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January 25, 2013

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:

The purpose of this letter is to make a minor administrative correction to Entergy's Motion to Strike Portions of the Statement of Position and Motion in Limine to Exclude Portions of the Pre-Filed Rebuttal Testimony and Exhibits for Contention NYS 38/RK-TC- 5 (Safety Commitments), dated January 7, 2013 ("Motion").

In the "Exclusion Chart" attached to the Motion, Entergy identified portions of page 7 of Dr. Lahey's Rebuttal Testimony (NYS000453) regarding the U.S. Department of Energy Light Water Reactor Sustainability Program. In their January 17 answer to the Motion, Intervenor's state that during consultations "movants' counsel did not identify Dr. Lahey's rebuttal testimony (p. 9) [sic] about the government's reactor sustainability program as a topic of an impending motion."¹ This statement is incorrect. On the contrary, as stated in Entergy's Motion Certification, this issue was discussed at length during the parties' consultation and was ultimately resolved. Due to a clerical error following those consultations, the reference to page 7 of Dr. Lahey's testimony was inadvertently retained in the Exclusion Chart. Accordingly,

¹ State of New York and Riverkeeper, Inc. Answer to January 7, 2013 Motions in Limine Filed by Entergy and NRC Staff to Strike Various Intervenor's Pre-filed Submissions in Support of Contention NYS-38/RK-TC-5 at 7 (Jan 17, 2013).

Entergy submits a corrected version of its Motion, removing the item included in error from the “Exclusion Chart” in Attachment 1. No other changes have been made to the Motion.

Entergy, moreover, strongly disagrees with Intervenors’ characterizations of the consultations preceding its Motion as insincere or insufficient. Entergy initiated consultations well before the Motion was filed, and the consultation involved two extended conference calls and multiple e-mails between the parties. As noted above, these extensive discussions led to the resolution of one issue that Entergy raised.

Respectfully submitted,

*Executed by undersigned counsel in accord
with 10 C.F.R. § 2.304(d)*

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Counsel for Entergy Nuclear Operations, Inc.

Attachment

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-247-LR and
)	50-286-LR
ENTERGY NUCLEAR OPERATIONS, INC.)	
)	
(Indian Point Nuclear Generating Units 2 and 3))	
)	January 25, 2013

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that, on this date, a copy of Entergy's letter to the Administrative Judges and the attached corrected Motion were served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Lance A. Escher

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