

July 25, 2007

Mr. Michael A. Balduzzi
Sr. Vice President & COO
Regional Operations, NE
Entergy Nuclear Operations
440 Hamilton Avenue
White Plains, NY 10601

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A HEARING REGARDING THE APPLICATION FROM ENTERGY NUCLEAR OPERATIONS, INC. FOR RENEWAL OF OPERATING LICENSES FOR INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3 (TAC NOS. MD5407 AND MD5408)

Dear Mr. Balduzzi:

By letter dated on April 23, 2007, as supplemented by letters dated May 3, and June 21, 2007, Entergy Nuclear Operations, Inc. (Entergy) submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for renewal of Operating Licenses Nos. DPR-26 and DPR-64 for Indian Point Nuclear Generating Unit Nos. 2 and 3. Notice of receipt of this license renewal application (LRA) was published in the *Federal Register* on May 11, 2007 (72 FR 26850). Following its receipt of the LRA, the NRC staff commenced a review of the LRA to determine its acceptability for docketing.

The NRC staff has reviewed your application following the guidance in NUREG-1800, Revision 1, "Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants," and NUREG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants." By letter dated June 18, 2007, the NRC staff issued a letter to Entergy regarding the status of our acceptance review. Therein, the staff informed Entergy that the current licensing basis (CLB) for Indian Point Nuclear Generating Unit No. 2 was not fully represented in the LRA in accordance with 10 CFR 54.4(a)(3). In this regard, the LRA did not include information on the gas turbines currently credited as an alternate power supply for the Appendix R, and for station blackout (SBO) events. By letter dated June 21, 2007, Entergy committed to having an Appendix R and SBO diesel generator installed and operational for Unit No. 2 by April 30, 2008. Entergy further stated that this committed change to the facility meets the requirements of 10 CFR 50.59(c)(1) and, therefore, a license amendment pursuant to 10 CFR 50.90 is not required.

The NRC staff has completed its acceptance review of the LRA, as supplemented, for Indian Point Nuclear Generating Unit Nos. 2 and 3. As a result of our review, the staff has determined that Entergy has submitted sufficient information in accordance with 10 CFR Sections 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and that the application is therefore acceptable for docketing. The staff's acceptance determination does not constitute a determination that a renewed license should be

issued, and does not preclude the staff from submitting such requests for additional information as the staff may determine are appropriate or necessary, as its review proceeds.

The NRC staff's safety and environmental review schedule for the Indian Point Nuclear Generating Unit Nos. 2 and 3 LRA is enclosed (Enclosure 1). The staff will follow established review procedures to complete the safety and environmental reviews required by 10 CFR Parts 54 and 51, respectively. Because of the pending installation of the diesel generator for Unit No. 2, the review schedule will be 27 months if no hearing is granted, and 35 months if a hearing is granted. Implementation of this schedule is conditioned upon the installation and operability of the Appendix R and SBO diesel generator, and receipt of information regarding any resulting changes to the LRA, by April 30, 2008. The NRC staff will make every effort to meet the enclosed schedule milestones. We request that you inform the staff as early as possible should potential changes arise in your support of the schedule.

Finally, we have also enclosed, for your information, a copy of the notice relating to your application that is being sent to the Office of the *Federal Register* for publication (Enclosure 2). This notice informs members of the public of their opportunity to request a hearing and to file a petition for leave to intervene in any adjudicatory proceeding regarding the LRA.

If you have any questions on this matter, please contact Bo Pham, License Renewal Senior Project Manager for Indian Point Nuclear Generating Unit Nos. 2 and 3, by telephone at 301-415-8450 or via e-mail at BMP@nrc.gov.

Sincerely,

/RA/

Pao-Tsin Kuo, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket No. 50-247 and 50-286

Enclosures:
As stated

cc w/encls: See next page

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If you have any questions on this matter, please contact Bo Pham, License Renewal Senior Project Manager for Indian Point Nuclear Generating Unit Nos. 2 and 3, by telephone at 301-415-8450 or via e-mail at BMP@nrc.gov.

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Pao-Tsin Kuo, Director
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cc w/encls: See next page

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ADAMS Accession No.: ML071900365

OFFICE	PM:REBB:DLR	LA:RLRA:DLR	OGC NLO
NAME	BPham	SFigueroa	Ewilliamson for STurk
DATE	07/25/07	07/25 /07	07/25/07
OFFICE	BC:RLRB:DLR	BC:REBB:DLR	D:DLR
NAME	RAuluck	RFranovich	PTKuo
DATE	07/25/07	07/25/07	07/25/07

OFFICIAL RECORD COPY

INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3
LICENSE RENEWAL APPLICATION REVIEW SCHEDULE

Milestone	Schedule	Actual
Receive License Renewal (LR) Application	4/30/07	4/30/07
Federal Register Notice (FRN) Published - Receipt & Availability	5/14/07	5/11/07
Public Meeting - LR Overview	6/27/07	6/27/07
FRN Published - Notice of Acceptability/Opportunity for Hearing	8/1/07	
FRN Published - Notice of Intent to Conduct Environmental Scoping	8/10/07	
Audit - Aging Management Programs (AMPs/TLAAs)	8/27-31/07	
Audit - Environmental	9/10-14/07	
Public Meeting - Environmental Scoping	9/19/07	
Audit - Scoping & Screening Methodology	10/9-12/07	
Deadline for Filing Hearing Requests and Petitions for Intervention	10/1/07	
Environmental Scoping Period Ends	10/12/07	
Environmental Requests for Additional Information (RAIs) Issued	12/10/07	
Audit - Aging Management Reviews (AMRs)	10/22-26/07	
Audit - 3rd Optional AMP/TLAA/AMR	11/26-30/07	
Environmental RAIs - Response Received	1/14/08	
Safety RAIs - Issued	12/14/07	
Safety RAI - Responses Received	1/17/08	
Inspection - Scoping Screening/AMP	1/28 - 2/1/08 2/11-15/08	
Entergy Commitment to install SBO/Appendix R Diesel Generator for Unit 2	4/30/08	
Inspection - Scoping Screening/AMP - Exit Meeting	TBD	
Draft Supplemental Environmental Impact Statement (SEIS) issued	7/25/08	
FRN Published - Availability / Comment on draft SEIS	8/4/08	
Public Meeting - draft SEIS	9/10/08	
Safety Evaluation Report (SER) with Open Items) - Issued	9/5/08	
End of draft SEIS Comment Period	10/20/08	
ACRS Subcommittee Meeting on SER with Open Items	10/08	
SER Open Items - Responses Received	11/3/08	
Final SEIS - Issued	4/3/09	
FRN Published - Availability of Final SEIS	4/13/09	
SER - Issued	3/27/09	
ACRS Full Committee Meeting on SER	5/09	
Staff Recommendation to Director, NRR	7/09	
NRR Director Decision (if no hearing is granted)	7/09	
Commission decision (if hearing is granted)	TBD	

UNITED STATES NUCLEAR REGULATORY COMMISSION
ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NOS. 2 AND 3
NOTICE OF ACCEPTANCE FOR DOCKETING OF THE APPLICATION
AND NOTICE OF OPPORTUNITY FOR HEARING REGARDING RENEWAL OF
FACILITY OPERATING LICENSE NOS. DPR-26 AND DPR-64
FOR AN ADDITIONAL 20-YEAR PERIOD
DOCKET NOS. 50-247 and 50-286

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering an application for the renewal of Operating License Nos. DPR-26 and DPR-64, which authorize Entergy Nuclear Operations, Inc., to operate Indian Point Nuclear Generating Unit Nos. 2 and 3, respectively, at 3216 megawatts thermal (MWt) for each unit. The renewed licenses would authorize the applicant to operate Indian Point Nuclear Generating Unit Nos. 2 and 3 for an additional 20 years beyond the period specified in the current licenses. The current operating licenses for Indian Point Nuclear Generating Unit Nos. 2 and 3 expire on September 9, 2013, and December 12, 2015, respectively.

Entergy Nuclear Operations, Inc. submitted the application dated April 23, 2007, as supplemented by letters dated May 3, 2007, and June 21, 2007, pursuant to 10 CFR Part 54, to renew Operating License Nos. DPR-26 and DPR-64 for Indian Point Nuclear Generating Unit Nos. 2 and 3, respectively. A Notice of Receipt and Availability of the license renewal application (LRA), "Entergy Nuclear Operations, Inc.; Notice of Receipt and Availability of Application for Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3; Facility Operating

Licenses Nos. DPR-26 and DPR-64 for an Additional 20-Year Period,” was published in the *Federal Register* on May 11, 2007 (72 FR 26850).

The Commission’s staff has determined that Entergy Nuclear Operations, Inc. has submitted sufficient information in accordance with 10 CFR Sections 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c) to enable the staff to undertake a review of the application, and the application is therefore acceptable for docketing. The current Docket Nos. 50-247 and 50-286 for Operating License Nos. DPR-26 and DPR-64, respectively, will be retained. The determination to accept the license renewal application for docketing does not constitute a determination that a renewed license should be issued, and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of each requested renewed license, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission’s rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB), and that any changes made to the plant’s CLB comply with the Act and the Commission’s regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission’s NUREG-1437, “Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants,” dated May 1996. In considering the license renewal application, the Commission must find that the

applicable requirements of Subpart A of 10 CFR Part 51 have been satisfied. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding the environmental scoping meeting will be the subject of a separate *Federal Register* notice.

Within 60 days after the date of publication of this *Federal Register* Notice, any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing or a petition for leave to intervene with respect to the renewal of the license. Requests for a hearing or petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 and is accessible from the NRC's Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail at pdr@nrc.gov. If a request for a hearing/petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed within the 60-day period, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR Parts 51 and 54, renew the license without further notice.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR Parts 51 and 54. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated in the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the requestor/petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.¹ Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these

¹To the extent that the application contains attachments and supporting documents that are not publicly available because they are asserted to contain safeguards or proprietary information, petitioners desiring access to this information should contact the applicant or applicant's counsel to discuss the need for a protective order.

requirements with respect to at least one contention will not be permitted to participate as a party.

The Commission requests that each contention be given a separate numeric or alpha designation within one of the following groups: (1) technical (primarily related to safety concerns); (2) environmental; or (3) miscellaneous.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention or propose substantially the same contention, the requestors/petitioners will be required to jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. A request for a hearing or a petition for leave to intervene must be filed by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, HEARINGDOCKET@NRC.GOV; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Rulemaking and Adjudications Staff at 301-415-1101 (verification number: 301-415-1966).² A copy of the request for hearing or petition for leave to intervene must also be sent to the Office of the General Counsel,

²If the request/petition is filed by e-mail or facsimile, an original and two copies of the document must be mailed within 2 (two) business days thereafter to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001; Attention: Rulemaking and Adjudications Staff.

U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. A copy of the request for hearing or petition for leave to intervene should also be sent to the Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition, request and/or contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at <http://www.nrc.gov/reactors/operating/licensing/renewal.html> on the NRC's Web site. Copies of the application to renew the operating licenses for Indian Point Nuclear Generating Unit Nos. 2 and 3, are available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852-2738, and at <http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html>, the NRC's Web site while the application is under review. The application may be accessed in ADAMS through the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/reading-rm/adams.html> under ADAMS Accession Numbers ML071210507, ML071280700, and ML071800318. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room (PDR) Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or by e-mail to pdr@nrc.gov.

The NRC staff has verified that a copy of the license renewal application is also available to local residents near Indian Point Nuclear Generating Unit Nos. 2 and 3 at the White Plains Public Library, 100 Martine Avenue, White Plains, NY 10601; the Field Library, 4 Nelson Avenue, Peekskill, NY 10566; and the Hendrick Hudson Free Library, 185 Kings Ferry Road, Montrose, NY 10548.

Dated at Rockville, Maryland, this 25th day of July, 2007.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Pao-Tsin Kuo, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Letter to Michael A. Balduzzi from P.T. Kuo dated July 25, 2007

SUBJECT: DETERMINATION OF ACCEPTABILITY AND SUFFICIENCY FOR
DOCKETING, PROPOSED REVIEW SCHEDULE, AND OPPORTUNITY FOR A
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AND MD5408)

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Indian Point Nuclear Generating
Unit Nos. 2 & 3

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Indian Point Nuclear Generating
Unit Nos. 2 & 3

-2-

cc:

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