



Charter

An Independent Safety Evaluation of Indian Point

An independent safety evaluation is planned to be conducted at the Indian Point Energy Center (IPEC) early in 2008. This Charter defines the objectives, scope, panel structure and composition, evaluation process and deliverables for this important effort, and will serve as an operational framework and guideline for the independent safety evaluation panel (from here forward to be referred to as the independent panel).

The ISE, in Summary

The Indian Point independent safety evaluation is to be a thorough and objective assessment of the IPEC. It will examine a range of nuclear safety and plant performance factors, with particular attention to matters of importance to those who live and work near the station, including plant security and emergency management.

Although sponsored by the Entergy Corporation, the IPEC owner and licensee, this evaluation will be an independent effort conducted by a blue ribbon panel of a diverse team of highly credible, independent, experienced, knowledgeable and capable examiners.

The evaluation shall be completely separate from the plant assessments conducted regularly by the Nuclear Regulatory Commission (NRC), the Institute for Nuclear Power Operations (INPO) and by Entergy. While the evaluation may employ similar review methods in some instances and it will complement and supplement those reviews, it is nonetheless a voluntary, separate and one-time evaluation called for by the owner.

The results of this evaluation will be made available to stakeholders including the public.

Objectives

The objectives of the independent evaluation are:

1. To make available to internal and external decision makers a body of technically sound and reliable information about the safety of the Indian Point nuclear station.
2. To address issues of particular interest to IPEC stakeholders including the public.

Scope

The evaluation will examine:



1. Nuclear safety - from multiple perspectives, such as IPEC's compliance with regulations and implementation of nuclear safety requirements (rooted, for example, in station procedures), conservative decision making, and identification and resolution of issues or problems that may have safety implications. The evaluation will also consider the material condition of the plant.

2. Plant security ó IPEC capability to deal with credible security events. (Note that because of stringent requirements to prevent disclosure of classified security information, information developed by the evaluation in this area will be separated from the main report and restricted appropriately.)

3. Emergency preparedness / emergency management ó The independent assessment of the IPEC organization's **on-site** accident response and accident management capabilities (that is, the organization's ability to deal with a core-damaging event in order to limit and contain its consequences), and also to interface with and support those **off-site** organizations (state, county, municipality) in emergency management activities.

Lines of Inquiry (LOIs) in each of these areas will be established by the panel co-chairs prior to commencement of the evaluation. Early in the review process, the independent panel will revisit this starting set of LOIs and propose additions or refinements based on its initial observations ó in that way taking full advantage of the Panelists' experience and insights, and reducing the likelihood of omitting a potentially valuable assessment element.

Deliverables

The evaluation will produce two primary deliverables:

- A formal written report, documenting the panel examinations, and delineating its findings and recommendations. Following its transmittal to Entergy and stakeholders, the report will be made available to the public without editing by any party.
- Oral briefings, by the independent panel co-chairs, to Entergy management and to IPEC regulators, stakeholders and public. The timing, scope, venue and participants for these oral presentations will be established by the team co-chairs, in consultation with third parties, as appropriate.

The Evaluation Panel

The independent panel will be comprised of 10 professionals with outstanding credentials and extensive (broad and deep) experience in the areas of investigation. Most (but not all) members will have direct commercial nuclear power experience, in areas such as operations, safety analysis, engineering, and plant management. Some members will be selected based on in-depth



knowledge and experience in one or more areas of special importance such as security or emergency management.

The independent panel may be augmented by one or more members at large, whose role will be to help the panel to see and frame issues from the point of view of New York opinion leaders and the general public. Members at large are also expected to be independent in that they should have no clear existing bias with respect to the shutdown of IPEC or extension of the operating license at the end of the current term.

The independent panel will be **co-chaired** by two individuals, one who has been highly successful as a senior leader in the nuclear industry, and another selected from outside of direct industry line management to provide an informed but different perspective. The co-chairs must have stature and excellent reputations across the industry, and unquestioned commitment to nuclear safety. They will have had no prior direct association with IPEC or Entergy.

Consultants may be assigned to assist the co-chairs in the management, coordination and logistics of panel activities as needed. Consultants are not members of the independent panel, and their roles will be clearly defined.

The objective is for the panel membership to be diverse, comprising individuals whose capabilities are compatible and complementary rather than uniform. One or more members from the academic community may be selected. At least one member will have extensive knowledge of the regulatory requirements pertaining to nuclear plant operation. In composite, the independent panel will offer both extraordinary capability and multiple viewpoints on every issue.

Individual panelist's credentials and capabilities shall include:

- Demonstrated expertise, knowledge and experience in one or more areas of investigation
- Independence and strong reputation for personal integrity
- Commitment to apply the requisite time and attention to this task

Independence

The Evaluation Panel must be **transparently independent** in that the independent panel as a whole, and each individual member, must be free of any relationship or other circumstance, present or past, which could reasonably be expected to unduly influence his or her judgment on IPEC matters reviewed. Such factors could include recent prior employment by Entergy, recent prior employment or significant contract engagement at IPEC, prior agreement regarding future employment or contract engagement, and the like. It is noted, however, that previous professional engagement at IPEC is not necessarily a disqualifier, and needs to be balanced against merits of having direct knowledge and experience germane to this review. Members will



be asked to sign affidavits outlining any present or past affiliations or relationships with Entergy or IPEC.

Independence shall be a significant factor in the selection of each team member. The suitability of the co-chairs, from an independence standpoint, will be confirmed and documented. The co-chairs shall be appointed by the Entergy Chairman. In turn the co-chairs will select independent panel members for their unique qualifications and independence of relationships with Entergy which could compromise their judgment.

ISE Process

The following are key aspects of the evaluation process and modus operandi:

1. This will be an **open and transparent** assessment. For example:
 - Team activities will be pre-scheduled and communicated.
 - Provisions will be made for third party observation by appropriate regulators and public officials within practical limitations such as security, safety and space availability.
 - The independent panel will provide regular feedback via briefings on its activities to the site leadership team.
 - The Panel will host a public meeting to learn firsthand of public views and concerns early in the process before its planned extensive on-site examination of the state of the plants.
2. **Multiple, parallel review methods** will be employed:
 - Reviews of records, documents, work products (to include review of previous NRC and INPO evaluations and consideration, but not excessive reliance, on their conclusions)
 - Observation of work in progress
 - Examination of the physical plant and work spaces via walk-downs
 - Individual and group discussions with plant personnel

3. Evaluation **Criteria** and **Standards**:

Specific evaluation protocols, including criteria and standards, will be formulated in advance of the evaluation, for each evaluation element. These will be an amalgam of selected parts of established NRC and INPO methodology, along with free form inquisitive examination by the team based upon their own expertise or experiences on state of the art performance criteria or evaluation technique.

Regarding evaluation criteria and standards, it is important to note that it will be the team members' **collective judgments** and rather than quantified evaluation scores that determine the evaluation's findings and recommendations. The team of panelists will be selected based on their exceptional knowledge, experience, and demonstrated capability in the areas being evaluated, and it is expected that the independent co-chairs will rely heavily on those capabilities.



4. Focus on the **present**:

The purpose of the independent evaluation is to examine the IPEC in its current state ó to ascertain ðwhat isö rather than ðwhat wasö. The examination will address prior IPEC issues only to the extent, in the Panel's judgment, that they affect current or future plant performance in the areas of nuclear safety, security or emergency management.

Schedule and Duration

The most intensive on-site portion of the evaluation is intended to commence in the second quarter of calendar year 2008. Some evaluation activities which are best performed during the scheduled refueling outage may occur earlier. The overall duration, from the start of the on-site portion of the assessment to issuance of the formal report, is expected to be approximately ten weeks, of which the Panelists will be on site for three weeks (one two-week period and one one-week period). The evaluation will not be constrained by the expected time frame or the cost needed to adequately accommodate its objective. The independent panel co-chairs will determine when the evaluation is complete.