



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

October 9, 2012

Lawrence G. McDade, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Dr. Michael F. Kennedy
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

Dr. Richard E. Wardwell
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Mail Stop: T-3 F23
Washington, D.C. 20555

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 October 4, 2012, the Atomic Safety and Licensing Board ("Board") issued an Order granting New York State's ("New York") motion for leave to file an additional exhibit regarding Contention NYS-12 (SAMA). The NRC Staff is requesting leave to file a new exhibit, an affidavit by Dr. S. Tina Ghosh that addresses the additional exhibit filed by New York and provides context for that document. Dr. Ghosh's affidavit is submitted as NRC000164.

On March 30, 2012, the NRC Staff ("Staff") filed its statement of position, testimony and exhibits concerning Contention NYS-17B (Land Use). The Staff has since learned that a portion of Exhibit ("Ex.") NRC00086 was inadvertently omitted. In addition, the Staff has determined that portions of the Staff's testimony suggests, incorrectly, that some New York data was not available for review. Accordingly, the Staff requests leave to remove those portions of the testimony in NRC000081. This necessitates a corresponding change to the Staff's Statement of Position at NRC000080.

The Staff is herewith filing a motion for leave to file additional and revised exhibits via the NRC's Electronic Information Exchange ("EIE") system, reflecting these changes:

1. "Affidavit of S. Tina Ghosh Concerning State of New York's Motion for Leave to File an Additional Exhibit and Additional Cross-Examination" (Ex. NRC000164);
2. "NRC Staff's Initial Statement of Position on Contention NYS-17, 17A, 17B (Land Use)" (Ex. NRCR00080);

3. "NRC Staff Testimony of Jeffrey J. Rikhoff, Andrew L. Stuyvenberg, and John P. Boska Concerning Contentions NYS-17, 17A and 17B (Land Use)" (Ex. NRCR00081);
4. "NUREG-1350, NRC Information Digest, 2011-2012, Appendix A" (Ex. NRCR00086); and
5. List of "NRC Staff Hearing Exhibits," as revised October 9, 2012 (Exhibit NRCR30001).

In addition, the Staff is transmitting, via E-mail to the Board and parties, a redline/strikeout version of Items 2-3 above, showing the changes that have been made to these exhibits.

The Staff intends to offer Items 1-5 above as exhibits in the evidentiary hearings to be held on Contentions NYS-12 and NYS 17 (consolidated) in October 2012. The redline/strikeout versions of Items 2-3 above are provided herewith solely for the convenience of the Board and parties, and will not be offered into evidence.

Finally, the Staff notes that the revised "List of NRC Staff Hearing Exhibits" (Exhibit NRCR30001), 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,

/Electronically Signed By/
Beth Mizuno
Counsel for NRC Staff

cc: EIE Service List