

June 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 FOURTH 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. The Staff has previously notified the Board and parties that it planned to issue requests for additional information ("RAIs") to Entergy Nuclear Operations, Inc. ("Entergy" or "Applicant") concerning its Reactor Vessel Internals Aging Management Program and Inspection Plan,¹ following its receipt of additional information from Entergy on this subject on February 17, 2012.² The Staff wishes to inform you that, on May 15, 2012, the Staff transmitted

¹ See "NRC Staff's Third Status Report in Response to the Atomic Safety and Licensing Board's Order of February 16, 2012" (May 1, 2012) ("Third Report"). See also (1) "NRC Staff's April 2012 Review Status Report for Indian Point Units 2 and 3" (Apr. 2, 2012) ("Second Report"), at 2; (2) "NRC Staff's [First] Status Report in Response to the Atomic Safety and Licensing Board's Order of February 16, 2012" (March 1, 2012) ("First Report"), at 1-2; and (3) "NRC Staff's Statement in Response to the Atomic Safety and Licensing Board's Order of February 3, 2012" (Feb. 8, 2012).

² 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) (ADAMS Accession No. ML12060A312).

its planned RAIs to the Applicant.³ The Staff understands that the Applicant plans to submit its response to the RAIs, at least in part, within 30 days after issuance of the RAIs (*i.e.* by June 14, 2012); if the Applicant is unable to provide its complete response by that date, the Staff expects the Applicant's response to indicate the date by which its response will be completed.

2. The Staff had previously estimated that it will issue a Supplement to the Safety Evaluation Report ("SER") to address the Applicant's Reactor Vessel Internals Aging Management Program and Inspection Plan in August 2012.⁴ The Staff notes that the estimated date for issuance of the SER Supplement could change, depending upon the substance and completeness of the Applicant's answers to the Staff's RAIs. The Staff will provide further information to the Board concerning this matter as the Staff's review progresses.⁵

3. In its previous status report, the Staff indicated that it planned to reinstate consultations with the National Marine Fisheries Service ("NMFS") regarding the recent listing of Atlantic sturgeon as an endangered species under Section 7 of the Endangered Species Act ("ESA"). Further, in my letter to the Board of May 17, 2012, I noted that on May 16, 2012, the Staff had issued a Biological Assessment and requested reinstitution of consultations with NMFS under Section 7 of the ESA, regarding Atlantic sturgeon at IP2/IP3.⁶ The Staff presently expects to conclude these consultations with NMFS by August 14, 2012, and to receive NMFS's

³ Letter from Robert F. Kuntz (NRC) to Vice President, Operations (Entergy), Subject: "Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3 ("IP2" and "IP3"), License Renewal Application" (May 15, 2012) (ADAMS Accession No. ML12125A342).

⁴ See Second Report, at 2.

⁵ As indicated previously, the Staff will be unable to file its testimony and state its position on Contention NYS 25 (Reactor Vessel Internals) and the related portion of Contention NYS-38/RK TC-5 until it completes its review of this matter; as the Staff has further indicated, deferral of the Staff's filings on Contention NYS 25 and the related portion of Contention NYS-38/RK TC-5 should not affect the litigation of any other portion of Contention NYS-38/RK TC-5 or any other admitted contention. See, *e.g.*, Staff's Third Report, at 1-2.

⁶ See Letter from Sherwin E. Turk to the Board (May 17, 2012), attaching letter from Jeremy J. Susco (NRC) to Patricia A. Kurkul (NMFS) (May 16, 2012 (ADAMS Accession No. ML12100A082).

Biological Opinion on Atlantic sturgeon by September 28, 2012. As stated previously, the Staff does not anticipate that these consultations will affect the Staff's planned issuance of a Draft Supplement to the Staff's Final Supplemental Environmental Impact Statement ("FSEIS").

4. The Staff previously estimated that it will issue its Draft FSEIS Supplement to address certain information regarding aquatic impacts, on or before May 31, 2012.⁷ The Staff wishes to inform you that this estimated issuance date has been revised; the Staff presently expects to publish the Draft FSEIS Supplement within the next five weeks (*i.e.*, on or before July 6, 2012). As stated in the Staff's third status report (at 3), the Staff does not expect that its issuance of the Draft FSEIS Supplement will affect the litigation of any admitted contention in this proceeding, other than Riverkeeper Contention EC-8 (Endangered Species).

5. The Staff does not expect that any of the matters discussed above will affect the litigation of issues presently scheduled for hearing in October 2012; further, 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 any event with potential to alter the hearing schedule arises in this proceeding.

Respectfully submitted,

/Signed (electronically) by/

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Dated at Rockville, Maryland
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⁷ See Staff's Third Report, at 2-3, ¶ 4.

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CERTIFICATE OF SERVICE

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

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