



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 31, 2007

Mr. Fred Dacimo
Site Vice President
Entergy Nuclear Operations Inc.
Indian Point Energy Center
450 Broadway, GSB
Post Office Box 249
Buchanan, NY 10511-0249

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

Dear Mr. Dacimo:

On August 15, 2007, the NRC staff completed its performance reviews of Indian Point Nuclear Generating Units 2 and 3 for the first half of the calendar year 2007 assessment cycle. Our technical staff reviewed performance indicators (PIs) for the most recent quarter and inspection results over the previous twelve months. 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.

These performance reviews 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 Unit 2 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 Unit 2.

Plant performance for the most recent quarter at Indian Point Nuclear Generating Unit 3 was within the Regulatory Response column of the NRC's Action Matrix based on one White performance indicator in the Initiating Events cornerstone. Specifically, your "Unplanned Scrams per 7000 Critical Hours" performance indicator exceeded the Green/White threshold of greater than three scrams per 7000 critical hours. On August 16, 2007, during a telephone conversation, we were notified by your staff of your readiness for the NRC to conduct a supplemental inspection to review the corrective actions taken to address the causes of this White performance indicator. Therefore, in addition to the ROP baseline inspections at Unit 3, we plan to conduct supplemental inspection 95001 beginning on September 4, 2007.

In our annual assessment letter dated March 2, 2007, we advised you of a substantive cross-cutting issue in the area of human performance at Unit 2. During this assessment period, there were five inspection findings associated with multiple reactor safety cornerstones that were attributable to the human performance cross-cutting aspect of procedure adequacy. These inspection findings involved procedures associated with operations performance of non-routine evolutions and response to plant transients, calibration activities, assessment of risk for on-line work activities, and Maintenance Rule monitoring.

We recognize that you identified the cross-cutting theme in procedure adequacy and developed action plans for improvements in operations and maintenance procedures. We noted that you made progress in your action plan to address procedure adequacy in instrumentation and controls maintenance procedures. However, we have concluded you have not met the criteria for clearing the cross-cutting issue, as described in the annual assessment letter. Specifically, you have not demonstrated sustainable performance improvement as evidenced by effective implementation of an appropriate corrective action plan that results in a notable reduction in the overall number of inspection findings with the same causal factor. In the area of operations, we noted that you have not effectively implemented your corrective action plan for upgrading operations procedures. During an inspection in June 2007, we identified that the operations portion of the procedure upgrade project was considerably behind schedule. Additionally, we determined that you had not achieved a notable reduction in the number of findings with cross-cutting aspects in procedure adequacy.

We will monitor your progress in this area through the baseline inspection program, including the completion of a problem identification and resolution inspection sample during the fourth quarter of 2007. The NRC will clear this substantive cross-cutting issue when you have demonstrated sustainable performance improvement as evidenced by effective implementation of an appropriate corrective action plan that results in no safety significant inspection findings and a notable reduction in the overall number of inspection findings with the same causal factor.

Additionally, the NRC requests that you provide a written response to the substantive cross-cutting issue within 30 days of the issuance of this mid-cycle assessment letter. We request that you provide details on your action plans to address the procedure adequacy substantive cross-cutting issue, including schedule, milestones, and performance monitoring metrics. We also request you provide your plans for evaluating the effectiveness of the procedure upgrade project.

With respect to the safety conscious work environment at Units 2 and 3, the NRC requested on December 21, 2006, [ADAMS Ref. ML063560335] that you provide your plan for evaluating a potential chilling effect onsite and your plan of action for addressing the matter to the NRC, which you subsequently provided on January 22, 2007 [ADAMS Ref. ML070240242]. The NRC reviewed your response and concluded that your completed and planned diagnostic activities were reasonable to characterize the challenges to the safety conscious work environment onsite and the planned corrective actions were appropriate. The results of the NRC's review were documented in a letter to you dated February 26, 2007 [ADAMS Ref. ML070570518].

In June 2007, the NRC conducted a problem identification and resolution inspection sample to review your progress in this area. We concluded that your progress was adequate in addressing issues within the area of safety conscious work environment. Therefore, we concluded that a substantive cross-cutting issue does not exist. We will continue to monitor

your progress in this area through the baseline inspection program by completing problem identification and resolution inspection samples during the fourth quarter of 2007.

On April 23, 2007, the NRC issued a Severity Level III Notice of Violation and Proposed Imposition of Civil Penalty, EA-07-092, for a failure to meet NRC Confirmatory Order EA-05-190, which required, in part, a backup power system for the Emergency Notification System (ENS). Subsequently, on July 30, 2007, the NRC issued an Order (EA-07-189), regarding additional actions needed prior to declaring the ENS operable, including obtaining Federal Emergency Management Agency acceptance. By letter dated August 30, 2007, the NRC issued a Notice of Violation for the failure to implement the new ENS with backup power capability by August 24, 2007, including obtaining the necessary approvals. As stated in this letter, the NRC will continue to review your actions for placing the new ENS in service and meeting the requirements of the Order.

In addition to the baseline inspection program at both units, we plan to conduct inspections of your preparations for dry cask storage of spent nuclear fuel and inspections related to license renewal. The NRC will also continue enhanced oversight of your actions to address issues associated with on-site groundwater contamination characterization and mitigation, and the performance of the ENS, including implementation of the replacement siren system that Entergy is installing in response to the Energy Policy Act of 2005. We expect to continue enhanced oversight until Entergy has completed actions associated with on-site groundwater contamination and installation of the replacement siren system as described in the renewed ROP Deviation Memorandum, approved on December 21, 2006.

The enclosed inspection plan details the baseline and deviation memorandum inspections, less those related to physical protection, scheduled through December 31, 2008. 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 safety performance 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).

F. Dacimo

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The NRC is currently evaluating the scope and frequency of all baseline inspection procedures. 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 Eugene Cobey at 610-337-5171 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

Docket Nos. 50-247 and 50-286
License No. DPR-26 and DPR-64

Enclosures: Indian Point Nuclear Generating Unit 2 and Unit 3 Inspection/Activity Plans

cc w/encl:
see next page

cc w/encl:

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F. Dacimo

The NRC is currently evaluating the scope and frequency of all baseline inspection procedures. 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 Eugene Cobey at 610-337-5171 with any questions you may have regarding this letter or the inspection plan.

Sincerely,
/RA/
Samuel J. Collins
Regional Administrator

Docket Nos. 50-247 and 50-286
License No. DPR-26 and DPR-64

Enclosures: Indian Point Nuclear Generating Unit 2 and Unit 3 Inspection/Activity Plans

cc w/encl:
see next page

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SUNSI Review Complete: BDW (Reviewer's Initials)

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NAME	BWelling/BDW	ECobey/EWC	DLew/DCL	SCollins/SJC
DATE	08/29/07	08/31/07	08/29/07	08/31/07

Indian Point 3
Inspection / Activity Plan
07/01/2007 - 12/31/2008

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates Start	Planned Dates End	Inspection Type
	7111405	- FOLLOWUP INSP FOR NEW ANS SYSTEM	1			
3	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies		01/01/2007	12/31/2007	Other Routine
	7111111B	- L.O. REQUAL PROG+P/F REVIEW	3			
3	IP 7111111B	Licensed Operator Requalification Program		09/24/2007	09/28/2007	Baseline Inspections
	7111107	- HEAT SINK INSP	1			
3	IP 7111107B	Heat Sink Performance		07/16/2007	07/20/2007	Baseline Inspections
	71121	- OCC RAD SAFETY	1			
3	IP 7112101	Access Control to Radiologically Significant Areas		07/16/2007	07/20/2007	Baseline Inspections
3	IP 7112102	ALARA Planning and Controls		07/16/2007	07/20/2007	Baseline Inspections
	DEV MEMO	- GROUNDWATER CONTAMINATION/DEVIATION MEMO	1			
3	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		09/04/2007	09/07/2007	Other Routine
	95001	- WHITE PI - UNPLANNED SCRAMS	2			
3	IP 95001	Supplemental Inspection For One Or Two White Inputs In A Strategic Performance Area		09/04/2007	09/20/2007	Supplemental Progra
	7112202	- PUB RAD SAFETY - RADWASTE	1			
3	IP 7112202	Radioactive Material Processing and Transportation		10/01/2007	10/05/2007	Baseline Inspections
	7111121	- CDBI	8			
3	IP 7111121	Component Design Bases Inspection		10/01/2007	10/05/2007	Baseline Inspections
3	IP 7111121	Component Design Bases Inspection		10/15/2007	10/19/2007	Baseline Inspections
3	IP 7111121	Component Design Bases Inspection		10/29/2007	11/02/2007	Baseline Inspections
3	IP 7111121	Component Design Bases Inspection		11/05/2007	11/09/2007	Baseline Inspections
	71114	- EP PRGM INSP	2			
3	IP 7111402	Alert and Notification System Testing		11/12/2007	11/16/2007	Baseline Inspections
3	IP 7111403	Emergency Response Organization Augmentation Testing		11/12/2007	11/16/2007	Baseline Inspections
3	IP 7111404	Emergency Action Level and Emergency Plan Changes		11/12/2007	11/16/2007	Baseline Inspections
3	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies		11/12/2007	11/16/2007	Baseline Inspections
3	IP 71151-EP01	Drill/Exercise Performance		11/12/2007	11/16/2007	Baseline Inspections
3	IP 71151-EP02	ERO Drill Participation		11/12/2007	11/16/2007	Baseline Inspections
3	IP 71151-EP03	Alert & Notification System		11/12/2007	11/16/2007	Baseline Inspections
	71121	- OCC RADIATION SAFETY	1			
3	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		11/26/2007	11/30/2007	Baseline Inspections
	71152	- SCWE PI&R SAMPLE	2			
3	IP 71152-Reviews	In-depth Reviews		11/26/2007	12/21/2007	Baseline Inspections
	71111.12	- MAINTENANCE RULE	1			
3	IP 7111112B	Maintenance Effectiveness		12/10/2007	12/14/2007	Baseline Inspections

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

Indian Point 3
Inspection / Activity Plan
07/01/2007 - 12/31/2008

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates Start	Planned Dates End	Inspection Type
	TRI FIRE	- TRIENNIAL FIRE PROTECTION INSPECTION	3			
3	IP 7111105T	Fire Protection [Triennial]		01/21/2008	01/25/2008	Baseline Inspections
3	IP 7111105T	Fire Protection [Triennial]		02/04/2008	02/08/2008	Baseline Inspections
	71002	- LICENSE RENEWAL INSPECTION	7			
3	IP 71002	License Renewal Inspection		01/28/2008	02/01/2008	License Renewal Insp
3	IP 71002	License Renewal Inspection		02/11/2008	02/15/2008	License Renewal Insp
	71121	- OCC RAD SAFETY	1			
3	IP 7112101	Access Control to Radiologically Significant Areas		04/14/2008	04/18/2008	Baseline Inspections
3	IP 7112102	ALARA Planning and Controls		04/14/2008	04/18/2008	Baseline Inspections
	7112201	- PUB RAD SAFETY - RETS	1			
3	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems		07/07/2008	07/11/2008	Baseline Inspections
	7112203	- PUB RAD SAFETY - REMP	1			
3	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control P		07/21/2008	07/25/2008	Baseline Inspections
	MODS	- MODS AND 50.59	4			
3	IP 7111102	Evaluation of Changes, Tests, or Experiments		07/21/2008	07/25/2008	Baseline Inspections
3	IP 7111117B	Permanent Plant Modifications		07/21/2008	07/25/2008	Baseline Inspections
	71121	- OCC RAD SAFETY	1			
3	IP 7112101	Access Control to Radiologically Significant Areas		08/18/2008	08/22/2008	Baseline Inspections
3	IP 7112102	ALARA Planning and Controls		08/18/2008	08/22/2008	Baseline Inspections
	EP	- EP EXERCISE EVALUATION	1			
3	IP 7111401	Exercise Evaluation		12/01/2008	12/05/2008	Baseline Inspections
3	IP 7111404	Emergency Action Level and Emergency Plan Changes		12/01/2008	12/05/2008	Baseline Inspections
3	IP 71151-EP01	Drill/Exercise Performance		12/01/2008	12/05/2008	Baseline Inspections
3	IP 71151-EP02	ERO Drill Participation		12/01/2008	12/05/2008	Baseline Inspections
3	IP 71151-EP03	Alert & Notification System		12/01/2008	12/05/2008	Baseline Inspections

Indian Point 2
Inspection / Activity Plan
07/01/2007 - 12/31/2008

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates Start	Planned Dates End	Inspection Type
	7111405	- FOLLOWUP INSP FOR NEW ANS SYSTEM	1			
2	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies		01/01/2007	12/31/2007	Other Routine
	ISFSI	- ISFSI CONSTRUCTION INSPECTION	2			
2	IP 60854	Preoperational Testing Of An ISFSI		03/01/2007	12/31/2007	Other Routine
2	IP 60854.1	Preoperational Testing of Independent Spent Fuel Storage Facility Installation at Operating F		03/01/2007	12/31/2007	Other Routine
2	IP 60855	Operation Of An ISFSI		03/01/2007	12/31/2007	Other Routine
2	IP 60855.1	Operation of an Independent Spent Fuel Storage Installation at Operating Plants		03/01/2007	12/31/2007	Other Routine
	11/5 EXM	- U2 INITIAL OPERATOR LICENSING EXAM	5			
2	U01683	FY08 - INDIAN POINT 2 INITIAL EXAM		10/08/2007	10/12/2007	Not Applicable
2	U01683	FY08 - INDIAN POINT 2 INITIAL EXAM		11/05/2007	11/09/2007	Not Applicable
	71121	- OCC RAD SAFETY	1			
2	IP 7112101	Access Control to Radiologically Significant Areas		07/16/2007	07/20/2007	Baseline Inspections
2	IP 7112102	ALARA Planning and Controls		07/16/2007	07/20/2007	Baseline Inspections
	DEV MEMO	- GROUNDWATER CONTAMINATION/DEV MEMO	1			
2	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control P		09/04/2007	09/07/2007	Other Routine
	7112202	- PUB RAD SAFETY - RADWASTE	1			
2	IP 7112202	Radioactive Material Processing and Transportation		10/01/2007	10/05/2007	Baseline Inspections
	71114	- EP PRGM INSP	2			
2	IP 7111402	Alert and Notification System Testing		11/12/2007	11/16/2007	Baseline Inspections
2	IP 7111403	Emergency Response Organization Augmentation Testing		11/12/2007	11/16/2007	Baseline Inspections
2	IP 7111404	Emergency Action Level and Emergency Plan Changes		11/12/2007	11/16/2007	Baseline Inspections
2	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies		11/12/2007	11/16/2007	Baseline Inspections
2	IP 71151-EP01	Drill/Exercise Performance		11/12/2007	11/16/2007	Baseline Inspections
2	IP 71151-EP02	ERO Drill Participation		11/12/2007	11/16/2007	Baseline Inspections
2	IP 71151-EP03	Alert & Notification System		11/12/2007	11/16/2007	Baseline Inspections
	71121	- OCC RADIATION SAFETY	1			
2	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		11/26/2007	11/30/2007	Baseline Inspections
	71152	- SCWE PI&R SAMPLE	2			
2	IP 71152-Reviews	In-depth Reviews		11/26/2007	12/21/2007	Baseline Inspections
	71111.12	- MAINTENANCE RULE	1			
2	IP 7111112B	Maintenance Effectiveness		12/10/2007	12/14/2007	Baseline Inspections
	71152	- PROCEDURE ADEQUACY PI&R SAMPLE	1			
2	IP 71152-Reviews	In-depth Reviews		12/03/2007	12/31/2007	Baseline Inspections
	71002	- LICENSE RENEWAL INSPECTION	7			
2	IP 71002	License Renewal Inspection		01/28/2008	02/01/2008	License Renewal Insp

This report does not include INPO and OUTAGE activities.
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Indian Point 2
Inspection / Activity Plan
07/01/2007 - 12/31/2008

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates Start	Planned Dates End	Inspection Type
	71002	- LICENSE RENEWAL INSPECTION	7			
2	IP 71002	License Renewal Inspection		02/11/2008	02/15/2008	License Renewal Insp
	711108P	- U2 INSERVICE INSPECTION	1			
2	IP 7111108P	Inservice Inspection Activities - PWR		03/31/2008	04/11/2008	Baseline Inspections
	71121	- OCC RAD SAFETY	1			
2	IP 7112101	Access Control to Radiologically Significant Areas		04/14/2008	04/18/2008	Baseline Inspections
2	IP 7112102	ALARA Planning and Controls		04/14/2008	04/18/2008	Baseline Inspections
	TI-166	- CONTAINMENT SUMP MODIFICATIONS	1			
2	IP 2515/166	Pressurized Water Reactor Containment Sump Blockage [NRC GENERIC LETTER 2004-02		04/21/2008	04/25/2008	Safety Issues
	71152B	- PI&R	4			
2	IP 71152B	Identification and Resolution of Problems		05/19/2008	05/23/2008	Baseline Inspections
2	IP 71152B	Identification and Resolution of Problems		06/02/2008	06/06/2008	Baseline Inspections
	711111B	- REQUAL INSPECTION +P/F REVIEW	5			
2	IP 7111111B	Licensed Operator Requalification Program		08/04/2008	08/08/2008	Baseline Inspections
	7111107B	- HEAT SINK INSP	1			
2	IP 7111107B	Heat Sink Performance		06/16/2008	06/20/2008	Baseline Inspections
	7112201	- PUB RAD SAFETY - RETS	1			
2	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems		07/07/2008	07/11/2008	Baseline Inspections
	7112203	- PUB RAD SAFETY - REMP	1			
2	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control P		07/21/2008	07/25/2008	Baseline Inspections
	MODS	- MODS AND 50.59	3			
2	IP 7111102	Evaluation of Changes, Tests, or Experiments		07/21/2008	07/25/2008	Baseline Inspections
2	IP 7111117B	Permanent Plant Modifications		07/21/2008	07/25/2008	Baseline Inspections
	71121	- OCC RAD SAFETY	1			
2	IP 7112101	Access Control to Radiologically Significant Areas		08/18/2008	08/22/2008	Baseline Inspections
2	IP 7112102	ALARA Planning and Controls		08/18/2008	08/22/2008	Baseline Inspections
	EP	- EP EXERCISE EVALUATION	1			
2	IP 7111401	Exercise Evaluation		12/01/2008	12/05/2008	Baseline Inspections
2	IP 7111404	Emergency Action Level and Emergency Plan Changes		12/01/2008	12/05/2008	Baseline Inspections
2	IP 71151-EP01	Drill/Exercise Performance		12/01/2008	12/05/2008	Baseline Inspections
2	IP 71151-EP02	ERO Drill Participation		12/01/2008	12/05/2008	Baseline Inspections
2	IP 71151-EP03	Alert & Notification System		12/01/2008	12/05/2008	Baseline Inspections