

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Michael F. Kennedy
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating Units 2 and 3)

Docket Nos. 50-247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

January 12, 2017

ORDER

(Holding Further Filings in Abeyance and
Requesting Availability for Telephone Status Conference)

On January 11, 2017, the Board was notified by letter of a settlement agreement entered into by the State of New York (New York), Riverkeeper, Inc. (Riverkeeper), and Entergy Nuclear Operations, Inc. (Entergy).¹ In that letter, the parties informed the Board that the settlement agreement pertains to the continued operation and early shutdown of Indian Point Units 2 and 3 and provides for the “final resolution of numerous pending legal challenges to Indian Point Units 2 and 3 license renewal,” including an agreement from New York and Riverkeeper to withdraw the three Track 2 safety contentions at issue in this proceeding.² The parties then jointly requested a conference call with the Board for two purposes: 1) “to discuss the impact of the

¹ Letter from Paul M. Bessette, Counsel for Entergy, to the ASLB, Re: Joint Request for Conference Call to Discuss the Parties’ Recent Settlement Agreement and Need for Immediate Deferral of Near-Term Filing Deadlines at 1 (Jan. 11, 2017).

² Id. As part of this agreement, Entergy must submit to the NRC an amendment to its License Renewal Application that shortens the proposed terms of the renewed licenses for Units 2 and 3 to those established in the agreement. Id.

agreement on matters pending before the Board,” and 2) “to discuss the deferral of current filing dates pending the implementation of certain related terms of the settlement agreement.”³

In light of these events, the Board orders that all pending deadlines for filings in this proceeding be held in abeyance until further order of the Board.

Additionally, the Board directs each party to submit its availability for a telephone status conference on January 17 or 18, 2017. Such notice shall state at what times, if any, during that period a party would be unavailable and include an explanation of why they would be unavailable for the telephone conference. Additionally, in their response to this Order, the parties shall include a discussion of the issues that they believe should be discussed during the teleconference, keeping in mind that the Board intends to discuss, at minimum:

- 1) whether, and if so the date by which New York and Riverkeeper anticipate filing a joint motion to withdraw the Track 2 Contentions, and if these contentions are withdrawn, whether it will resolve litigation regarding baffle-former bolt failures;
- 2) the target date for Entergy to file the proposed amendment to its pending License Renewal Application, and whether the NRC Staff anticipates a need to provide Notice and Opportunity for Hearing on the License Renewal Application amendment (counsel should be prepared to advise the Board who will make that decision and provide a good faith estimate of the schedule for making that decision);
- 3) what, if any, entities have approved the settlement agreement to date, and what entities still must approve the agreement;

³ Id. at 2. The specific filing dates mentioned are the January 17, 2017 deadline for New York State and Riverkeeper to file supplemental testimony on baffle-former bolt issues, and the January 19, 2017 deadline for New York and Riverkeeper to file a report on status updates from Entergy and the NRC Staff regarding pending matters related to the Coastal Zone Management Act and the Clean Water Act.

- 4) what contingencies exist in the settlement agreement that would allow a party to withdraw from the agreement and the consequences to this proceeding and license renewal generally if such a contingency should occur; and
- 5) if the settlement agreement and the motion to withdraw the Track 2 Contentions are approved, what additional action must occur before the Commission can act on the License Renewal Application.

Such notice shall be submitted via email to the Board's law clerks (julie.reynolds-engel@nrc.gov and kimberly.hsu@nrc.gov) no later than 1:00 PM EST on January 13, 2017.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 12, 2017

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Holding Further Filings in Abeyance and Requesting Availability for Telephone Status Conference)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Brian Newell ____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of January, 2017