Heat Sink Performance	
			71121.01 - HP OUTAGE INSPECTION		1
3	03/22/2010	03/26/2010	IP 7112101	Access Control to Radiologically Significant Areas	
3	03/22/2010	03/26/2010	IP 7112102-7112102R	ALARA - Required	
			10/04EXM - U3 INITIAL OPERATOR LICENSING EXAM		5
3	09/06/2010	09/10/2010	U01789	FY11 - INDIAN POINT U3 INITIAL OPERATOR LICENSING EXAM	
3	10/04/2010	10/15/2010	U01789	FY11 - INDIAN POINT U3 INITIAL OPERATOR LICENSING EXAM	
			71121.01 - OCC RADIATION SAFETY		1
3	07/19/2010	07/23/2010	IP 7112101	Access Control to Radiologically Significant Areas	
3	07/19/2010	07/23/2010	IP 7112102-7112102R	ALARA - Required	

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Indian Point 3
Inspection / Activity Plan
07/01/2009 - 12/31/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			71122.03 - ENVIRONMENTAL MONITORING		1
3	08/16/2010	08/20/2010	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			EP EX - EP EXERCISE EVALUATION		4
3	09/13/2010	09/17/2010	IP 7111401	Exercise Evaluation	
3	09/13/2010	09/17/2010	IP 7111404	Emergency Action Level and Emergency Plan Changes	
			CDBI - COMPONENT DESIGN BASES INSPECTION		8
3	10/04/2010	10/08/2010	IP 7111121	Component Design Bases Inspection	
3	10/18/2010	10/29/2010	IP 7111121	Component Design Bases Inspection	
			71121.03 - HP INSTRUMENTS		1
3	11/15/2010	11/19/2010	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment	

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