

RAS E-382

August 3, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED  
USNRC

August 4, 2010 (8:30 a.m.)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

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In the Matter of )  
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 )  
Entergy Nuclear Operations, Inc. )  
(Indian Point Nuclear Generating )  
Units 2 and 3) )  
\_\_\_\_\_ )

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

**RIVERKEEPER, INC. MOTION TO COMPEL DISCLOSURE OF  
DOCUMENTS RELEVANT TO RIVERKEEPER CONTENTION TC-2**

In accordance with 10 C.F.R. § 2.323 and the Atomic Safety and Licensing Board's ("ASLB") Scheduling Order dated July 1, 2010, Riverkeeper, Inc. ("Riverkeeper") hereby submits this motion to compel Entergy Nuclear Operations, Inc. ("Entergy") to disclose certain documents relevant to Riverkeeper Contention TC-2 – Flow Accelerated Corrosion ("RK-TC-2").<sup>1</sup> In particular, Entergy has heretofore failed to disclose certain documentation related to the implementation of the CHECWORKS computer code at Indian Point. For the following reasons, such documentation is relevant to Riverkeeper's admitted contention, and, thus, must be disclosed pursuant to the parties' mandatory disclosure obligations of 10 C.F.R. § 2.336(a)(2)(i).

**Background**

The above-captioned action relates to the license renewal proceeding initiated by Entergy in April 2007 to extend the operating licenses of Indian Point Units 2 and 3 for an additional 20

<sup>1</sup> See Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-0247-LR and 50-286-LR, ASLBP No. 07-858-03-LR-BD01, Scheduling Order (July 1, 2010), at 4-5 ("If the need to file a motion to compel arises, it shall be filed not later than twenty (20) days after the occurrence or circumstance that gives rise to the motion").

TEMPLATE = SECY 041

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years beyond their current licenses.<sup>2</sup> On November 30, 2007, Riverkeeper filed a Request for Hearing and Petition to Intervene in the proceeding, asserting, *inter alia*, a technical safety contention, RK-TC-2, challenging the sufficiency of Entergy's plan to adequately manage an aging phenomenon known as "flow accelerated corrosion."<sup>3</sup> The ASLB's ruling on contention admissibility dated July 31, 2008 admitted RK-TC-2 for an adjudicatory hearing.<sup>4</sup> As properly characterized by the ASLB, RK-TC-2 contends, in pertinent part for the instant motion, that "Entergy's program relies on the results from CHECWORKS without benchmarking or a track record of performance at IPEC's power uprate levels."<sup>5</sup>

### **Disclosure Dispute**

In accordance with the mandatory disclosure obligations of 10 C.F.R. § 2.336, the parties in this proceeding have provided each other with disclosure logs, initially on January 30, 2009 and thereafter on a monthly basis, identifying documents relevant to the admitted contentions. Since the submission of such disclosure logs began, Riverkeeper has requested, and Entergy has provided, all documents Entergy has identified as relevant to RK-TC-2. Riverkeeper's initial review of the documentation provided revealed, *inter alia*, a limited and incomplete disclosure of reports related to the use of the CHECWORKS computer code. In particular, Entergy's disclosures had not included any CHECWORKS related documentation in relation to Indian Point Unit 2 refueling outages 18, 15, 13, or earlier, and Indian Point Unit 3 refueling outages 15, 12, 11, 10, or earlier.

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<sup>2</sup> See U.S. Nuclear Regulatory Commission, Indian Point Nuclear Generating Unit Nos. 2 and 3 - License Renewal Application, <http://www.nrc.gov/reactors/operating/licensing/renewal/applications/indian-point.html> (last visited August 3, 2010).

<sup>3</sup> Riverkeeper, Inc.'s Request for Hearing and Petition to Intervene in Indian Point License Renewal Proceeding (November 30, 2007), at 15-23.

<sup>4</sup> Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-0247-LR and 50-286-LR, ASLBP No. 07-858-03-LR-BD01, LBP-08-13, Memorandum and Order (Ruling on Petitions to Intervene and Requests for Hearing) (July 31, 2008), ADAMS Accession No. ML082130436, at 162-69.

<sup>5</sup> *Id.* at 169.

By letter dated April 2, 2010, (a copy of which is annexed to this motion as Attachment A) Riverkeeper inquired about the apparently incomplete disclosure, and requested any such documents if they existed since they are relevant to RK-TC-2.<sup>6</sup> On May 14, 2010, Entergy responded, objecting to Riverkeeper's request for documents related to CHECWORKS modeling for IP2 and IP3 for timeframes prior to the power uprates that occurred in 2004 and 2005, respectively. Entergy's letter maintained that such documents were not relevant to RK-TC-2. Accordingly, Entergy did not provide documentation in relation to timeframes prior to the power uprates as per Riverkeeper's request.<sup>7</sup> A copy of Entergy's letter response dated May 14 is annexed hereto as Attachment B.

In an effort to resolve this point of disagreement without intervention from the ASLB, by letter dated June 25, 2010 (a copy of which is annexed to this motion as Attachment C), Riverkeeper explained its position regarding the relevance of any CHECWORKS related documentation, and reiterated its request for such documents in accordance with the parties' mandatory disclosure obligations.<sup>8</sup> Subsequently, counsel for Entergy indicated a willingness to further discuss Riverkeeper's request, and accordingly, the parties convened a conference call on July 1, 2010. On this call, Entergy explained that, as a compromise, it would be willing to disclose CHECWORKS related documentation for two additional outages predating the power uprates. After communicating with our expert, on July 8, 2010, via e-mail, Riverkeeper advised counsel for Entergy that, while appreciative of Entergy's willingness to provide such documentation, Riverkeeper maintained that *any* documentation related to implementation of

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<sup>6</sup> See Attachment A at 1-2.

<sup>7</sup> Entergy did provide some documentation in relation to a CHECWORKS report from 2001 and one from 2002 in response to specific inquiry regarding a report Entergy had already provided. See Attachment A at Request No. 7, and Attachment B at #7.

<sup>8</sup> See Attachment C at 1-2.

CHECWORKS is relevant to RK-TC-2 and should, thus, be provided. A copy of this e-mail is annexed hereto as Exhibit D.

Thereafter, on July 14, 2010, Entergy responded in writing to Riverkeeper's June 25, 2010 inquiry. A copy of Entergy's letter is annexed hereto as Attachment E. Entergy's response indicates that based upon a reasonable search of documents within Entergy's possession, custody and control, that no further documentation beyond what Entergy had already provided in relation to implementation of CHECWORKS at Unit 2 was found.<sup>9</sup> Entergy also provided some additional CHECWORKS documentation in relation to Unit 3 and explained that, as indicated on the July 1 conference call, it intended to disclose all available documentation related to CHECWORKS for Unit 3 dating to 2001, but no earlier documentation.

Entergy's failure to disclose all available documentation for Unit 3 predating the 2001 timeframe has resulted in an impasse which has necessitated the instant motion.

### **Argument**

Mandatory disclosure obligations pursuant to 10 C.F.R. § 2.336(a)(2)(i) require the disclosure of "all documents and data compilations in the possession, custody, or control of the party that are relevant to the contentions." Riverkeeper maintains that any and all documentation related to the implementation of CHECWORKS at Indian Point is relevant to RK-TC-2, and, thus, must be disclosed. In pertinent part, RK-TC-2 questions the sufficiency of the benchmarking of the CHECWORKS code at the 2004 and 2005 uprated power levels. Entergy maintains that, accordingly, only CHECWORKS reports post-dating the power uprates are relevant to the admitted contention. However, Entergy has taken an improperly narrow view of the scope of documents that are relevant to RK-TC-2.

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<sup>9</sup> Thus, based on representations of Entergy's counsel, ostensibly, no CHECWORKS documentation related to Unit 2 prior to 2000 exists.

Generally, “relevance” is a broad concept. Relevant documents encompass not just those which may be material or actually used during a hearing, but rather, any documents that can assist a party’s preparation of their case.<sup>10</sup> This broad understanding of relevance is consistent with the discovery scheme established by NRC regulations. Indeed, when the Commission adopted the current version of Part 2 it essentially made clear that the new regulations would assure any party to a licensing proceeding it would receive all the documents needed to effectively pursue its claims:

At the foundation of the Commission’s approach are the provisions in Subparts C and G which provide for mandatory disclosure of a *wide range of information, documents, and tangible things relevant to the contested matter* in the proceeding. . . . [I]n view of the general availability of licensing and regulatory documents under NRC regulatory practice, it is not clear that discovery is needed in most NRC adjudications beyond the mandatory disclosures required by Subpart C.<sup>11</sup>

The Commission’s explanation of the broad discovery scheme further states that “the parties will have sufficient information available to prepare their cases.”<sup>12</sup>

Under such a rubric, in the instant proceeding, information pertaining to the historic use of the CHECWORKS computer code must undoubtedly be disclosed as “relevant” to admitted contention RK-TC-2. In particular, RK-TC-2 maintains, *inter alia*, that the CHECWORKS code is not properly calibrated in light of the power uprates and is, thus, not a proper tool to predict inspection scope and necessary maintenance during the entire proposed period of extended operation. Accordingly, in order to assess the additional time that is required to calibrate the

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<sup>10</sup> See, e.g., *Smith v. Schlesinger*, 513 F.2d 462 (D.C. Cir. 1975) (discussing relevance and how a party may discover information if such information will have some probable effect on the organization and presentation of the party’s case and will otherwise aid in his or her preparation for trial); *La Chemise Lacoste v. Alligator Co.*, 60 F.R.D. 164 (D. Del. 1973) (discussing how, under the concept of relevancy, discovery should ordinarily be allowed, unless it is clear that the information sought can have no possible bearing upon the subject matter of the action); see also *U.S. v. IBM Corp.*, 66 F.R.D. 219 (S.D. N.Y. 1974); *Biliske v. American Live Stock Ins. Co.*, 73 F.R.D. 124 (W.D. Okla. 1977); *Pacific Tel. & Tel. Co. v. Superior Court*, 2 Cal. 3d 161, 84 Cal. Rptr. 718, 465 P.2d 854 (1970).

<sup>11</sup> Statement of Considerations, Changes to Adjudicatory Process (69 Fed. Reg. 2182) at 2194 (emphasis added).

<sup>12</sup> *Id.* at 2188.

code before it can be used reliably, it is necessary to examine how long it took to calibrate previously, and how accurate the calibration was prior to the power uprates. Moreover, Entergy justifies its use of CHECWORKS based upon the premise that the calibration of the code is continuously improving as more and more data becomes available. Notably, most of the data on flow accelerated corrosion at Indian Point was generated prior the uprates, and is, therefore, critical toward fully understanding the CHECWORKS model which Entergy proposes to rely upon for an additional 20 years.

In sum, the information that is the subject of the instant motion is clearly relevant, since it will assist Riverkeeper's ability to properly assess and put in perspective the CHECWORKS data produced after the power uprates, and, thus, accurately evaluate the adequacy of the calibration of the CHECWORKS model.

#### **Conclusion**

Based on the foregoing, Riverkeeper respectfully submits that the ASLB compel Entergy to disclose any and all documentation related to the implementation of the CHECWORKS computer code heretofore undisclosed, in particular, any and all reports for Unit 3 prior to 2001.

#### **Certification**

Pursuant to 10 C.F.R. § 2.323(b), I certify that I have made a sincere effort to contact Entergy to resolve the issue raised in this motion. As evidenced from the discussions above, and the attachments provided, Riverkeeper and Entergy have engaged in several discussions concerning our relative positions on this matter and have been unable to fully work out our differences. I further contacted counsel for Entergy, Kathryn Sutton and Jonathan Rund in the early afternoon of August 3, 2010 to advise of Riverkeeper's intention to file the instant motion, at which time Entergy continued to maintain its position on this matter. The parties agreed that

the lengthy good faith efforts of both parties to fully resolve the issue raised in this motion had proved unsuccessful.

Respectfully submitted,

*Deborah Brancato for*

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August 3, 2010

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
Entergy Nuclear Operations, Inc.	)	Docket Nos.
(Indian Point Nuclear Generating	)	50-247-LR
Units 2 and 3)	)	and 50-286-LR

**CERTIFICATE OF SERVICE**

I certify that on August 3, 2010 copies of the foregoing Riverkeeper, Inc. Motion to Compel Disclosure of Documents Relevant to Riverkeeper Contention TC-2, were served on the following by first-class mail and e-mail:

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Deborah Brancato

August 3, 2010

# **ATTACHMENT A**



## RIVERKEEPER

VIA FIRST CLASS MAIL AND E-MAIL

April 2, 2010

Kathryn M. Sutton, Esq.  
Paul M. Bessette, Esq.  
Jonathan M. Rund, Esq.  
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Re: Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR, 50-286-LR

Dear Counselors:

Based upon the receipt and review of the documents Entergy has disclosed to date relating to Riverkeeper Contention TC-2 (Flow Accelerated Corrosion), Riverkeeper has the following questions, requests for clarification, and/or requests for additional documents:

1. Entergy's disclosures related to Riverkeeper Contention TC-2 have included several reports related to CHECWORKS modeling at Indian Point. These reports purportedly calibrate the CHECWORKS model with data from a relevant refueling outage, and provide wear prediction analyses, including comparisons of CHECWORKS model predictions with measured plant data. Such reports, or at least portions thereof (see further inquires below), appear to only have been provided in relation to the following refueling outages:
  - Indian Point Unit 2 refueling outage 14 (*see* Flow Accelerated Corrosion Program CHECWORKS Analysis Enhancement, Technical Report No. 00130-TR-001, Revision 0, Prepared by Altran Corp. for Consolidated Edison Company of New York, Inc., Indian Point Unit 2, December 2000 (provided in about 21 separate TIF files)),
  - Indian Point Unit 2 refueling outage 16 (*see* Indian Point Unit 2 CHECWORKS FAC Model, Calculation No. 050714b-01, Revision 0, dated July 5, 2005 (provided in about 5 separate TIF files)),
  - Indian Point Unit 2 refueling outage 17 (*see* Indian Point Unit 2 CHECWORKS FAC Model, Calculation No. 050714b-01, Revision 1, dated September 12, 2006 (provided in about 11 separate TIF files));
  - Indian Point Unit 3 refueling outage 13 (*see* Indian Point Unit 3 CHECWORKS FAC Model, Calculation No. 050714c-01, Revision 0, dated October 25, 2005, (provided in about 9 separate TIF files));



- Indian Point Unit 3 refueling outage 14 (*see* Indian Point Unit 3 CHECWORKS SFA Model, Calculation No. 0705.100-01, Revision 0 (provided in about 13 separate TIF files)).

Accordingly, can you explain whether such reports, or documentation with equivalent information, (*inter alia*, CHECWORKS, or other computer code, wear predictions calibrated to the relevant outage data, and comparisons of such predictions to measured plant data), exist in relation to Indian Point Unit 2 refueling outages 18, 15, 13, or earlier, and Indian Point Unit 3 refueling outages 15, 12, 11, 10, or earlier. If such reports or documentation do exist, Riverkeeper hereby requests copies of such documents due to their relevance to Riverkeeper Contention TC-2. If they do not exist, can you please explain why?

Entergy did provide some CHECWORKS modeling reports related to specific plant systems for earlier IP Unit 3 outages. *See, e.g.* Entergy batestamp IPEC00165738. Generally, can you explain the extent to which such system-specific FAC modeling reports may have been applicable, as opposed to the general reports encompassing all relevant systems, like those referenced above? To the extent general reports exist for the outages inquired about above in addition to any system-specific reports, please provide per the request in the preceding paragraph. If it is the case that only individual system-specific reports were generated for certain/earlier outages, it would still appear that not all relevant reports have been disclosed, since only reports for some years were provided for IP3 (for example, the revision numbers of these reports indicate earlier versions exist), and only for some plant systems, and no such system-specific reports were disclosed in relation to IP Unit 2. As such, can you please explain whether further system-specific FAC modeling reports exist, and if so, provide accordingly? If such reports do not exist, please explain why.

2. The above-mentioned report entitled Flow Accelerated Corrosion Program CHECWORKS Analysis Enhancement (Technical Report No. 00130-TR-001, Revision 0), Prepared by Altran Corp. for Consolidated Edison Company of New York, Inc., Indian Point Unit 2 and dated December 2000, which was provided in about 21 separate TIF files, references appendices A through E that accompanied the report, *see* Entergy batestamp IPEC00024138. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that Appendix D to this report was not provided. Furthermore, the first pages of Appendices B and C also have also not been provided, *see* Entergy batestamp IPEC00024152 (starting on page B-2), and Entergy batestamp IPEC00024280 (starting on page C-2). Can you please explain whether these apparently missing portions of this report exist, and if so, provide accordingly? If the missing portions of this report do not exist, please explain why.
3. Entergy has provided a one-page document consisting of a cover letter referencing the enclosure of a report entitled, "Indian Point Unit 2 Flow Accelerated Corrosion Program CHECWORKS Database," ostensibly an update to Technical Report No. 00130-TR-001, Revision 0, Prepared by Altran Corp. for Consolidated Edison Company of New York, Inc., Indian Point Unit 2, *see* Entergy batestamp IPEC00024132. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that the referenced document has not been provided. Can you please explain whether the referenced update exists, and if so, provide accordingly? If the document does not exist, please explain why.
4. The above-mentioned report entitled Indian Point Unit 2 CHECWORKS FAC Model (Calculation No. 050714b-01, Revision 0), dated July 5, 2005, references that appendices A through I accompanied the report. *See* Entergy batestamp IPEC00024460. However, it appears that the document provided has omitted Appendices H and I (Pass 1 and Pass 2 Wear Rate Analyses) and that appendices H and I have not otherwise been provided as separate documents in Entergy's disclosures. Please provide these appendices accordingly, or, if they do not exist, please explain why. Moreover, Entergy's disclosures related to Riverkeeper Contention TC-2 included two short documents that

appear to be excerpts from this report, but are labeled as "Revision A" (see Entergy batestamp IPEC00020003 and Entergy batestamp IPEC00020029). No other full version of "Revision A" of this report appears to have been provided. Can you please explain the applicability of this other revision as it related to the CHECWORKS calculation being performed at the time? If this latter revision was applicable over "Revision 0" in relation to this specific calculation, please provide the full document accordingly, or if it does not exist, please explain why.

5. Entergy has provided a document consisting of a cover letter referencing two reports entitled "Indian Point Unit 2 CHECWORKS SFA Conversion," and Indian Point Unit 3 CHECWORKS SFA Conversion." See Entergy batestamp IPEC00028320. Entergy has further provided the covers of these reports, and other documents referencing these reports. See Entergy batestamps IPEC00024407, IPEC00028316, IPEC00028323, IPEC00028324, IPEC00024409. However, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that the actual referenced reports have not been provided. Can you please explain whether these reports exists, and if so, provide accordingly? If the document does not exist, please explain why.
6. The above-mentioned report entitled Indian Point Unit 3 CHECWORKS FAC Model, Calculation No. 050714c-01, Revision 0, dated October 25, 2005, which was provided in about 9 separate TIF files, references that appendices A through I accompanied the report, see IPEC00028936. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that Appendices C and D to this report were not provided. Can you please explain whether these apparently missing portions of this report exist, and if so, provide accordingly? If the missing portions of this report do not exist, please explain why.
7. A document provided by Entergy, described in Entergy's disclosures as "94-10.1-05 CHECWORKS Global Input, Rev. 2," appears to be an amalgam of different pages of the document cutting off other pages of the document, see Entergy batestamp IPEC000169708. Given the visibility of the pages of the report, it is apparent that it is not an accurate/complete version. Can you please explain whether such an accurate/complete version of this report exists, and, if so, provide accordingly? If no such version exists, please explain why. Moreover, as this document was labeled "revision 2" of this report, can you explain whether other "Global Input" reports exist for IP3, or whether any exist at all for IP2, and, if so, provide accordingly?
8. The above-mentioned report entitled Indian Point Unit 3 CHECWORKS SFA Model, Calculation No. 0705.100-01, Revision 0 was provided in about 13 separate TIF files. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that, while a cover letter, various appendices, and control sheets were disclosed, the main body portion of this report has not been provided. Can you please explain whether the main body of this report exists, and if so, provide accordingly? If the document does not exist, please explain why.
9. Entergy provided two documents containing charts of component wear rate data, see Entergy batestamps IPEC00068869, IPEC00068871. As these documents are solely data charts, they appear to be without proper context. Accordingly, can you please explain and/or provide the context with which to view these two documents?
10. Entergy has provided two documents pertaining to the scope of FAC inspections during Indian Point Unit 3 refueling outage 13, see Entergy batestamp IPEC00020278, IPEC00020269. These reports document how the inspection points were chosen for this particular outage in a detailed manner. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that no such documentation was provided for any other FAC inspections performed at Indian Point Units 2 or 3. While Entergy did provide some FAC inspection lists for other outages that may reference the reason

an inspection point was chosen, and several documents state the various reasons why inspection points were collectively chosen, no document provides the degree of detail seen in the document identified above regarding FAC inspection scopes. Accordingly, can you please explain whether any documentation breaking down the specific reasons why particular inspection points were chosen exist for all other FAC inspections performed at Indian Point, and, if so, provide accordingly. If such documentation does not exist, please explain why.

Similarly, Entergy has provided inspection point selection worksheets relating to operating experience, for FAC inspections performed at Indian Point Unit 2 during refueling outage 18, and at Indian point Unit 3 during refueling outage 15, *see* Entergy batestamps IPEC00195220, IPEC00195230, respectively. Can you please explain whether such documentation exists in relation to any other FAC inspections performed at Indian Point, and whether similar individual "worksheets" exist in relation to other inspection scope determinations (for example, points chosen because of "engineering judgment" or any of the other reasons inspection points are chosen?). If so, please provide accordingly.

11. Entergy has provided a report relating to steam trap system FAC inspection locations to be performed during Indian Point Unit 2 refueling outage 13, *see* Entergy batestamp IPEC00021300. However, no other documentation regarding this FAC inspection appears to have been provided, including but not limited to inspection scope determination documentation, inspection point lists, any detailed FAC inspection/outage summary reports (*see, e.g.,* Entergy batestamps IPEC00164872, IPEC00024737), ultrasonic testing data, work orders, condition reports generated, corrective action documentation, other relevant calculations (for example, minimum pipe thickness requirements), an inspection scope self-assessment (*see, e.g.,* Entergy batestamp IPEC00092914) and the like. Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
12. Entergy has provided some documentation referencing a FAC inspection which was performed at Indian Point Unit 2 during refueling outage 14, *see, e.g.,* Entergy batestamps IPEC00021556, IPEC00019985. However, no other documentation regarding this FAC inspection appears to have been provided, including but not limited to inspection scope determination documentation, inspection point lists, any detailed FAC inspection/outage summary reports (*see, e.g.,* Entergy batestamps IPEC00164872, IPEC00024737), ultrasonic testing data, work orders, all relevant condition reports generated, corrective action documentation, other relevant calculations (for example, minimum thickness requirements), an inspection scope self-assessment (*see, e.g.,* Entergy batestamp IPEC00092914), and the like. Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
13. Entergy has provided some documentation pertaining to a FAC inspection performed at Indian Point Unit 2 during refueling outage 15, *see, e.g.,* Entergy batestamp IPEC00019980. However, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: inspection scope determination documentation, any detailed FAC inspection/outage summary reports (*see, e.g.,* Entergy batestamps IPEC00164872, IPEC00024737), ultrasonic testing data, work orders, condition reports generated, corrective action documentation, other relevant calculations (for example, minimum thickness requirements), or an inspection scope self-assessment (*see, e.g.,* Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
14. Entergy has provided two documents consisting of apparent covers of reports prepared as a result of FAC inspections performed at Indian Point Unit 2 during refueling outage 16. *See* Entergy batestamp

IPEC00023707, IPEC00023708. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that no body of this report has been provided. Can you explain whether any such report exists, and, if so, provide accordingly. If such report does not exist, please explain why. Moreover, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to the FAC inspection at IP2 during refueling outage 16 has not been provided: inspection scope determination documentation, any detailed FAC inspection/outage summary reports (*see, e.g.*, Entergy batestamps IPEC00164872, IPEC00024737), corrective action documentation, or inspection scope self-assessment reports (*see, e.g.*, Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.

15. Entergy has provided two documents consisting of apparent covers of reports prepared as a result of FAC inspections performed at Indian Point Unit 2 during refueling outage 17. *See* Entergy batestamp IPEC00022607, IPEC00022608. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that no body of this report has been provided. Can you explain whether any such report exists, and, if so, provide accordingly. If such reports do not exist, please explain why.
16. Entergy has provided various documents pertaining to the FAC inspection performed at Indian Point Unit 2 during refueling outage 18. However, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: all relevant inspection scope determination documentation, inspection point lists, all relevant condition reports generated, work orders, corrective action documentation, or other relevant calculations (for example, minimum pipe thickness requirements). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
17. Entergy has provided two documents consisting of apparent covers of reports prepared as a result of FAC inspections performed at Indian Point Unit 3 during refueling outage 10. *See* Entergy batestamps IPEC00021602, IPEC00024401, IPEC00022371. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that no body of this report has been provided. Can you explain whether any such report exists, and, if so, provide accordingly. If such reports do not exist, please explain why. Moreover, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: inspection scope determination documentation, inspection point lists, any detailed FAC inspection/outage summary reports (*see, e.g.*, Entergy batestamps IPEC00164872, IPEC00024737), work orders, condition reports generated, corrective action documentation, other relevant calculations (for example, minimum pipe thickness requirements), or an inspection scope self-assessment (*see, e.g.*, Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
18. Entergy has provided documents consisting of an apparent cover of a report, as well as tables of contents of reports prepared as a result of FAC inspections performed at Indian Point Unit 3 during refueling outage 11. *See* Entergy batestamps IPEC00027215, IPEC00027220, IPEC00027221. A review of Entergy's disclosures related to Riverkeeper Contention TC-2 has revealed that no body of this report has been provided. Can you explain whether any such report exists, and, if so, provide accordingly. If such reports do not exist, please explain why. Moreover, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: inspection scope determination documentation, inspection point lists, any detailed FAC inspection/outage summary reports (*see, e.g.*,



Entergy batestamps IPEC00164872, IPEC00024737), work orders, condition reports generated, corrective action documentation, ultrasonic testing data, relevant calculations (for example, minimum pipe thickness requirements), or an inspection scope self-assessment (*see, e.g.*, Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.

19. Entergy has provided some documentation pertaining to the FAC inspection performed at Indian Point Unit 3 during refueling outage 12. One such document appears to be a table of contents for ostensibly a report regarding this FAC inspection, *see* Entergy batestamp IPEC00020716. However, no corresponding report appears to have been provided. Can you please explain whether a corresponding report exists, and, if so, provide accordingly? Moreover, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: inspection scope determination documentation, inspection point lists, any detailed FAC inspection/outage summary reports (*see, e.g.*, Entergy batestamps IPEC00164872, IPEC00024737), work orders, condition reports generated (only a list of condition reports is provided, *see* Entergy batestamp IPEC00020803), corrective action documentation, other relevant calculations (for example, minimum pipe thickness requirements), or an inspection scope self-assessment (*see, e.g.*, Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
20. Entergy has provided some documentation pertaining to the FAC inspection performed at Indian Point Unit 3 during refueling outage 13. However, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: any detailed FAC inspection/outage summary reports (*see, e.g.*, Entergy batestamps IPEC00164872, IPEC00024737), ultrasonic testing data, work orders, all relevant condition reports generated, corrective action documentation, other relevant calculations (for example, minimum pipe thickness requirements for all inspection points; here such a calculation for only certain lines was provided, *see* IPEC00185268), or an inspection scope self-assessment (*see, e.g.*, Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
21. Entergy has provided some documentation pertaining to the FAC inspection performed at Indian Point Unit 3 during refueling outage 14. However, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: inspection scope determination documentation, or any detailed FAC inspection/outage summary reports (*see, e.g.*, Entergy batestamps IPEC00164872, IPEC00024737). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.
22. Entergy has provided some documentation pertaining to the FAC inspection performed at Indian Point Unit 3 during refueling outage 15. However, a review of Entergy's disclosures related to Riverkeeper Contention TC-2 reveals that the following documentation pertaining to this FAC inspection has not been provided: all relevant inspection scope determination documentation, ultrasonic testing data, work orders, condition reports generated, corrective action documentation, other relevant calculations (for example, minimum pipe thickness requirements), or an inspection scope self-assessment (*see, e.g.*, Entergy batestamp IPEC00092914). Can you explain whether any such documentation exists, and, if so, provide accordingly. If such documentation does not exist, please explain why.

23. Entergy provided numerous ultrasonic examination reports related to Indian Point Unit 3, from 1997. Can you please explain if this was in relation to a particular FAC inspection? If such is the case, it is apparent that no other documentation whatsoever was provided regarding a FAC inspection in that timeframe. If any such documentation exists, please provide accordingly. If such documentation does not exist, please explain why.

Should you require any clarification regarding any of the above inquiries, please do not hesitate to contact me at (914) 478-4501, or via e-mail at [dbrancato@riverkeeper.org](mailto:dbrancato@riverkeeper.org).

Sincerely,



Deborah Brancato  
Staff Attorney

# **ATTACHMENT B**

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May 14, 2010

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Re: *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3),  
Docket Nos. 50-247-LR and 50-286-LR

This is a response, on behalf of Entergy Nuclear Operations, Inc. ("Entergy"), to your letter dated April 2, 2010 seeking clarification regarding certain of Entergy's disclosures relating to Riverkeeper Contention TC-2. As an initial matter, Riverkeeper Contention TC-2, as admitted by the Board, addresses only (1) whether the flow accelerated corrosion (FAC) aging management program (AMP) for the license renewal period contains sufficient detail; and (2) whether Entergy's AMP relies on the results from the CHECWORKS program without benchmarking to address the IP2 power uprate that occurred in 2004 and the IP3 power uprate that occurred in 2005. *See* LBP-08-13, 68 NRC 43, 177 (2008). Therefore, Entergy objects to your various requests for documents related to the FAC program or CHECWORKS modeling for IP2 prior to outage 16, which was in 2004, and for IP3 prior to outage 13, which was in 2005, as not relevant to the admitted contention.

While Entergy has, in the course of its various document productions, disclosed certain FAC-related documents issued before IP2 outage 16 and IP3 outage 13, Entergy expressly indicated that "Entergy has been conservative in identifying documents for inclusion in its mandatory disclosure logs" and that, "[b]y producing the enclosed documents, Entergy does not necessarily concede that the documents are in fact relevant or material to the admitted contentions." Nevertheless, as described further below, in the spirit of cooperation and good faith, Entergy is providing additional information, including complete copies of certain documents, as it relates to documents already produced. Entergy, however, is not obligated to disclose additional

documents that are not relevant to the admitted contention or that are beyond the scope of the admitted contention.

The responses below correspond to the individual numbered requests in your April 2, 2010 letter.

1. Entergy acknowledges that the document production process associated with certain reports referenced in your letter may have caused some confusion on your part. For example, as a result of the process used by the vendor that scanned these reports, various portions of the reports were inadvertently scanned and produced as separate electronic files. Although most of the individual portions of these reports were previously produced to Riverkeeper, we are now providing you with full copies of these reports to avoid any confusion regarding their organization and contents. Specifically, we are providing you with complete copies of the following reports relevant to the admitted contention:

Unit #	Outage #	Document Title	File Name	Previous Log Entry #'s
2	18	Indian Point Unit 2, CHECWORKS SFA Model, CSI Calculation No. 0705.101-01, Rev. 0 (Nov. 17, 2008)	IPE00057889	
2	SFA Conversion	CHECWORKS SFA Conversion, Indian Point Unit 2, Calculation No. 0719-01, Rev. 0 (July 27, 2007)	IP00045969	2001-2002
2	17	CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 1 (Sept. 12, 2006), Vol. I and Vol. II	IP00059038 and IP00057750	2706, 2708-2715, 8122-8123
2	16	CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 0 (July 5, 2005), Vol. I and Vol. II	IP00046928 and IP00058450	2004-2005
2	UPRATE	Indian Point Unit 2, CHECWORKS Power Uprate Analysis, Calculation No. 040711-02, Rev. 0 (Mar. 23, 2005)	IPE00000398	2730

Unit #	Outage #	Document Title	File Name	Previous Log Entry #'s
3	15	Indian Point Unit 3, CHECWORKS SFA Model, Calculation No. 0705.100-01, Rev. 1 (Feb. 12, 2010)	IPEC3 Pass2 Calc Rev1	
3	14	CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 0705.100-01, Rev. 0 (Nov. 14, 2007), Vol. 1 and Vol. 2	IP00055542 and IP00054269	2557-2558, 2564-2565
3	SFA Conversion	CHECWORKS SFA Conversion, Indian Point Unit 3, Calculation No. 0719-02, Rev. 0 (July 27, 2007)	IP00055341	2559-2563
3	13	CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 050714c-01, Rev. 0 (Oct. 25, 2005)	IP00056727	2696-2705
3	UPRATE	Indian Point Unit 3, CHECWORKS Power Uprate Analysis, Calculation No. 040711-01, Rev. 0 (Mar. 23, 2005)	IPE00000397	2729

2. As explained above, IP2 CHECWORKS reports generated in 2000—well before the 2004 uprate—are not relevant to your admitted contention. Nonetheless, in the spirit of cooperation but without waiving this objection or conceding that this report is relevant or material to the admitted contentions, Entergy is providing you with a complete PDF copy of Flow Accelerated Corrosion Program CHECWORKS Analysis Enhancement, Technical Report No. 00130-TR-001, Rev. 0 (Dec. 2000) (IP00044822), which includes Appendix D and Pages B-1 and C-1.
3. As explained above, IP2 CHECWORKS documents generated in 2000—well before the 2004 uprate—are not relevant to your admitted contention. Nonetheless, in the spirit of cooperation but without waiving this objection or conceding that this information is relevant or material to the admitted contentions, Entergy notes that the “Flow Accelerated Corrosion Program CHECWORKS Database” referenced in your letter refers to information contained in the appendices of Flow Accelerated Corrosion Program CHECWORKS Analysis Enhancement, Technical Report No. 00130-TR-001, Rev. 0 (Dec. 2000) (IP00044822). As noted above, we are providing you with a complete PDF copy of this report.
4. As noted above, we are providing you with a complete PDF copy of CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 0 (July 5, 2005), Vol. I and Vol. II (IP00046928 and IP00058450, respectively), which includes Appendices H and I. The next applicable version of this document was CHECWORKS FAC Model,

Indian Point Unit 2, Calculation No. 050714b-01, Rev. 1 (Sept. 12, 2006), Vol. I and Vol. II (IP00059038 and IP00057750, respectively). As noted above, we are providing you with a complete PDF copy of this document as well. Furthermore, we note that "Revision A" of CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01 is a partial draft revision of Calculation No. 050714b-01. Pursuant to the agreement among the parties, as submitted to the Board on January 13, 2009, Entergy is not required to produce draft documents. Nonetheless, based on a reasonable search of documents in Entergy's possession, custody, or control, we have previously disclosed all portions of draft "Revision A."

5. As noted above, we are providing you with complete PDF copies of CHECWORKS SFA Conversion, Indian Point Unit 2, Calculation No. 0719-01, Rev. 0 (July 27, 2007) and CHECWORKS SFA Conversion, Indian Point Unit 3, Calculation No. 0719-02, Rev. 0 (July 27, 2007) (IP00045969 and IP00055341, respectively).
6. As noted above, we are providing you with a complete PDF copy of CHECWORKS FAC Model, Indian Point 3, Calculation No. 050714c-01, Rev. 0 (Oct. 25, 2005) (IP00056727).
7. The description for Entergy Bates Number IPEC00169708 should have referenced Revision 1 of Indian Point 3 Nuclear Power Plant, CHECWORKS Global Input, Calculation No. 94-10.1-05 (Apr. 18, 2001), rather than Revision 2. However, as explained above, IP2 CHECWORKS information generated in 2001—well before the 2004 uprate—is not relevant to your admitted contention. Without waiving this objection or conceding that this information is relevant or material to your admitted contentions, we are providing you with a copy of this document in its native PDF format (IPE0062103). Furthermore, without waiving this objection or conceding that this report is relevant or material to the admitted contentions, Entergy also is providing you with a complete PDF copy of Revision 2 of Indian Point 3 Nuclear Power Plant, CHECWORKS Global Input, Calculation No. 94-10.1-05 (Nov. 27, 2002) (94-10.1-05-r2).
8. As noted above, we are providing you with a complete PDF copy of CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 0705.100-01, Rev. 0 (Nov. 14, 2007), Vol. 1 and Vol. 2 (IP00055542 and IP00054269, respectively).
9. Entergy Bates Numbers IPEC00068869 and IPEC00068871 are internal Entergy spreadsheets that were prepared as part of the NRC's review of the IPEC power uprates. We are providing you with these documents in native format to provide additional contextual information relating to these two documents.
10. Prior to an outage, Entergy prepares FAC inspection scope documentation that contains information regarding the reasons particular inspection points are chosen. In addition to the documents referenced in your letter, we are providing you with the following inspection scope documents relevant to the admitted contention:

Unit #	Outage #	Document Title	File Name
2	19	2R19 Scope	2R19 FAC Inspection scope R2
2	18	2R18 FAC Scope	2R18 FAC Scope Rev 0
2	17	2R17 FAC Scope	2R17 Scope Rev 1
2	16	2R16 Scope	2R16 Final Scope

Unit #	Outage #	Document Title	File Name
3	16	3R16 Scope	3R16 FAC scope R1
3	15	3R15 Scope	3R15 FAC Scope R0
3	14	3R14 Scope	3R14 Scope Rev 1
3	13	3R13 Scope	3R13 FAC Scope & Status Sheet

Furthermore, we note that the "Inspection Location Worksheet for Operating Experience Selection" document referenced in your letter is updated for each outage. We are including the most recent version of this document, which was prepared for outage 19 at IP2 (2R19 Inspection Location Work Sheet).

11. Entergy objects to your request for IP2 FAC inspection documents from outage 13, which was in 1997. This request exceeds the scope of the Riverkeeper Contention TC-2, as admitted by the Board, which addresses only (1) whether the FAC AMP contains sufficient detail; and (2) benchmarking CHECWORKS to address the IP2 power uprate that occurred in 2004. Thus, FAC inspection/outage documentation from 1997—seven years before the 2004 power uprate—is not relevant to your admitted contention. Furthermore, without waiving these objections or conceding that such documents would be relevant or material to the admitted contentions, we note that in 1997, the erosion-corrosion program—not the FAC program—was still in place at IP2.
12. Entergy objects to your request for IP2 FAC inspection documents from outage 14, which was in 2000. This request exceeds the scope of the Riverkeeper Contention TC-2, as admitted by the Board, which addresses only (1) whether the FAC AMP contains sufficient detail; and (2) benchmarking CHECWORKS to address the IP2 power uprate that occurred in 2004. Thus, FAC inspection/outage documentation from 2000—four years before the 2004 power uprate—is not relevant to your admitted contention.



Furthermore, without waiving these objections or conceding that such documents would be relevant or material to the admitted contentions, we note that in 2000, the erosion-corrosion program—not the FAC program—was still in place at IP2.

13. Entergy objects to your request for IP2 FAC inspection documents from outage 15, which was in 2002. This request exceeds the scope of the Riverkeeper Contention TC-2, as admitted by the Board, which addresses only (1) whether the FAC AMP contains sufficient detail; and (2) benchmarking CHECWORKS to address the IP2 power uprate that occurred in 2004. Thus, FAC inspection/outage documentation from 2002—two years before the 2004 power uprate—is not relevant to your admitted contention. Furthermore, without waiving these objections or conceding that such documents would be relevant or material to the admitted contentions, we note that in 2002, the erosion-corrosion program—not the FAC program—was still in place at IP2.
14. In addition to the outage 16 document provided in response to Question 10, we are providing you with a complete PDF copy of Indian Point Unit 2, 2R16, Flow Accelerated Corrosion Monitoring Program, 2004 (IP00043437). This report contains a FAC summary (which describes the determination and assignment of FAC examinations); scan types, component numbers, and screening criteria; condition reports; and inspection/examination reports.
15. In addition to the outage 17 document provided in response to Question 10, we are providing you with a complete PDF copy of Indian Point Unit 2, 2R17, Flow Accelerated Corrosion Monitoring Program, Spring 2006 (IP00042180). This report contains a FAC summary, personnel certification information, listings of FAC equipment and materials, condition reports, and inspection/examination reports.
16. In addition to the outage 18 document provided in response to Question 10, we are providing you with a complete PDF copy of Indian Point Unit 2, FAC Inspection Final Report, Refueling Outage 2R18, Spring 2008 (IP00055896). This report contains inspection scope documentation, related condition reports, and documentation of the FAC examinations (which includes minimum pipe thickness requirements as well as observed pipe thickness measurements).
17. Entergy objects to your request for IP3 FAC inspection documents from outage 10, which was in 1999. This request exceeds the scope of the Riverkeeper Contention TC-2, as admitted by the Board, which addresses only (1) whether the FAC AMP contains sufficient detail; and (2) benchmarking CHECWORKS to address the IP3 power uprate that occurred in 2005. Thus, FAC inspection/outage documentation from 1999—six years before the 2005 power uprate—is not relevant to your admitted contention. Nonetheless, without waiving these objections or conceding that these documents are relevant or material to the admitted contentions, we are providing you with a complete PDF copy of Erosion / Corrosion Inspection Report, RFO 10, Fall 1999, Vol. I and II (IP00040968 and IP00041906, respectively). This report contains a summary of the FAC

program for this outage, documentation on the scope of inspections, any related condition reports, and documentation of the FAC examinations (which includes minimum pipe thickness requirements as well as observed pipe thickness measurements).

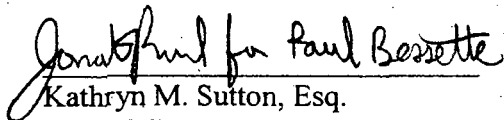
18. Entergy objects to your request for IP3 FAC inspection documents from outage 11, which was in 2001. This request exceeds the scope of the Riverkeeper Contention TC-2, as admitted by the Board, which addresses only (1) whether the FAC AMP contains sufficient detail; and (2) benchmarking CHECWORKS to address the IP3 power uprate that occurred in 2005. Thus, FAC inspection/outage documentation from 2001—four years before the 2005 power uprate—is not relevant to your admitted contention. Nonetheless, without waiving these objections or conceding that these documents are relevant or material to the admitted contentions, we are providing you with a complete PDF copy of Indian Point Unit 3, Flow Accelerated Corrosion Monitoring Program, Refueling Outage R11, 2001 (IP00053132). This report contains a FAC summary (which describes the determination and assignment of FAC examinations), inspection logs, a log of any related deviation event reports, and documentation of the FAC examinations (which includes minimum pipe thickness requirements as well as observed pipe thickness measurements).
19. Entergy objects to your request for IP3 FAC inspection documents from outage 12, which was in 2003. This request exceeds the scope of the Riverkeeper Contention TC-2, as admitted by the Board, which addresses only (1) whether the FAC AMP contains sufficient detail; and (2) benchmarking CHECWORKS to address the IP3 power uprate that occurred in 2005. Thus, FAC inspection/outage documentation from 2003—two years before the 2005 power uprate—is not relevant to your admitted contention. Nonetheless, without waiving these objections or conceding that these documents are relevant or material to the admitted contentions, we are providing you with a complete PDF copy of Indian Point Unit 3 (IP3), Flow Accelerated Corrosion Monitoring Program, Refueling Outage RO12, 2003, Vol. 1 and Vol. 2 (IP00039647 and IP00043013, respectively). This report contains a FAC summary (which describes the determination and assignment of FAC examinations), a log of any related condition reports, and documentation of the FAC examinations (which includes minimum pipe thickness requirements as well as observed pipe thickness measurements).
20. In addition to the outage 13 document provided in response to Question 10, we are providing you with a complete PDF copy of Indian Point Unit 3, Flow Accelerated Corrosion, 3RF13 Outage, 2005 (IP00044076). This report contains a FAC summary (which describes the determination and assignment of FAC examinations), a listing of inspection points, any relevant condition reports, documentation of the FAC examinations (which includes ultrasonic examination reports and minimum pipe thickness requirements as well as observed pipe thickness measurements).
21. In addition to the outage 14 document provided in response to Question 10, we are providing you with a complete PDF copy of FAC Examination Report for Indian Point

Unit 3 for Entergy Nuclear, March 2007 (IP00052308). This report contains a FAC summary (which describes the determination and assignment of FAC examinations), any relevant condition reports, and documentation of the FAC examinations (which includes minimum pipe thickness requirements as well as observed pipe thickness measurements).

22. In addition to the outage 15 document provided in response to Question 10, we are providing you with a complete PDF copy of Indian Point Unit 3, FAC Inspection, Final Report, Refueling Outage, 3R15, Spring 2009 (3R15 FAC Inspection Report).
23. Entergy objects to your request to the extent it seeks further mandatory disclosures related to IP3 in the 1997 timeframe as not relevant to the admitted contention. Without waiving this objection or conceding that this information is relevant or material to the admitted contentions, Entergy notes that the 1997 ultrasonic examination reports referenced in your letter were prepared during outage 9, as part of the erosion-corrosion program then in place at IP3.

Please call with any questions.

Sincerely,



Kathryn M. Sutton, Esq.  
Paul M. Bessette, Esq.  
Counsel for Entergy Nuclear Operations, Inc.

Enclosures

cc: Sherwin Turk

# **ATTACHMENT C**



## RIVERKEEPER

VIA FIRST CLASS MAIL AND E-MAIL

June 25, 2010

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Re: Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR, 50-286-LR

Dear Counselors:

Riverkeeper, Inc. ("Riverkeeper") hereby respectfully responds to your letter dated May 14, 2010, which responded to Riverkeeper requests for clarification and/or additional documents relating to the mandatory disclosures of Entergy Nuclear Operations, Inc. ("Entergy") in the above-referenced proceeding. In particular, by letter dated April 2, 2010, Riverkeeper articulated various inquiries and/or requests pertaining to the documents Entergy had theretofore disclosed as relevant to Riverkeeper Technical Contention TC-2 – Flow Accelerated Corrosion ("RK-TC-2"). Based upon a review of Entergy's responses to these inquiries, Riverkeeper has further questions and requests for clarification, as follows.

### **Riverkeeper Request No. 1**

A review of Entergy's mandatory disclosures related to RK-TC-2 revealed a limited disclosure of CHECWORKS modeling reports. Riverkeeper, thus, questioned whether any other reports existed, and if so, formally requested copies of any such reports, as relevant to the admitted contention. See RK April 2, 2010 Letter, Request No. 1. Entergy objected to this request to the extent Riverkeeper was asking for such reports for timeframes prior to the 2004 and 2005 power uprates at IP2 and IP3, respectively. Entergy maintains that any CHECWORKS modeling reports prepared prior to these power uprates are not relevant to and/or are beyond the scope of the admitted contention, since RK-TC-2 specifically questions whether the CHECWORKS program was properly benchmarked to address said power uprates.

While Riverkeeper agrees that RK-TC-2 questions the sufficiency of benchmarking of the CHECWORKS computer code at the 2004 and 2005 uprated power levels, Riverkeeper disagrees with Entergy's narrow view of the scope documents that are relevant to the admitted contention. Specifically, in order to properly assess and put in perspective the CHECWORKS data produced after the power uprates, it is necessary that Riverkeeper be able to review and assess any CHECWORKS data produced prior to the



power uprates. Only with a such a complete picture will Riverkeeper be able to accurately evaluate the adequacy of the calibration of the CHECWORKS model.

Riverkeeper, therefore, maintains that the Riverkeeper's request number 1 was appropriate in its entirety, and the requested information relevant and within the scope of admitted contention RK-TC-2. Accordingly, if any CHECWORKS reports (or documentation with equivalent information) heretofore not provided exist, such documents must be disclosed pursuant to the parties' mandatory disclosure obligations under 10 C.F.R. § 2.336. Riverkeeper hereby reiterates our requests for copies of such documents, since they are relevant to RK-TC-2. For the same reasons, Riverkeeper additionally reiterates our requests for clarification and/or documents regarding Entergy's disclosure of various system-specific modeling reports. *See* RK April 2, 2010 Letter at 2.

Pursuant to 10 C.F.R. § 2.323(b), Riverkeeper would like to pursue all sincere efforts to resolve this issue prior to requesting intervention from the Atomic Safety and Licensing Board ("Board"). Accordingly, please advise whether Entergy will be amenable to responding to Riverkeeper's requests. Riverkeeper is available to further consult on this issue at your convenience.

#### **Riverkeeper Request No. 7**

Riverkeeper's request number 7 inquired about the existence of CHECWORKS "Global Input" reports. *See* RK April 2, 2010 Letter, Request No. 7. While Entergy did provide two reports in response to this request, Entergy did not explain whether any other such "Global Input" reports exist. Riverkeeper hereby requests further clarification about whether any such "Global Input" CHECWORKS reports exist for Indian Point units 2 or 3, and/or an explanation of how such "Global Input" reports relate to other CHECWORKS modeling reports Entergy has disclosed. For the reasons articulated above, Riverkeeper maintains that this request is within the scope of the admitted contention.

#### **Riverkeeper Request Nos. 11, 12, 13, 17, 18, 19, 23**

A review of Entergy's mandatory disclosures related to RK-TC-2 revealed seemingly haphazard documentation in relation to FAC inspections performed at Indian Point Unit 2 in years prior to 2004 and FAC inspections performed at Indian Point Unit 3 in years prior to 2005. Riverkeeper, thus, questioned whether further documentation for such inspections existed, and if so, requested copies of any such documentation. *See* RK April 2, 2010 Letter, Request Nos. 11-13, 17-19, 23. Entergy objected to these requests as not relevant to the admitted contention, which Entergy says "addresses only (1) whether the flow accelerated corrosion (FAC) aging management program (AMP) for the license renewal period contains sufficient detail; and (2) whether Entergy's AMP relies on the results from the CHECWORKS program without benchmarking to address the IP2 power uprate that occurred in 2004 and the IP3 power uprate that occurred in 2005." Since the FAC inspections in question occurred prior to the Indian Point power uprates, Entergy deemed any documentation relating to such inspections as outside the scope of RK-TC-2.

Riverkeeper respectfully disagrees with Entergy's limited view of what is relevant to RK-TC-2. As Entergy recognizes, RK-TC-2 questions the sufficiency of the AMP at Indian Point for FAC. However, Entergy fails to acknowledge that this insufficiency is not solely related to the power uprates which occurred in 2004 and 2005. Rather, the admitted contention questions the overall adequacy of the program at Indian Point to address FAC. Thus, any documentation relating to the implementation of any FAC related program (including the "FAC program," the "erosion-corrosion program," and any other predecessor programs) is relevant in order to properly evaluate how FAC is dealt with at Indian Point. Riverkeeper, therefore, maintains that the above-referenced requests were appropriate, and the requested information relevant and within the scope of admitted contention RK-TC-2. Accordingly, any responsive

documents must be disclosed pursuant to the parties' mandatory disclosure obligations under 10 C.F.R. § 2.336.

Despite Entergy's objection, Entergy did provide Riverkeeper with some documentation in response to Riverkeeper request numbers 17, 18, and 19. Riverkeeper hereby seeks further clarification about the extent to which any additional documents responsive to these three requests exist. Moreover, Entergy did not provide any documents in response to Riverkeeper request numbers 11, 12, 13, or 23. Riverkeeper hereby seeks further clarification about whether any documents responsive to these requests exist. If any such documents exist, Riverkeeper hereby reiterates our requests for copies of such documents, since they are relevant to RK-TC-2.

Pursuant to 10 C.F.R. § 2.323(b), Riverkeeper would like to pursue all sincere efforts to resolve this point of disagreement prior to requesting intervention from the Board. Accordingly, please advise whether Entergy will be amenable to responding to Riverkeeper's requests. Riverkeeper is available to further consult on this issue at your convenience.

#### **Riverkeeper Request Nos. 14, 16, 20, 21, 22**

A review of Entergy's mandatory disclosures related to RK-TC-2 revealed seemingly incomplete documentation in relation to certain FAC inspections performed at Indian Point. Riverkeeper, thus, questioned whether further documentation for such inspections existed, and if so, requested copies of any such documentation. *See* RK April 2, 2010 Letter, Request Nos. 14, 16, 20-22.

In response to these requests, Entergy did provide various documents to Riverkeeper. Much of this additional documentation appears to be repeats of documents previously disclosed, just in a different format. Moreover, while Riverkeeper cited some specific examples of documents that appeared to be missing for certain FAC inspections performed at Indian Point, Entergy has still not identified or disclosed comparable documents relevant to these inspections. For example, Riverkeeper identified detailed FAC inspection/outage summary reports (Entergy batestamps IPEC00164872, IPEC00024737), and an inspection scope self-assessment report (Entergy batestamp IPEC00092914), which were disclosed in relation to particular FAC inspections performed at Indian Point, but not for others. *See* RK April 2, 2010 Letter, Request Nos. 14, 20, 21, 22.

Entergy's responses to the above-referenced requests would lead Riverkeeper to believe that no such comparable documentation for the subject FAC inspections exists, and that, generally, no further documents exist that are otherwise responsive to Riverkeeper's detailed requests, which enumerated several specific categories of apparently missing information for particular FAC inspections performed at Indian Point. Riverkeeper hereby seeks confirmation that this is the case.

#### **Riverkeeper Request No 10.**

A review of Entergy's mandatory disclosures related to RK-TC-2 revealed two reports containing detailed explanations regarding FAC inspection point selection during Indian Point refueling outage 13. *See* Entergy batestamp IPEC00020278, IPEC00020269. Riverkeeper, thus, inquired whether such documentation existed for any other FAC inspections that had been performed at the plant. *See* RK April 2, 2010 Letter, Request No. 10. In response to this request, for the timeframe which Entergy deems relevant to RK-TC-2, Entergy provided several native files of inspection point lists, most of which are repeats of previously disclosed documents, just in a different format. Entergy's response leads Riverkeeper to believe that, for this timeframe, no further documentation exists regarding inspection point selection for FAC inspections performed at Indian Point, including any reports comparable to the two

identified in Riverkeeper request number 10, or otherwise. Riverkeeper hereby seeks confirmation that this is the case.

Because Entergy objects to Riverkeeper's requests for documents related to the FAC program at Indian Point prior to the 2004 and 2005 power uprates at IP2 and IP3 respectively, Entergy did not provide any documents responsive to Riverkeeper's request number 10 related to inspections performed prior to these timeframes. For the reasons articulated above, Riverkeeper respectfully disagrees with Entergy's characterization of the scope of RK-TC-2, and, thus, maintains that any documentation related to inspection point selection for all FAC inspections performed at Indian Point are relevant and must be disclosed. Accordingly, Riverkeeper hereby reiterates our request for copies of such documents, as articulated in Riverkeeper request number 10.

Pursuant to 10 C.F.R. § 2.323(b), Riverkeeper would like to pursue all sincere efforts to resolve this point of disagreement prior to requesting intervention from the Board. Accordingly, please advise whether Entergy will be amenable to responding to Riverkeeper's requests. Riverkeeper is available to further consult on this issue at your convenience.

Additionally, Riverkeeper's request number 10 had inquired about whether any other further operating experience inspection point selection worksheets existed in addition to the few Entergy had disclosed. See RK April 2, 2010 Letter, Request No. 10. Entergy's response indicates that such documentation is updated for each outage, and Entergy provided the most recent version. A review of this document reveals itemization of industry experience with FAC dating back to January 2002 for large bore components, and April 1999 for small bore piping. Riverkeeper hereby seeks clarification on whether any worksheets or other documentation of industry experience exists for the timeframes preceding those reported in this document. If so, Riverkeeper hereby requests any such documentation as relevant to RK-TC-2.

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Riverkeeper appreciates your attention to the foregoing, and, as indicated, is available at your convenience to discuss any of these matters further.

Sincerely,



Deborah Brancato  
Staff Attorney



# **ATTACHMENT D**

## Deborah Brancato

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**From:** Deborah Brancato  
**Sent:** Thursday, July 08, 2010 12:41 PM  
**To:** 'Bessette, Paul M.'  
**Cc:** Phillip Musegaas; Rund, Jonathan M.  
**Subject:** RE: Mandatory Disclosures

Paul:

Thank you again for reaching out to Riverkeeper to discuss our June 25 letter, which requested certain clarifications and/or further documents related to Riverkeeper Contention TC-2 – Flow-Accelerated Corrosion.

In response to an inquiry made in our June 25 letter, you explained to us that “outage summary reports” were only generated in relation to Unit for outages 16 and later, and that only raw data exists for previous outages, and you offered to provide Riverkeeper with such data. Riverkeeper appreciates your willingness to provide us with this further information, but at this time, we do not wish to take you up on this offer.

In response to our inquiry about the existence of certain reports related to CHECWORKS, you offered to provide Riverkeeper with such reports for two outages prior to the 2004 and 2005 power uprates. Riverkeeper, again, appreciates Entergy’s willingness to do so, yet maintains that any and all CHECWORKS reports that have been generated related to Indian Point Units 2 and 3 are relevant and within the scope of our contention. Consequently, we continue to maintain that all such reports, not only the reports for the two outages prior to the 2004 and 2005 uprates, should be provided. Should you wish to discuss our relative substantive positions on the scope of Riverkeeper Contention TC-2 (which we did not discuss on our July 1 call), in an effort to resolve this ongoing point of disagreement and avoid ASLB involvement, please let us know.

Thanks,  
Deborah

Deborah Brancato  
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**From:** Bessette, Paul M. [mailto:pbessette@morganlewis.com]  
**Sent:** Wednesday, July 07, 2010 9:18 AM  
**To:** Deborah Brancato  
**Cc:** Phillip Musegaas; Rund, Jonathan M.  
**Subject:** Mandatory Disclosures

Deb, when we spoke last week, you stated that you would get back to us early this week regarding a possible mutual resolution of the FAC mandatory disclosure issues we discussed. Have you reached any conclusions?

**Paul M. Bessette**  
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# **ATTACHMENT E**

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July 14, 2010

Deborah Brancato  
Staff Attorney  
Riverkeeper, Inc.  
828 South Broadway  
Tarrytown, NY 10591

Re: *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3),  
Docket Nos. 50-247-LR and 50-286-LR

Dear Ms. Brancato:

This is a response, on behalf of Entergy Nuclear Operations, Inc. (“Entergy”), to your letter dated June 25, 2010 seeking further clarification regarding certain of Entergy’s disclosures relating to Riverkeeper Contention TC-2. Specifically, you request further clarification regarding Entergy’s May 14, 2010 letter responding to your April 2, 2010 letter.

As an initial matter, let us emphasize that Entergy fully understands and has complied in good faith with all of its discovery obligations. Entergy’s obligation under 10 C.F.R. § 2.336 is to disclose documents relevant to your admitted contention. Riverkeeper Contention TC-2, as admitted by the Board, addresses whether Entergy’s flow accelerated corrosion (FAC) aging management program (AMP) for the license renewal period (1) relies on the results from the CHECWORKS program without benchmarking to address the IP2 power uprate that occurred in 2004 and the IP3 power uprate that occurred in 2005; and (2) contains “sufficient details (e.g., inspection method and frequency, criteria for component repair or replacement) to demonstrate that the intended functions of the applicable components will be maintained *during the extended period of operation.*” LBP-08-13, 68 NRC 43, 177 (2008) (emphasis added). Your contention does not—as your letter claims—encompass “the overall adequacy of the program at Indian Point to address FAC” without limitation in time or scope. Therefore, contrary to your assertions, Entergy is not under an obligation to disclose “*any* documentation relating to the implementation of *any* FAC related program (including the ‘FAC program,’ the ‘erosion-corrosion program,’ and any other predecessor programs)” or “*any* CHECWORKS data

produced prior to the power uprates” in order for Riverkeeper to “evaluate how FAC is dealt with at Indian Point.”

Notwithstanding our apparent disagreement regarding the scope of Riverkeeper Contention TC-2 and Entergy’s corresponding disclosure obligations, we note that in the spirit of cooperation, Entergy has already produced a wide-variety of documents related to the FAC program, including the four categories of documents identified in your June 25 letter: (1) CHECWORKS reports; (2) FAC inspection outage reports; (3) summaries of the FAC inspection outage reports; and (4) FAC inspection scope self-assessments.

As we discussed during our July 1, 2010 teleconference regarding your June 25 letter, many of your questions relating Entergy’s disclosures likely result from the fact that the FAC program has evolved over time and because prior to 2001, IP2 and IP3 were owned and operated independently, by different entities. Specifically, as you know, Entergy purchased IP2 and IP3 from different owners—IP3 from the New York Power Authority (NYPA) in 2000 and IP2 from Consolidated Edison (ConEd) in 2001. NYPA and ConEd operated their respective units independently, had separate FAC programs, used different contractors, and created different documentation related to each unit’s respective FAC program. Thus, certain types of the documents that you requested were not always prepared at both IP2 and IP3. For example, following an outage, it is our understanding that NYPA generally compiled FAC inspection outage reports that organized and summarized the results from IP3 FAC-related inspections. Although similar FAC-related inspections were performed at IP2, ConEd did not compile FAC inspection outage reports. Instead, the data sheets—essentially the raw data—for these FAC-related inspections are organized by plant layout drawings. After purchasing IP2 and IP3, Entergy subsequently developed a fleet-wide FAC procedure (currently EN-DC-315). Pursuant to this fleet-wide procedure, consistent documentation is now prepared for IP2 and IP3.

With that introduction, Entergy offers the following responses below, which correspond to the individual numbered requests in your June 25 letter.

#### **Response to Riverkeeper Request No. 1**

In Riverkeeper Request No. 1, you asked for “any CHECWORKS reports” not previously provided—including “any CHECWORKS data produced prior to the power uprates.” As explained above, Entergy’s obligation under 10 C.F.R. § 2.336 is to disclose documents relevant to your admitted contention, which concerns whether Entergy’s FAC AMP for the license renewal period relies on the results from the CHECWORKS program without benchmarking to address the IP2 power uprate that occurred in 2004 and the IP3 power uprate that occurred in 2005. LBP-08-13, 68 NRC 43, 177 (2008). In accordance with the scope of Riverkeeper Contention TC-2, as admitted, Entergy has disclosed all CHECWORKS reports prepared for and since the uprates. Specifically, Entergy has disclosed the following CHECWORKS reports:

Unit	Outage	Title
2	19	Indian Point Unit 2, CHECWORKS SFA Model, Calculation No. 0705.101-01, Rev. 1 (Feb. 26, 2010) (Log Entry No. 8825)
2	18	Indian Point Unit 2, CHECWORKS SFA Model, Calculation No. 0705.101-01, Rev. 0 (Nov. 17, 2008) (IPE00057889)
2	17	CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 1 (Sept. 12, 2006), Vol. I and Vol. II (IP00059038 and IP00057750)
2	16	CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 0 (July 5, 2005), Vol. I and Vol. II (IP00046928 and IP00058450)
2	UPRATE	Indian Point Unit 2, CHECWORKS Power Uprate Analysis, Calculation No. 040711-02, Rev. 0 (Mar. 23, 2005) (IPE00000398)

Unit	Outage	Title
3	15	Indian Point Unit 3, CHECWORKS SFA Model, Calculation No. 0705.100-01, Rev. 1 (Feb. 12, 2010) (Log Entry No. 8824)
3	14	CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 0705.100-01, Rev. 0 (Nov. 14, 2007), Vol. 1 and Vol. 2 (IP00055542 and IP00054269)
3	13	CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 050714c-01, Rev. 0 (Oct. 25, 2005) (IP00056727)
3	UPRATE	Indian Point Unit 3, CHECWORKS Power Uprate Analysis, Calculation No. 040711-01, Rev. 0 (Mar. 23, 2005) (IPE00000397)

As noted above, Entergy is under no obligation to disclose documents that relate more generally to the historic use of CHECWORKS at IP2 and IP3 without limit to scope or time. Thus, Entergy continues to object to your request for documents related to CHECWORKS for IP2 prior to outage 16, which was in 2004, and for IP3, which was in 2005, as not relevant to the admitted contention. Nonetheless, in the spirit of cooperation but without waiving this objection or conceding that such reports are relevant or material to the admitted contentions, Entergy has provided you with the following additional IP2 CHECWORKS report: Flow Accelerated Corrosion Program CHECWORKS Analysis Enhancement, Technical Report No. 00130-TR-001, Rev. 0 (Dec. 2000) (IP00044822). Based on a reasonable search of documents in Entergy's possession, custody, or control, no other IP2 CHECWORKS reports were identified. These searches encompassed both electronic and paper documents of IP2 and IP3 license renewal-related files and documents in the possession and control of individuals who have worked on the IP2 and IP3 license renewal project. These searches also included documents of IP2 and IP3 staff responsible for the FAC program.

Furthermore, we have also already provided you with several CHECWORKS reports for IP3 prior to the 2005 uprate. Without waiving our objection stated above or conceding that such documents are relevant or material to the admitted contentions, Entergy is providing you with the following additional CHECWORKS reports for IP3:

Unit	Outage	Title
3	12	<ul style="list-style-type: none"><li>• Indian Point 3 Nuclear Power Plant, CHECWORKS Global Input, Calculation No. 94-10.1-05, Rev. 3 (May 7, 2004) (see enclosed CD)</li><li>• Indian Point 3 Nuclear Power Plant, Condensate CHECWORKS Model, Calculation No. IP3-RPT-COND-00912, Rev. 4 (May 7, 2004) (see enclosed CD)</li><li>• Indian Point 3 Nuclear Power Plant, Extraction Steam CHECWORKS Model, Calculation No. IP3-RPT-EX-00911, Rev. 4 (May 7, 2004) (see enclosed CD)</li><li>• Indian Point 3 Nuclear Power Plant, Feedwater CHECWORKS Model, Calculation No. IP3-RPT-FW-00984, Rev. 4 (May 7, 2004) (see enclosed CD)</li><li>• Indian Point Unit 3 Nuclear Power Plant, Heater Drains CHECWORKS Model, Report No. IP3-RPT-HD-00979, Rev. 3 (Mar. 9, 2003) (see enclosed CD)</li><li>• Indian Point 3 Nuclear Power Plant, Moisture Preseparator Drains CHECWORKS Model, Calculation No. IP3-RPT-HD-00913, Rev. 4 (May 7, 2004) (see enclosed CD)</li><li>• Indian Point 3 Nuclear Power Plant, Moisture Separator Drains CHECWORKS Model, Report No. IP3-RPT-MSD-01158, Rev. 4 (Mar. 9, 2003) (see enclosed CD)</li><li>• Indian Point 3 Nuclear Power Plant, Reheater Drains CHECWORKS Model, Calculation No. IP3-RPT-HD-01144, Rev. 4 (May 7, 2004) (see enclosed CD)</li></ul>

Note that prior to the uprate, a "Global Input" report and seven system-specific CHECWORKS reports were prepared following each IP3 outage.

Additionally, without waiving our objections stated above or conceding that such documents are relevant or material to the admitted contentions, Entergy will also disclose all available IP3 CHECWORKS reports since 2001, when Entergy purchased the plant. These additional CHECWORKS reports will be produced once they are retrieved from microfilm and are converted to an electronic format.

We also note that in light of the numerous CHECWORKS documents referenced above that have been disclosed by Entergy, there is simply no basis for your assertion that such



additional documents are needed to present Riverkeeper with a “complete picture” regarding the “adequacy of the calibration of the CHECWORKS model.”

### Response to Riverkeeper Request No. 7

In Riverkeeper Request No. 7, you asked about the existence of any other CHECWORKS “Global Input” reports. Since approximately 2005, the CHECWORKS “Global Input” data has been included as an appendix to the CHECWORKS update report that is generated following an outage. Specifically, we have already disclosed the following reports that are responsive to this request:

Unit	Outage	Title	Global Input Location
2	19	Indian Point Unit 2, CHECWORKS SFA Model, Calculation No. 0705.101-01, Rev. 1 (Feb. 26, 2010) (Log Entry No: 8825)	Appendix C
2	18	Indian Point Unit 2, CHECWORKS SFA Model, Calculation No. 0705.101-01, Rev. 0 (Nov. 17, 2008) (IPE00057889)	Appendix C
2	17	CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 1 (Sept. 12, 2006), Vol. I and Vol. II (IP00059038 and IP00057750)	Appendix C
2	16	CHECWORKS FAC Model, Indian Point Unit 2, Calculation No. 050714b-01, Rev. 0 (July 5, 2005), Vol. I and Vol. II (IP00046928 and IP00058450)	Appendix C

Unit	Outage	Title	Global Input Location
3	15	Indian Point Unit 3, CHECWORKS SFA Model, Calculation No. 0705.100-01, Rev. 1 (Feb. 12, 2010) (Log Entry No. 8824)	Appendix C
3	14	CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 0705.100-01, Rev. 0 (Nov. 14, 2007), Vol. 1 and Vol. 2 (IP00055542 and IP00054269)	Appendix C
3	13	CHECWORKS FAC Model, Indian Point Unit 3, Calculation No. 050714c-01, Rev. 0 (Oct. 25, 2005) (IP00056727)	Appendix C

Furthermore, to the extent that Riverkeeper is requesting CHECWORKS “Global Input” reports prior to the 2004 and 2005 uprates, as explained above, such reports are not relevant to your admitted contention. Nonetheless, in the spirit of cooperation but without waiving this objection or conceding that these reports are relevant or material to the admitted contentions,

Entergy, as noted above, is providing you with a copy of Indian Point 3 Nuclear Power Plant, CHECWORKS Global Input, Calculation No. 94-10.1-05, Rev. 3 (May 7, 2004). Revision 1 (dated Apr. 18, 2001) (IPEC00169708) and Revision 2 (dated Nov. 27, 2002) (94-10.1-05-r2) of Indian Point 3 Nuclear Power Plant, CHECWORKS Global Input, Calculation No. 94-10.1-05, were previously produced to Riverkeeper.

In addition, without waiving this objection or conceding that this document is relevant or material to the admitted contentions, based on a reasonable search of documents in Entergy's possession, custody, or control, we note that, prior to the 2004 power uprate, the only "Global Input" for the IP2 CHECWORKS model that was located was in Appendix A of the report titled Flow Accelerated Corrosion Program CHECWORKS Analysis Enhancement, Technical Report No. 00130-TR-001, Rev. 0 (Dec. 2000). As explained above, this document was previously produced to Riverkeeper.

**Response to Riverkeeper Request Nos. 11, 12, 13, 17, 18, 19, 23**

In Riverkeeper Request Nos. 11, 12, 13, 17, 18, 19, and 23, you requested documentation related to the FAC inspections for IP2 outages 13 through 15, and IP3 outages 9 through 12. As explained above, Entergy's obligation under 10 C.F.R. § 2.336 is to disclose documents relevant to your admitted contention. As admitted by the Board, Riverkeeper Contention TC-2 concerns whether Entergy's FAC AMP for the license renewal period contains "sufficient details (e.g., inspection method and frequency, criteria for component repair or replacement) to demonstrate that the intended functions of the applicable components will be maintained *during the extended period of operation.*" LBP-08-13, 68 NRC 43, 177 (2008) (emphasis added). Riverkeeper Contention TC-2 does not—as your letter claims—question "the overall adequacy of the program at Indian Point to address FAC." Therefore, Entergy is not under any obligation to disclose, as you assert, "any documentation relating to the implementation of any FAC related program (including the 'FAC program,' the 'erosion-corrosion program,' and any other predecessor programs)." Accordingly, Entergy may limit its disclosures to documents related to the IPEC FAC program that will be in place during the period of extended operation, which is implemented in accordance with Entergy fleet-wide procedure EN-DC-315.

Nonetheless, in the spirit of cooperation but without waiving this objection or conceding that such reports are relevant or material to the admitted contentions, Entergy previously disclosed the following historical FAC outage reports:

Unit	Outage	Title
2	19	Indian Point Unit 2, 2R19 Refueling Outage 2009, FAC Report (Log Entry Nos. 8818-8820)
2	18	Indian Point Unit 2, FAC Inspection Final Report, Refueling Outage 2R18, Spring 2008 (IP00055896)
2	17	Indian Point Unit 2, 2R17, Flow Accelerated Corrosion Monitoring Program, Spring 2006 (IP00042180)
2	16	Indian Point Unit 2, 2R16, Flow Accelerated Corrosion Monitoring Program, 2004 (IP00043437)

Unit	Outage	Title
3	15	Indian Point Unit 3, FAC Inspection, Final Report, Refueling Outage, 3R15, Spring 2009 (IPEC00213685)
3	14	FAC Examination Report for Indian Point Unit 3 for Energy Nuclear, March 2007 (IP00052308)
3	13	Indian Point Unit 3, Flow Accelerated Corrosion, 3RF13 Outage, 2005 (IP00044076)
3	12	Indian Point Unit 3 (IP3), Flow Accelerated Corrosion Monitoring Program, Refueling Outage RO12, 2003, Vol. 1 and Vol. 2 (IP00039647 and IP00043013)
3	11	Indian Point Unit 3, Flow Accelerated Corrosion Monitoring Program, Refueling Outage R11, 2001 (IP00053132)
3	10	Erosion / Corrosion Inspection Report, RFO 10, Fall 1999, Vol. I and II (IP00040968 and IP00041906)

Furthermore, as we discussed during our July 1, 2010 teleconference, prior to the IP2 outage 16, FAC inspection outage reports were not prepared for IP2. Instead, the only documents available for IP2 prior to outage 16 are the data sheets for FAC-related inspections, organized by plant layout drawings. Although Entergy has offered to provide you with this data, per an email dated July 7, 2010, Riverkeeper declined this offer. Therefore, based on a reasonable search of documents in Entergy's possession, custody, or control, we have produced all IP2 documents responsive to your requests.

With respect to IP3, we have provided you with over 10 years worth of FAC outage reports—and all reports that were prepared since Entergy purchased IP3 in 2001. Although you continue to demand documents for IP3 prior to 1999, such documents are simply not relevant to your admitted contention because these outages substantially pre-date both the power uprates and Entergy's use of EN-DC-315 (the procedure that will be used in the period of extended operation). In fact, all documents prepared prior to 1999 were prepared under the erosion-

corrosion program—not the FAC program. Therefore, for these reasons, Entergy is under no obligation to produce additional IP3 documents prior to outage 10 in 1999.

**Response to Riverkeeper Request Nos. 14, 16, 20, 21, 22**

In Riverkeeper Request Nos. 14, 16, 20, 21, and 22, you asked about the existence of “detailed FAC inspection/outage summary reports” and “inspection scope self-assessment reports” for IP2 outages 16 and 18, and IP3 outages 13, 14, and 15. Prior to 2006, Entergy did not generate “detailed FAC inspection/outage summary reports” and “inspection scope self-assessment reports.” Thus, based on a reasonable search of documents in Entergy’s possession, custody, or control, we have identified the following reports:

Unit	Outage	Detailed inspection/outage summary report	Inspection scope self-assessment reports
2	16	*Detailed summary reports were not prepared for 2R16	*Inspection scope self-assessment reports were not prepared for 2R16
2	18	IP-PCE-08-009, IPEC Flow Accelerated Corrosion Inspection Summary for 2R18 (May 5, 2008) (IPEC00024737)	IP2-06-26282, IPEC Snapshot Self-Assessment Report, IPEC 2R18 FAC Scope Review (IPEC00030762)

Unit	Outage	Detailed inspection/outage summary report	Inspection scope self-assessment reports
3	13	*Detailed summary reports were not prepared for 3R13	*Inspection scope self-assessment reports were not prepared for 3R13
3	14	IP-RPT-07-0018, Rev. 0 (Aug. 13, 2007) (Final 3R14 Outage Report) (see enclosed CD)	IP-RPT-05-00407 R0, IPEC Snapshot Self-Assessment Report, IPEC 3R14 FAC Scope Review (IPEC00186504)
3	15	IP-PCE-09-007, IPEC Flow Accelerated Corrosion Inspection Summary for 3R15 (Apr. 15, 2009) (IPEC00213685)	Condition Report LO-IP3LO-2007-00173, IPEC Snapshot Self-Assessment Report, IPEC 3R15 FAC Scope Review (IPEC00213361)

**Response to Riverkeeper Request No. 10**

In Riverkeeper Request No. 10, Riverkeeper asked about the existence of documents comparable to the narrative inspection scope selection reports for IP3 outage 13 that Entergy previously disclosed as IPEC00020278 and IPEC00020269. Based on a reasonable search of documents in Entergy’s possession, custody, or control, we have not identified any other

Deborah Brancato  
July 14, 2010  
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COUNSELORS AT LAW

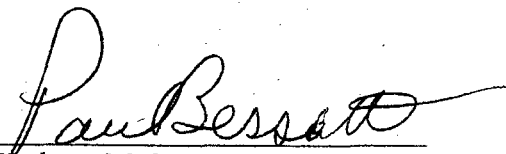
narrative inspection scope selection reports for either IP2 or IP3 that are comparable to IPEC00020278 and IPEC00020269.

Additionally, in Request No. 10, Riverkeeper noted that Entergy's "Inspection Location Worksheet for Operation Experience Selection" document listed "industry experience with FAC dating back to January 2002 for large bore components, and April 1999 for small bore piping." Riverkeeper then asked about the existence of documentation of industry experience prior to these timeframes. FAC operating experience prior to the timeframes discussed in your letter is found in a wide-variety of publicly-available documents, such as NRC bulletins, information notices, and generic letters. Although Entergy does not prepare or keep lists of events from the timeframes discussed in your letter that are comparable to the "Inspection Location Worksheet for Operation Experience Selection," such information is compiled in the GALL Report (NUREG-1801) and Appendix C of NSAC-202L-R3.

In summary, the following documents have been or will be disclosed: all available IP2 CHECWORKS reports; all available IP2 inspection outage reports; all available IP2 detailed summaries of the FAC inspection outage reports; all available IP2 FAC inspection scope self-assessments reports; all available IP3 CHECWORKS reports from 2001 to the present; all IP3 FAC inspection outage reports from 1999 to the present; all available IP3 detailed summaries of the FAC inspection outage reports; and all available IP3 FAC inspection scope self-assessments reports.

Please call with any questions.

Sincerely,



Kathryn M. Sutton, Esq.

Paul M. Bessette, Esq.

Counsel for Entergy Nuclear Operations, Inc.

JMR/als  
Enclosures  
cc: Sherwin Turk