

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

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Kaye D. Lathrop
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating Units 2 and 3)

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

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

January 6, 2012

ORDER

(Setting Prehearing Teleconference to Discuss
Proposed Settlement of Contention NYS-24)

On December 21, 2011, consistent with 10 C.F.R. § 2.338(g) the Board received (1) a joint motion from the State of New York (New York) and Entergy Nuclear Operations, Inc. (Entergy) seeking the Board's approval of a settlement agreement that would dismiss Contention NYS-24;¹ (2) a proposed settlement;² and (3) a proposed consent order approving the settlement.³

Prior to acting upon the joint motion, the Board will convene a pre-hearing teleconference. Participants in this proceeding shall contact the Board's law clerk, Anne Siarnacki (anne.siarnacki@nrc.gov) no later than Thursday, January 12, 2012, notifying her of the dates and times when they are unavailable to join the teleconference during the week of

¹ Joint Motion for Approval of Settlement Agreement and Dismissal of New York State Contention NYS-24 (Dec. 21, 2011) [hereinafter Joint Motion].

² Settlement Agreement Regarding New York State Contention 24 (Dec. 21, 2011).

³ Joint Motion, attach. B, [Proposed] Consent Order (Approving Settlement of New York State Contention 24).

January 17, 2012. Once the Board selects a date and time for the teleconference, we will send a follow-up Notice to this Order.

During the teleconference, the Board will discuss with the parties how the public interest will be served by the settlement (10 C.F.R. § 2.338(i)). Accordingly, the Board directs that:

(1) No later than January 12, 2012, New York shall provide to the Board and the NRC Staff the documents and information supplied by Entergy that are referred to in the proposed settlement agreement and which have been represented as adequate to satisfy New York's concerns about the structural integrity of the containment of Indian Point Units 2 and 3 during the period of extended operations;

(2) During the teleconference, New York, Entergy, and the NRC Staff shall be prepared to answer questions regarding the documents and information provided to the Board pursuant to paragraph (1) above, and to explain how these documents and this information, combined with the periodic testing that is referenced in the settlement agreement, provide assurances that the structural integrity of the containment structures at Indian Point Units 2 and 3 will remain adequate during the period of proposed extended operation; and

(3) New York, Entergy, and the NRC Staff shall be prepared to discuss the Board's authority under 10 C.F.R. § 2.338(e) to establish the terms of this proposed settlement as license conditions for the renewal of Entergy's operating

license for Indian Point Units 2 and 3, and, if a party objects to incorporating the settlement agreement into license conditions, to discuss alternative methods for the enforcement of the settlement agreement.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 6, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Setting Prehearing Teleconference to Discuss Proposed Settlement of Contention NYS-24) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 50-247-LR and 50-286-LR
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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 6th day of January 2012