

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel. 202.739.3000
Fax: 202.739.3001
www.morganlewis.com

Morgan Lewis
C O U N S E L O R S A T L A W

Kathryn M. Sutton
Partner
202.739.5738
ksutton@MorganLewis.com

Paul M. Bessette
Partner
202.739.5796
pbessette@MorganLewis.com

August 20, 2012

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

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

Dear Administrative Judges:

Pursuant to 10 C.F.R. §§ 2.1204, 2.319, 2.323, 2.337, the Atomic Safety and Licensing Board's ("Board") Protective Order of September 4, 2009, Scheduling Order of July 1, 2010, and subsequent Order dated July 9, 2012, Entergy Nuclear Operations, Inc. ("Entergy") is filing the attached Testimony of Entergy Witnesses Nelson F. Azevedo, Robert J. Dolansky, Alan B. Cox, Jack R. Strosnider, Robert E. Nickell, and Mark A. Gray Regarding Contention NYS-38/RK-TC-5 (Safety Commitments) ("Testimony"), and its supporting exhibits.

In accordance with paragraphs A and K.2 of the Board's September 4, 2009, Protective Order, counsel for Entergy is notifying the Board that portions of the Testimony quote or reference exhibits that contain Entergy-Designated Proprietary Information Owned by Westinghouse or contain Entergy-Designated Proprietary Information Owned by EPRI. The exhibits that contain proprietary information are listed below.

- **Exhibit ENT000521**, Testimony of Entergy Witnesses Nelson F. Azevedo, Robert J. Dolansky, Alan B. Cox, Jack R. Strosnider, Robert E. Nickell, and Mark A. Gray (Aug. 20, 2012).

- **Exhibit ENT000196**, Westinghouse Level 2 Policy/Procedure NSNP 3.2.6, Design Analysis (Mar. 2011).
- **Exhibit ENT000523**, EPRI, Report No. 1020988, “Steam Generator Management Program: Phase II Divider Plate Cracking Engineering Study” (Nov. 2010).
- **Exhibit ENT000524**, EPRI, Report 1025133, Steam Generator Management Program: Assessment of Channel Head Susceptibility to Primary Water Stress Corrosion Cracking (June 2012).
- **Exhibit ENT000529**, Westinghouse Technical Manual No. TMMC 1440-C350, Vertical Steam Generator Instruction for New York Power Authority - Indian Point Nuclear Plant No. 3 (Dec. 1989).
- **Exhibit ENT000557**, EPRI, Report 1014986, Pressurized Water Reactor Primary Water Chemistry Guidelines, Rev. 6 (Dec. 2007).
- **Exhibit ENT000568**, EPRI, Report 1019044, Steam Generator Management Program: Improvement Factors for Pressurized Water Reactor Steam Generator Tube Materials (Dec. 2009).
- **Exhibit ENT000569**, Letter from E. Shields, Westinghouse, to W. Wittich, Entergy, “Steam Generator Operational Assessment” (June 29, 2010).

In accordance with paragraphs A and K of the Protective Order, the Testimony and relevant exhibits have been appropriately marked as containing Entergy-designated proprietary information,¹ and is being served via the NRC’s Electronic Information Exchange 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.

Respectfully submitted,

Executed in accord with 10 C.F.R. § 2.304(d)

Kathryn M. Sutton, Esq.

Paul M. Bessette, Esq.

Counsel for Entergy Nuclear Operations, Inc.

¹ See Licensing Board Protective Order at 6 (Sept. 4, 2009) (unpublished) (stating that “all pleadings, issuances, testimony, exhibits and correspondence in this proceeding that contain proprietary information shall be treated as confidential, marked in accordance with paragraph A above”); *see also id.* at 2 (stating that a label identifying a document as containing proprietary information shall appear “on the first page and on *each other page of the document*”) (emphasis added).