



OFFICE OF THE  
GENERAL COUNSEL

UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

September 21, 2012

Lawrence G. McDade, Chair  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
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In the Matter of  
**ENTERGY NUCLEAR OPERATIONS, INC.**  
(Indian Point Nuclear Generating Unit Nos. 2 and 3)  
Docket Nos. 50-247-LR/286-LR

Dear Administrative Judges:

On March 30, 2012, the NRC Staff ("Staff") filed its statement of position and testimony concerning Contention RK-EC3/CW-EC1 (Spent Fuel Pool Leaks), along with statements of professional qualifications for its witnesses and other exhibits. On July 15, 2012, one of the Staff's two witnesses on this contention (James Noggle) assumed new responsibilities at the NRC. Accordingly, the Staff is herewith filing the following revised exhibits via the NRC's Electronic Information Exchange ("EIE") system, reflecting this change:

1. "NRC Staff Testimony of Stephen P. Klementowicz and James D. Noggle Concerning Contention Riverkeeper EC-3/Clearwater EC-1 (Spent Fuel Pool Leaks)," as revised September 21, 2012 (Exhibit NRCR00088);
2. "NRC Staff Statement of Position Concerning Contention Riverkeeper EC-3/Clearwater EC-1 (Spent Fuel Pool Leaks)," as revised September 21, 2012 (Exhibit NRCR00087);
3. "James D. Noggle / Statement of Professional Qualifications," as revised September 21, 2012 (Exhibit NRCR00090);
4. List of "NRC Staff Hearing Exhibits," as revised September 21, 2012 (Exhibit NRCR20001); and
5. A certificate of service for this transmittal.

In addition, the Staff is transmitting, via E-mail to the Atomic Safety and Licensing Board ("Board") and parties, a redline/strikeout version of Items 1-3 above, showing the changes that have been made to these exhibits. You will note that in addition to the changes made to reflect Mr. Noggle's new position at the NRC and the pagination changes that have resulted from these revisions, several footnotes in the Staff's statement of position (Exhibit NRCR00087) include additional citations to the Staff's testimony (Exhibit NRCR00088) that were missing in the previous version of this document, as filed on March 30, 2012 (Exhibit NRC000087).

The Staff intends to offer Items 1-4 above as exhibits in the evidentiary hearings to be held on Contention RK-EC3/CW-EC1 in October 2012. The redline/strikeout versions of Items 1-3 above are provided herewith solely for the convenience of the Atomic Safety and Licensing Board ("Board") and parties, and will not be offered into evidence.

Finally, the Staff notes that the revised "List of NRC Staff Hearing Exhibits" (Exhibit NRCR20001), filed herewith, represents the Staff's current proposed list of exhibits, as requested by the Board's Law Clerk, Ms. Shelbie Lewman, in her E-mail message of September 19, 2012.

Respectfully,



Sherwin E. Turk  
Counsel for NRC Staff

cc: EIE Service List