

March 1, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S STATUS REPORT IN RESPONSE TO THE ATOMIC
SAFETY AND LICENSING BOARD'S ORDER OF FEBRUARY 16, 2012

In accordance with the Atomic Safety and Licensing Board's ("Board") "Order (Granting NRC Staff's Unopposed Time Extension Motion and Directing Filing of Status Updates)" ("Order"), issued on February 16, 2012, the NRC Staff ("Staff") herewith provides the following information:

1. As indicated in the "NRC Staff's Statement in Response to the Atomic Safety and Licensing Board's Order of February 3, 2012" ("Statement") (Feb. 8, 2012), Entergy Nuclear Operations, Inc. ("Entergy" or "Applicant") was to submit additional information to the Staff on February 17, 2012, concerning its Reactor Vessel Internals Aging Management Program and Inspection Plan (Statement at 2, ¶ 3(b)). By letter dated February 17, 2012, Entergy submitted that additional information to the Staff.¹ The Staff is currently reviewing that information, and has determined that it is not able to file its testimony and state its position on Contention NYS-25 (Reactor Vessel Internals) at this time. The Staff will provide further information to the Board

¹ Letter from Fred Dacimo, Vice President, Operations License Renewal to NRC Document Control Desk, Subject: "License Renewal Application - Revised Reactor Vessel Internals Program and Inspection Plan Compliant with MRP-227-A, Indian Point Nuclear Generating Unit Nos. 2 and 3" (NL-12-037) (Feb. 17, 2012). This letter should be available in ADAMS on or before March 8, 2011 (ADAMS Accession No. ML12060A312).

concerning this matter as soon as it is able to do so. As stated in the Staff's Statement of February 8, 2012, the Staff believes that a deferral of the Staff's filings on Contention NYS-25 would not affect the litigation of any admitted contention other than Contention NYS-25 and Contention NYS-38/RK TC-5 (presently deferred).

2. As indicated in the Staff's Statement of February 8, 2012, the National Marine Fisheries Service ("NMFS") recently published a notice in the Federal Register, listing the Atlantic sturgeon as an endangered species under the Endangered Species Act ("ESA") (Statement at 2, ¶ 3(b)). The Staff has initiated preliminary communications with NMFS concerning this matter, and expects to reinitiate consultations regarding this development under Section 7 of the ESA. The Staff has not yet determined what effect, if any, this development may have on the Staff's current schedule for issuance of a Draft FSEIS Supplement on other matters. As indicated in the Staff's Statement of February 8, 2012, any delay in the issuance of the Draft FSEIS Supplement could affect the schedule for litigation of Riverkeeper Contention EC-8 (presently deferred), but would not affect the litigation of any other admitted contention.

3. The Staff wishes to inform the Board and parties that an inspection will be conducted at Indian Point Unit 2 by personnel in NRC Region I, during the week of March 5-9, 2012, under Temporary Instruction ("TI") 2516/001 ("Review of License Renewal Activities") (<http://pbadupws.nrc.gov/docs/ML1106/ML110620255.pdf>). As applicable, the objectives of an inspection conducted under TI 2516/001 are:

01.01 To report the status of the applicant's implementation of license renewal commitments, license conditions and selected aging management programs as described in a plant's license renewal safety evaluation report (LR-SER).

01.02 To verify that the license renewal application is updated annually in accordance with the requirement to submit changes to the current licensing basis (CLB) during the U.S. Nuclear Regulatory Commission (NRC) review of the license renewal application (as required by 10 CFR 54.21(b)).

01.03 To verify that "newly identified" systems, structures, and components (SSCs) are included in the annual FSAR updates as

required by 10 CFR 54.37(b) and the guidance provided in Regulatory Issue Summary (RIS) 2007-16, Revision 1, "Implementation of the Requirements of 10 CFR 54.37(b) for Holders of Renewed Licenses," dated April 28, 2010.

01.04 To verify that the applicant's description of the programs and activities for managing the effects of aging are consistent with the final safety analysis report (FSAR) supplement summary descriptions (included in Sections 3 and 4 of the LR-SER).

The results of the inspection will be documented in an inspection report following the conclusion of the inspection, in accordance with TI 2516/001. The Staff in NRC Region I has notified responsible officials for the State of New York of this planned inspection. The Staff believes that this inspection (which is normally conducted under Inspection Procedure 71003, for plants whose licenses have already been renewed) should not impact the hearing schedule in this proceeding.

4. The Staff is not currently aware of any other matter that has the potential to further delay this proceeding. In accordance with the Board's direction (Order, at 2), the Staff will notify the Board as soon as it becomes aware of any event with potential to alter the hearing schedule in this proceeding.

Respectfully submitted,

/Signed (electronically) by/

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Dated at Rockville, Maryland
this 1st day of March, 2012

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S STATUS REPORT IN RESPONSE TO THE ATOMIC SAFETY AND LICENSING BOARD'S ORDER OF FEBRUARY 16, 2012," dated March 1, 2012, in the above-captioned proceeding have been served on the following by Electronic Information Exchange this 1st day of March, 2012.

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