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ADJUDICATIONS STAFF

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January 7, 2009

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Dr. Kaye D. Lathrop  
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Re: January 14, 2009 Prehearing Telephone Conference  
Entergy Indian Point Unit 2, LLC,  
Entergy Indian Point Unit 3, LLC, and  
Entergy Nuclear Operations, Inc.  
Indian Point Nuclear Generating Station, Unit 2 and Unit 3  
Docket Nos. 50-247-LR/50-286-LR; ASLBP No. 07-858-03-LR-BD01

Dear Administrative Judges:

The State of New York respectfully submits this letter in response to the Atomic Safety and Licensing Board's December 18, 2008 ruling that scheduled a prehearing conference and ruled on New York's Motion Requesting Consideration of Additional Matters.

New York agrees with the proposed list of issues for discussion at the January 14, 2009 prehearing telephone conference that Riverkeeper has submitted; for the sake of brevity, the State will not repeat those issues here.

New York wishes to provide additional information concerning the first listed item.

Discovery and Production of Computer Codes, Results of Computer Program Runs, and Site Specific Inputs, all in Native Format - The extent to which relevant computer codes together with site-specific inputs, will be made available to appropriate parties making such requests.

New York wishes to obtain the Melcor Accident Consequence Code System (MACCS) code and the site specific inputs used by NRC and Entergy for the license renewal applications for the Indian Point reactors. MACCS is used as part of the Significant Accident Mitigation Alternatives (SAMA) Analysis that, in turn, is part of the mandatory environmental review process that takes place under the National Environmental Policy Act (NEPA). The State of New York understands that the MACCS family of programs was developed by Sandia National Laboratories for the Nuclear Regulatory Commission.

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During a recent conference among the parties, NRC Staff indicated confusion about MACCS and suggested that it was "not my code" and that it might even be proprietary. In response, New York provides the following additional information:

According to the Sandia National Laboratories web site: "MELCOR is developed at Sandia National Laboratories for the U.S. Nuclear Regulatory Commission."<sup>1</sup> "Sandia is a government-owned/contractor operated (GOCO) facility. Sandia Corporation, a Lockheed Martin company, manages Sandia for the U.S. Department of Energy's National Nuclear Security Administration."<sup>2</sup> Thus, MACCS was paid for by American taxpayers and cannot be said to be proprietary.

"MELCOR is a fully integrated, engineering-level computer code that models the progression of severe accidents in light-water reactor nuclear power plants. . . . A broad spectrum of severe accident phenomena in both boiling and pressurized water reactors is treated in MELCOR in a unified framework."<sup>3</sup> Since MACCS was developed for the NRC, New York and other governmental entities and parties in this proceeding are entitled to the MACCS code and the site-specific inputs for the Indian Point reactors and the surrounding areas that are part of the NEPA review for this major federal action.

New York also wishes to raise a housekeeping issue:

Update of Active Parties List – On a going-forward basis, we seek an identification of which parties, individuals, and counsel need to be served with submissions to the ASLB.

Respectfully submitted,



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cc: Service List

<sup>1</sup> Available at <http://melcor.sandia.gov/> (last visited on January 7, 2009).

<sup>2</sup> Available at <http://www.sandia.gov/about/index.html> (last visited on January 7, 2009).

<sup>3</sup> Available at <http://melcor.sandia.gov/>.

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY LICENSING BOARD

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In re: Docket Nos. 50-247-LR and 50-286-LR  
License Renewal Application Submitted by ASLBP No. 07-858-03-LR-BD01  
Entergy Nuclear Indian Point 2, LLC, DPR-26, DPR-64  
Entergy Nuclear Indian Point 3, LLC, and  
Entergy Nuclear Operations, Inc. January 7, 2009  
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CERTIFICATE OF SERVICE

I certify that on January 7, 2009, a letter regarding issues to be discussed at the January 14, 2009 prehearing telephone conference was served on the following judges, law clerks, offices, organizations, attorneys, parties, and/or petitioners via e-mail and first-class U.S. Mail at the e-mail and street addresses that follow:

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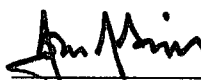
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Executed on:

January 7, 2009  
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