

November 1, 2016

NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
ENTERGY NUCLEAR OPERATIONS, INC.	)	Docket Nos. 50-247-LR/286-LR
	)	
(Indian Point Nuclear Generating	)	
Units 2 and 3)	)	

NRC STAFF'S 57<sup>th</sup> STATUS REPORT  
IN RESPONSE TO THE ATOMIC SAFETY AND  
LICENSING BOARD'S ORDER OF FEBRUARY 16, 2012

In accordance with the Atomic Safety and Licensing Board's ("Board") "Order (Granting NRC Staff's Unopposed Time Extension Motion and Directing Filing of Status Updates)" ("Order"), issued on February 16, 2012, the NRC Staff ("Staff") herewith provides its 57<sup>th</sup> monthly status report to the Board.

*Safety Issues*

1. Track 2 Safety Issues. Hearings on the three "Track 2" safety contentions related to the License Renewal Application ("LRA") for Indian Point Units 2 and 3 ("IP2" and "IP3") were held on November 16-19, 2015. On February 5, 2016, the State of New York ("New York") filed a motion seeking the late admission of six documents as exhibits related to the Track 2 contentions.<sup>1</sup> On February 19, 2019, the Board granted New York's Motion, conditioned upon its filing of expert testimony demonstrating the relevance, materiality and

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<sup>1</sup> "State of New York Motion for Leave to File Six Documents as Additional Exhibits" (Feb. 5, 2016).

reliability of the proposed exhibits;<sup>2</sup> the Board further indicated that the evidentiary record will be closed within 10 days after the filing of all supplemental testimony, unless it requires additional testimony on the proposed exhibits.<sup>3</sup> New York filed its supplemental testimony on March 4, 2016; Entergy and the Staff filed responsive testimony on March 18, 2016.

As required by the Board's Orders of July 13 and August 3, 2016, (a) New York is to file its reply testimony regarding the six documents, and the Intervenor are to file their supplemental testimony on baffle-former bolt issues, by November 17, 2016; (b) Entergy and the Staff are to file supplemental testimony by January 19, 2017; (c) the Intervenor are to file their reply testimony by March 2, 2017; (d) the parties are to file proposed findings of fact and conclusions of law by April 17, 2017; and (e) the parties are to file reply findings of fact and conclusions law by June 1, 2017.<sup>4</sup> On October 26, 2016, New York and Riverkeeper filed an unopposed motion to extend all of the above filing dates by 60 days, due to the unavailability of certain baffle-former bolt test reports.<sup>5</sup> The motion is currently pending before the Board.

2. Other Safety Issues. There has been no change in this item since the Staff filed its previous status report. As stated previously, the Staff has been reviewing issues associated with two Interim Staff Guidance ("ISG") documents (LR-ISG-2012-02 and LR-ISG-2013-01).<sup>6</sup> In

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<sup>2</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Requesting Expert Testimony on New York's Proposed Exhibits and Suspending Deadline for Filing Proposed Findings of Fact and Law)" (Feb. 19, 2016), at 2.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> See *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Scheduling of Further Filings on Track 2 Contentions)" (July 13, 2016), at 4; "Order (Granting Joint Motion for Reconsideration)" (Aug. 3, 2016), at 4.

<sup>5</sup> "Unopposed Joint Motion To Extend Track 2 Hearing Schedule Deadlines" (Oct. 26, 2016).

<sup>6</sup> See (1) Notice of Issuance, Interim Staff Guidance; LR-ISG-2012-02; "Aging Management of Internal Surfaces, Fire Water Systems, Atmospheric Storage Tanks, and Corrosion under Insulation," 78 Fed. Reg. 70,076 (Nov. 22, 2013); (2) Notice of Issuance, Interim Staff Guidance; LR-ISG-2013-01; "Aging Management of Loss of Coating or Lining Integrity for Internal Coatings/ Linings on In-Scope Piping, Piping Components, Heat Exchangers, and Tanks," 79 Fed. Reg. 68,308 (Nov. 14, 2014).

addition, a further ISG (LR ISG-2015-01) has been issued,<sup>7</sup> and an additional draft ISG (LR ISG-2016-01) has been issued for public comment.<sup>8</sup> The Staff has not yet determined whether these matters will be addressed in an SER Supplement for IP2 and IP3. The Staff will provide further information to the Board regarding these issues when available.

### Environmental Issues

3. FSEIS Supplement. There has been no change in this item since the Staff filed its previous status report. On December 22, 2015, the Staff issued its draft second supplement (Volume 5) to the Final Supplemental Environmental Impact Statement ("FSEIS") for license renewal of IP2 and IP3.<sup>9</sup> Numerous public comments were submitted regarding the draft FSEIS supplement. The Staff expects to issue Final Supplement 2 (Volume 5) to the FSEIS in January 2017.<sup>10</sup>

4. Contention NYS-12C (SAMAs). On February 14, 2014, New York filed a petition for review of the Board's Partial Initial Decision (LBP-13-13) concerning Contention NYS-12C,<sup>11</sup> and on April 28, 2014, New York filed a petition for review of the Board's Order denying its

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<sup>7</sup> See Notice of Issuance, Interim Staff Guidance; LR-ISG-2015-01, "Changes to Buried and Underground Piping and Tank Recommendations," 81 Fed. Reg. 23 (Feb. 4, 2016). This LR-ISG will replace aging management program (AMP) XI.M41, "Buried and Underground Piping and Tanks," and the associated Updated Final Safety Analysis Report (UFSAR) Summary Description in LR-ISG-2011-03, "Changes to the Generic Aging Lessons Learned (GALL) Report Revision 2 Aging Management Program (AMP) XI.M41, 'Buried and Underground Piping and Tanks.'"

<sup>8</sup> Draft License Renewal Interim Staff Guidance [LR ISG-2016-01]; Request for Comment, "Changes to Aging Management Guidance for Various Steam Generator Components," 81 Fed. Reg. 36,612 (June 7, 2016).

<sup>9</sup> "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Draft Report for Comment," NUREG-1437, Supplement 38, Vol. 5 (Dec. 2015) ("Draft FSEIS Supplement 2"). See Letter from Sherwin E. Turk to the Board (Dec. 22, 2015), at 1.

<sup>10</sup> Letter from Jane Marshall (NRC) to Vice President, Operations, Entergy Nuclear Operations, Inc., "Schedule Revision for the Environmental Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3 License Renewal Application" (June 28, 2016).

<sup>11</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-13-13, 78 NRC 246 (Nov. 27, 2013).

motion to reopen and reconsider that portion of the decision.<sup>12</sup> On May 4, 2016, the Commission issued CLI-16-07, in which it reversed the Board's decision on Contention NYS-12, directed the Staff to perform additional sensitivity analyses due to uncertainties in the CDNFRM and TIMDEC input values, and denied New York's other petition for review.<sup>13</sup> The Staff has issued requests for additional information ("RAIs") to Entergy regarding the required sensitivity analyses,<sup>14</sup> and may present its evaluation of the sensitivity analyses in a further FSEIS supplement. The Staff will provide additional information to the Board regarding this matter when available.

5. Other Matters. The Staff is not currently aware of any other matter that has the potential to impact the schedule for hearings in this proceeding. In accordance with the Board's direction (Order, at 2), the Staff will notify the Board as soon as any other event with potential to alter the hearing schedule arises.

Respectfully submitted,

**/Signed (electronically) by/**

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Dated at Rockville, Maryland  
this 1<sup>st</sup> day of November 2016

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<sup>12</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Denying New York's Motion to Reopen the Record; Setting Deadline for New or Amended Contention)" (Apr. 1, 2014).

<sup>13</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), CLI-16-7, 83 NRC 293 (2016).

<sup>14</sup> Letter from Michael Wentzel (NRC) to Vice President, Operations (Entergy) (Sept. 12, 2016) (ADAMS Accession No. ML16232A119).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing "NRC STAFF'S 57<sup>th</sup> STATUS REPORT IN RESPONSE TO THE ATOMIC SAFETY AND LICENSING BOARD'S ORDER OF FEBRUARY 16, 2012," dated November 1, 2016, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding, this 1<sup>st</sup> day of November, 2016.

**/Signed (electronically) by/**

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