

April 30, 2013

NOTE TO COMMISSIONERS' ASSISTANTS

OCM/AMM

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FROM: Reginald W. Mitchell **/RA/**
 Assistant for Operations, OEDO

SUBJECT: TIMELY RENEWAL FOR INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

The purpose of this note is to inform the Commissioners' Assistants of the status of the timely license renewal for Indian Point Nuclear Generating Unit 2. Indian Point Nuclear Generating Units 2 and 3 were licensed to operate for a period of 40 years. The current operating license for Indian Point Unit 2 will expire on September 28, 2013, and the license for Indian Point Unit 3 will expire in December 2015. The licensee, Entergy Nuclear Operations, Inc. ("Entergy") submitted a timely application for license renewal of Indian Point Units 2 and 3 on April 23, 2007. The license renewal application is currently the subject of ongoing adjudicatory proceedings before an Atomic Safety and Licensing Board. In addition, the Commission is engaged in ongoing activities related to waste confidence issues. Those activities render it likely that the current license for Indian Point Unit 2 will expire before a final determination has been made regarding the license renewal application. In that event, the plant would enter a period of "timely renewal," in which the plant would continue to operate under the current license beyond the stated license expiration date, in accordance with 10 CFR § 2.109 and Section 558(c) of the Administrative Procedure Act, 5 U.S.C. § 558(c), until the license renewal application "has been finally determined by the agency."

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In view of the potential that Indian Point Unit 2 is likely to enter the period of timely renewal later this year, the U.S. Nuclear Regulatory Commission (NRC) staff held a telephone conference call with the licensee on April 11, 2013, to gain an understanding of Entergy's planned actions regarding implementation of its license renewal commitments and incorporation of its aging management programs into the current licensing basis prior to entering the period of timely renewal. During the conference call, Entergy informed the staff that, by May 3, 2013, it will submit a letter to NRC that includes two actions:

- (1) Entergy will submit a letter by the end of August 2013, stating that all Unit 2 license renewal commitments, that are to be implemented prior to the period of extended operation, have been implemented; and
- (2) Entergy will send a letter to the NRC by September 28, 2013, stating that the Unit 2 Updated Final Safety Analysis Report (UFSAR) has been updated to implement the licensee's aging management programs for license renewal into the licensing basis.

The NRC staff indicated it was satisfied with the licensee's proposal and had no other questions. A summary of the telephone conference call is publicly available in the Agencywide Documents Access and Management System, Accession No. ML13102A124.

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