

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Lawrence G. McDade, Chair
Dr. Richard E. Wardwell
Dr. Kaye D. Lathrop

)	Docket Nos. 50-247-LR and 50-
In the Matter of)	286-LR
ENTERGY NUCLEAR OPERATIONS, INC.)	
)	ASLBP No. 07-858-03-LR-
)	BD01
(Indian Point Nuclear Generating Units 2 and 3))	
)	February 8, 2012

RESPONSE OF ENTERGY NUCLEAR OPERATIONS, INC. TO THE BOARD'S
FEBRUARY 3, 2012 ORDER REQUESTING INFORMATION FROM
THE STAFF AND ALL PARTICIPANTS

The Atomic Safety and Licensing Board's ("Board") February 3, 2012 Order, issued in response to the Nuclear Regulatory Commission ("NRC") Staff's February 2, 2012 Unopposed Motion for Extension of Time for Filing of Testimony, Exhibits and Statements of Position, directed the participants in this proceeding "to inform the Board of any matter that, to their knowledge, has the potential to delay this proceeding[.]" Entergy Nuclear Operations, Inc. ("Entergy") hereby responds to that request.

Entergy is not aware of any matter related to contentions currently admitted in the proceeding that has the potential to delay this proceeding that has not already been identified to the Board. For completeness, however, Entergy lists below the pending actions or issues that, to its knowledge, may relate to admitted contentions as raised by the parties in this proceeding. In listing these issues, however, Entergy does not admit or concede that they are, in fact, within the

scope of currently-admitted contentions or that such issues should, or could, delay this proceeding.

- As noted in the NRC’s January 27, 2012 letter to the Board, Entergy plans to submit to the NRC additional information regarding its Reactor Vessel Internals (“RVI”) Aging Management Program and Inspection Plan (“AMP”) for Indian Point Units 2 and 3 (“IP2” and “IP3”, collectively “Indian Point”) by February 17, 2012. This information will address relevant industry guidance issued by the Electric Power Research Institute in December 2011. Entergy’s RVI AMP is discussed in admitted contentions NYS-25 and NYS-38/RK-TC-5.
- As documented in NRC’s August 2011 Supplement to the Indian Point License Renewal Safety Evaluation Report (“SER”), Entergy has committed, prior to entering the period of extended operation, to review design basis ASME Code Class 1 fatigue evaluations to determine whether the NUREG/CR-6260 locations that have already been evaluated are the limiting locations for the IP2 and IP3 configuration. If more limiting locations are identified, then the most limiting location will be evaluated for the effects of the reactor coolant environment on fatigue usage. Entergy made this commitment in response to a generic issue, as documented in NRC’s February 10, 2010 request for additional information to Entergy on this matter. Entergy’s fatigue calculations are discussed in admitted contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5.
- As noted in the NRC’s November 30, 2011 letter to the Board, the NRC plans to issue a Supplement to the Final Environmental Impact Statement (“FSEIS”) for IP2 and IP3 license renewal to address new information received by the staff regarding certain aquatic impacts, including information in the National Marine Fisheries Service (“NMFS”) October 17, 2011

Biological Opinion (“BO”) regarding the effects of IP2 and IP3 license renewal on the endangered shortnose sturgeon. On February 6, 2012, the Department of Commerce listed the Atlantic sturgeon as a threatened species, effective April 6, 2012. 77 Fed. Reg. 5880 (Feb. 6, 2012). NMFS may decide that further consultation is necessary regarding the effects of IP2 and IP3 license renewal on Atlantic sturgeon. The NMFS consultation process associated with license renewal for IP2 and IP3 is discussed in contention RK-EC-8.

Further, as discussed with the Board during recent status conferences, due to the length of this proceeding, and the fact that IP2 and IP3 are nearing the end of their current operating licenses (September 2013 and December 2015, respectively), Entergy has made and will continue to make preparations for entering the period of extended operation and respond to industry and regulatory issues relating to both current operations and license renewal. For example, there are federal and state issues associated with the aquatic impacts of license renewal, as well as numerous regulatory and industry initiatives associated with post-Fukushima action items. In addition, Entergy is continuing to evaluate its options in response to the Commission’s December 22, 2011 denial, as interlocutory, of Entergy’s appeal of the Board’s decision granting summary disposition of NYS-35/36. Therefore, while Entergy is not aware at this time of other pending actions or submissions that could impact admitted contentions, such future submissions are possible. As Entergy cannot predict how other participants in this proceeding would respond to such potential issues, Entergy cannot determine whether they would result in any delays to this proceeding.

Respectfully submitted,

Signed (electronically) by Paul M. Bessette

Kathryn M. Sutton, Esq.
Paul M. Bessette, Esq.
Martin J. O'Neill, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: (202) 739-5738
Fax: (202) 739-3001
E-mail: ksutton@morganlewis.com
E-mail: pbessette@morganlewis.com
E-mail: martin.o'neill@morganlewis.com

William C. Dennis, Esq.
Assistant General Counsel
ENTERGY NUCLEAR OPERATIONS, INC.
440 Hamilton Avenue
White Plains, NY 10601
Phone: (914) 272-3202
Fax: (914) 272-3205
E-mail: wdennis@entergy.com

COUNSEL FOR
ENTERGY NUCLEAR OPERATIONS, INC.

Dated at Washington, DC
this 8th day of February 2012

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2012, a copy of the “Response of Entergy Nuclear Operations, Inc. to the Board’s February 3, 2012 Order Requesting Information from the Staff and All Participants” was served electronically with the Electronic Information Exchange on the following recipients:

Administrative Judge
Lawrence G. McDade, Chair
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Lawrence.McDade@nrc.gov)

Administrative Judge
Dr. Kaye D. Lathrop
Atomic Safety and Licensing Board Panel
190 Cedar Lane E.
Ridgway, CO 81432
(E-mail: Kaye.Lathrop@nrc.gov)

Administrative Judge
Dr. Richard E. Wardwell
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Richard.Wardwell@nrc.gov)

Office of the Secretary
Attn: Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
(E-mail: hearingdocket@nrc.gov)

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Mail Stop: O-7H4M
Washington, DC 20555-0001
(E-mail: ocaamail.resource@nrc.gov)

Josh Kirstein, Law Clerk
Anne Siarnacki, Law Clerk
Atomic Safety and Licensing Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Josh.Kirstein@nrc.gov)
(E-mail: Anne.Siarnacki@nrc.gov)

Sherwin E. Turk, Esq.
Edward L. Williamson, Esq.
Beth N. Mizuno, Esq.
David E. Roth, Esq.
Brian G. Harris, Esq.
Mary B. Spencer, Esq.
Anita Ghosh, Esq.
Brian Newell, Paralegal
Office of the General Counsel
Mail Stop: O-15D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
(E-mail: Sherwin.Turk@nrc.gov)
(E-mail: Edward.Williamson@nrc.gov)
(E-mail: Beth.Mizuno@nrc.gov)
(E-mail: David.Roth@nrc.gov)
(E-mail: Brian.Harris@nrc.gov)
(E-mail: Mary.Spencer@nrc.gov)
(E-mail: Anita.Ghosh@nrc.gov)
(E-mail: Brian.Newell@nrc.gov)

Manna Jo Greene
Karla Raimundi
Hudson River Sloop Clearwater, Inc.
724 Wolcott Ave.
Beacon, NY 12508
(E-mail: mannaajo@clearwater.org)
(E-mail: karla@clearwater.org)
(E-mail: stephenfiller@gmail.com)

Joan Leary Matthews, Esq.
Associate Commissioner
Hearings and Mediation Services
New York State Department of
Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233-1500
(E-mail: jlmatthe@gw.dec.state.ny.us)

John J. Sipos, Esq.
Charlie Donaldson Esq.
Assistant Attorneys General
Office of the Attorney General
of the State of New York
The Capitol
Albany, NY 12224-0341
(E-mail: John.Sipos@ag.ny.gov)

Melissa-Jean Rotini, Esq.
Assistant County Attorney
Office of Robert F. Meehan, Esq.
Westchester County Attorney
148 Martine Avenue, 6th Floor
White Plains, NY 10601
(E-mail: MJR1@westchestergov.com)

Daniel Riesel, Esq.
Victoria Shiah, Esq.
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022
(E-mail: driesel@sprlaw.com)
(E-mail: vshiah@sprlaw.com)

John Louis Parker, Esq.
Office of General Counsel, Region 3
NYS Dept. of Environmental Conservation
21 S. Putt Corners Road
New Paltz, New York 12561-1620
(E-mail: jlparker@gw.dec.state.ny.us)

Michael J. Delaney, Esq.
Vice President -Energy Department
New York City Economic Development
Corporation (NYCDEC)
110 William Street New York, NY 10038
mdelaney@nycedc.com

Phillip Musegaas, Esq.
Deborah Brancato, Esq.
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562
(E-mail: phillip@riverkeeper.org)
(E-mail: dbrancato@riverkeeper.org)

Robert D. Snook, Esq.
Assistant Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
(E-mail: Robert.Snook@po.state.ct.us)

Sean Murray, Mayor
Kevin Hay, Village Administrator
Village of Buchanan
Municipal Building
236 Tate Avenue
Buchanan, NY 10511-1298
(E-mail: vob@bestweb.net)
(E-mail: smurray@villageofbuchanan.com)

Janice A. Dean, Esq.
Assistant Attorney General
Office of the Attorney General
of the State of New York
120 Broadway, 26th Floor
New York, New York 10271
(E-mail: Janice.Dean@ag.ny.gov)

Signed (electronically) by Paul M. Bessette

Paul M. Bessette, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue NW
Washington, DC 20004
Phone: (202) 739-5796
Fax: (713) 739-3001
E-mail: pbessette@morganlewis.com

Counsel for Entergy Nuclear Operations, Inc.