


United States Nuclear Regulatory Commission Official Hearing Exhibit	
In the Matter of:	Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)
	<b>ASLBP #:</b> 07-858-03-LR-BD01
	<b>Docket #:</b> 05000247   05000286
	<b>Exhibit #:</b> RIV000098-00-BD01
	<b>Admitted:</b> 10/15/2012
	<b>Rejected:</b>
<b>Other:</b>	<b>Identified:</b> 10/15/2012
	<b>Withdrawn:</b>
	<b>Stricken:</b>

RIV000098  
Submitted: December 22, 2011

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

June 24, 2011

**VIA FEDERAL EXPRESS  
AND ELECTRONIC MAIL**

Deborah Brancato  
Staff Attorney  
Riverkeeper, Inc.  
20 Secor Road  
Ossining, New York 10562

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

Dear Ms. Brancato:

This is a response, on behalf of Entergy Nuclear Operations, Inc. (“Entergy”), to your letter dated June 10, 2011 seeking certain documents from our mandatory disclosures in the above-captioned proceeding. In accordance with the agreement between the parties in this proceeding, the enclosed compact disk (“CD”) contains, in TIFF file format, Entergy’s production of the documents from our January 31, 2009 mandatory disclosures that you requested in your June 10 letter.

To facilitate any future references to these documents, the enclosed CD also contains an index correlating the entry number listed in Entergy’s mandatory disclosure log to the Bates Numbers for each of the documents that you have requested.

In addition, your June 10 letter indicated that Riverkeeper was unable to find any document memorializing the final outcome of the pumping test performed near the IP2 spent fuel pool. Thus, you requested that Entergy disclose the December 8, 2006 “Pumping Test Report” referenced in Entergy’s Hydrogeologic Site Investigation Report (Jan. 7, 2008) (ADAMS Accession No. ML080320540) and in an NRC IP2 Integrated Inspection Report (Jan. 31, 2007) (ADAMS Accession No. ML070320005). You also requested that Entergy disclose (or to the

extent already disclosed, identify) any other “documents containing any analyses, assessments, results, conclusions, justifications, rationales, determinations, and/or decisions relating to the remediation well pilot project.”

With regard to your request for the December 8, 2006 Pumping Test Report, we note that this document is a draft report that was never finalized. Although the December 8, 2006 Pumping Test Report has been referenced in other documents that were disclosed, this document is clearly marked as a “DRAFT” report. Pursuant to the agreement among the parties, as submitted to the Board on January 13, 2009, Entergy is not required to produce draft documents.

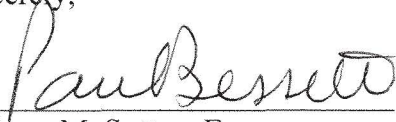
Although Entergy is not required to produce the draft Pumping Test Report or respond to requests by Riverkeeper for discovery, except as permitted in 10 C.F.R. § 2.336(a), we note that Entergy has previously identified and/or produced (as part of its mandatory disclosures) other documents in its possession that are responsive to your request. For example, Entergy’s Hydrogeologic Site Investigation Report explains that the pumping test was performed “to assess hydraulic properties of the bedrock as well as to assess the feasibility of managing Tritium-contaminated groundwater through hydraulic containment.” *See* Hydrogeologic Site Investigation Report at 8; *see also id.* at 33-35 (Section 4.4.4, “Pumping Test”). The results of the pumping test and related analyses are reported in the Site Investigation Report and show: (1) the ambient groundwater elevation contours just prior to the start of the test; (2) the groundwater drawdown contours at the end of the pumping portion of the test; and (3) the predicted steady state capture zone at 4 gpm. *See, e.g., id.* at Figure 6-15 (ML080320043). As also noted in the Site Investigation Report, the pump test resulted in pumping-induced detection of IP1 Sr-90 near the IP2 spent fuel pool. *See, e.g., id.* at Figure 8.2 (ML08032053). Thus, as noted in the Site Investigation Report, more aggressive remediation technologies such as hydraulic containment would alter groundwater flow patterns (*e.g.*, draw groundwater containing Sr-90 from IP1 to IP2) and therefore, offered no clear advantages to the recommended monitored natural attenuation remediation strategy. *See, e.g., id.* at 135-136 (ML080320540).

Finally, we reiterate that Entergy has been conservative in identifying documents for inclusion in its mandatory disclosure logs. By producing the enclosed documents, Entergy does not necessarily concede that the documents are in fact relevant or material to the admitted contentions.

Deborah Brancato  
June 24, 2011  
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Please call with any questions.

Sincerely,

A handwritten signature in cursive script, reading "Paul Bessette". The signature is written in black ink and is positioned above a horizontal line.

Kathryn M. Sutton, Esq.  
Paul M. Bessette, Esq.  
Counsel for Entergy Nuclear Operations, Inc.

Enclosure  
cc: Sherwin Turk