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**Michael Balduzzi**  
Senior Vice President & COO  
Regional Operations - Northeast

August 23, 2007

Re: Indian Point Unit 2 & 3  
Docket Nos. 50-247 & 50-286  
NL-07-099

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

**SUBJECT: Status Update Regarding NRC Order EA-07-189**

- References:
1. NRC Order EA-07-189, dated July 30, 2007; "Order (Effective Immediately) Modifying License for Indian Point Nuclear Generating Unit Nos. 2 and 3."
  2. ENO Letter NL-07-085, dated August 6, 2007; "7-Day Report Required by NRC Order EA-07-189."
  3. ENO Letter NL-07-097, dated August 17, 2007 to NRC; "Supplement to 7-Day Report Required by NRC Order EA-07-189."

Dear Sir or Madam:

The purpose of this letter is to provide the NRC with an update regarding the status of the new Alert and Notification System (ANS) for Indian Point Nuclear Generating Station Units 2 and 3. On July 30, 2007 (Reference 1), the U.S. Nuclear Regulatory Commission (NRC) issued an immediately effective Order regarding additional actions needed prior to declaring the new ANS operable. Entergy Nuclear Operations, Inc (ENO) provided the NRC with a 7-Day report on August 6, 2007 (Reference 2), as required by the July 2007 Order, describing the steps and expected schedule for meeting the additional Order-related requirements. ENO stated in Reference 2 that it would provide the NRC with a letter by August 17, 2007, if unresolved issues remained regarding placing the new ANS in service by August 24, 2007.

On August 17, 2007, ENO documented in a letter to the NRC (Reference 3) its successful completion of full-scale ANS operational tests and ENO's completion of installation and startup acceptance testing for the new ANS. That letter also documented that (1) ENO has reasonable assurance that the new ANS is capable of performing its design function of alerting members of the public within the emergency planning zone in the event of a radiological emergency at the Indian Point Energy Center, and (2) the new ANS is ready to be placed into service as the primary notification system pending the required review and approval by FEMA of the documents and data provided by ENO. That letter also stated ENO's expectation that it would

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complete the last remaining pre-operability activity (training of county personnel) by August 21, 2007. This training was completed on August 21, 2007.

On August 20, 2007, ENO met with representatives from FEMA, the NRC, the surrounding counties and the State of New York's Emergency Management Office (NYSEMO) to discuss: (1) ENO's August 14, 2007, letter to NYSEMO transmitting requested information (for FEMA); (2) the August 15, 2007, letter from the FEMA administrator to ENO requesting additional information and clarifying FEMA positions, and (3) the anticipated August 22, 2007, ENO transmittal to NYSEMO (for FEMA), providing more FEMA-requested information. During the August 20, 2007, meeting, FEMA stated that it would expeditiously review information provided by ENO. However, FEMA also stated that its review would take at least 45 days.

ENO does not anticipate additional material changes to the new ANS as it awaits the results of FEMA's review. ENO respectfully requests that the NRC consider modifying the terms and conditions of the July 2007 Order to accommodate FEMA's review.

The existing siren system will remain in service as the primary ANS until the new system is declared operable and placed in service in accordance with the requirements of the July 2007 Order.

ENO is not making any new commitments in this letter. If you have any questions, or require additional information, please contact Mr. Patric W. Conroy, Director Nuclear Safety Assurance, Indian Point Energy Center at 914-734-6668.

Sincerely,



Michael Balduzzi  
Senior Vice President & COO  
Regional Operations - Northeast

cc: Mr. Samuel J. Collins, Regional Administrator, NRC Region I (via email)  
Ms. Cynthia A. Carpenter, Director NRC Office of Enforcement (via email)  
Mr. John Boska, NRR Senior Project Manager (via email)  
Mr. Paul Eddy, New York State Department of Public Service  
Unit 2 NRC Resident Inspector's Office  
Unit 3 NRC Resident Inspector's Office  
Ms. Rebecca Thomson, FEMA