

RAS E-397

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C O U N S E L O R S A T L A W
DOCKETED
USNRC

August 26, 2010 (8:30a.m.)

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August 25, 2010

Lawrence G. McDade, Chairman
Dr. Richard E. Wardwell
Dr. Kaye D. Lathrop
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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

RE: **Entergy's Motion for Summary Disposition of Consolidated Contentions New York State 26/26A and Riverkeeper Technical Contentions 1/1A (Metal Fatigue of Reactor Components)**

Dear Administrative Judges:

Pursuant to 10 C.F.R. § 2.1205, Entergy Nuclear Operations, Inc. ("Entergy") is filing a Motion for Summary Disposition of consolidated New York State ("NYS") Contentions 26/26A and Riverkeeper, Inc. Technical Contentions 1/1A (collectively "Consolidated Contention"). As admitted by the Board, the Consolidated Contention alleges that Entergy's license renewal application for Indian Point Nuclear Generating Unit 2 and Unit 3 does not include an adequate aging management program for metal fatigue because Entergy has not performed the environmentally-assisted fatigue evaluations purportedly required as a condition precedent to license renewal. For the reasons set forth in the enclosed Motion and supporting attachments, Entergy submits that, in view of recent developments, the Consolidated Contention should be dismissed as a matter of law.

TEMPLATE = SECY 041

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August 25, 2010
Page 2 of 2

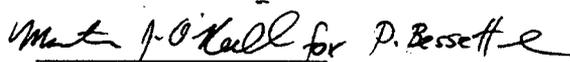
In accordance with paragraph K.2 of the Board's September 4, 2009, Protective Order, counsel for Entergy is notifying the Board that Attachments 15 and 16 to the enclosed Motion constitute Entergy-Designated Proprietary Information Owned by Westinghouse. Those attachments are described as follows:

- Attachment 15: Westinghouse Electric Co., WCAP-17199-P, Revision 0, *Environmental Fatigue Evaluation for Indian Point Unit 2* (June 2010) and
- Attachment 16: Westinghouse Electric Co., WCAP-17200-P, Revision 0, *Environmental Fatigue Evaluation for Indian Point Unit 3* (June 2010).

In accordance with paragraph K of the Protective Order, Attachments 15 and 16 have been appropriately marked as containing Entergy-designated proprietary information, and are being served by e-mail and overnight delivery only upon the Board, its law clerks, the Office of the Secretary, and representatives of Hearing Participants that are authorized to receive such information pursuant to the Protective Order. The Motion itself does not contain any proprietary information.

Please note that Entergy also is serving those service list members not authorized to receive proprietary information a copy of the Motion and a public (non-proprietary) version of the supporting attachments that excludes proprietary Attachments 15 and 16. Service is being made via e-mail and by first-class mail (on those persons not receiving the proprietary version).

Respectfully submitted,



Kathryn M. Sutton, Esq.
Paul M. Bessette, Esq.
Martin J. O'Neill, Esq.

Counsel for Entergy Nuclear Operations, Inc.