

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

March 15, 2012

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

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

RE: **Board Notification Concerning Entergy Letter NL-13-037**

Dear Administrative Judges:

The purpose of this letter is to notify the Atomic Safety and Licensing Board (“Board”) and other parties of Entergy’s recent filing of NL-13-037, Letter from F. Dacimo, Entergy, to NRC Document Control Desk, “Revision to the Response to Request for Additional Information (RAI) Aging Management Programs” (Mar. 5, 2013) (“NL-13-037”). Entergy is providing this notification because NL-13-037 updates a March 28, 2011 Entergy letter (NL-11-032) that has been admitted into evidence as New York State (“NYS”) Exhibit NYS000151 in connection with Contention NYS-5 (Buried Piping). See NL-11-032, Letter from F. Dacimo, Entergy, to NRC Document Control Desk, Response to Request for Additional Information (RAI) Aging Management Programs” (Mar. 28, 2011) (NYS000151). NL-13-037 also affects, to a limited extent, statements made by Entergy’s witnesses in their written and oral hearing testimony.

Specifically, NL-13-037 (attached) revises Entergy’s March 28, 2011 responses to parts 1a, 1b and 1c of NRC Staff request for additional information (“RAI”) 3.0.3.1.2-1, as set forth in NL-11-032. The revisions make those RAI responses consistent with recommendations in Final License Renewal Interim Staff Guidance, LR-ISG-2011-03, “Changes to GALL Report Revision 2 Aging Management Program (AMP) XI.M41, ‘Buried and Underground Piping and

Tanks” (Aug. 2012) (“Final LR-ISG-2011-03”), which has been admitted into evidence as Exhibit NRC000162. As explained in NL-13-037, Entergy’s March 28, 2011 RAI responses reflected recommendations contained in the original version of NUREG-1801, Rev. 2 Section XI.M41, Table 4a (see NYS00147D), which distinguished between “Code Class/Safety-Related” and “Hazmat” buried piping in specifying the numbers of recommended direct visual inspections. In the Final LR-ISG-2011-03, the NRC Staff revised NUREG-1801, Rev. 2, Section XI.M41, Table 4a (see NRC000162) to combine Code Class/Safety-Related and Hazmat categories into a single category (“In-Scope Piping”) to allow licensees to select inspection locations based on plant-specific risk ranking rather than piping categories.

Accordingly, NL-13-037 revises the above-referenced RAI responses in NL-11-032 to conform to the current inspection recommendations in NUREG-1801, Rev. 2 Section XI.M41, Table 4a (see Appendix A to Final LR-ISG-2011-03 (NRC000162)). The revisions allow Entergy to credit certain recently-completed direct visual inspections of buried piping in the Unit 2 transformer yard. *See* Dec. 11, 2012 Tr. at 3798:13-3799:23, 3806:1-8, 3864:3-20 (Azevedo, Lee) (discussing Unit 2 transformer yard excavation).

As stated in NL-13-037, the revised RAI responses do not affect the Buried Piping and Tanks Inspection Program descriptions provided in the Updated Final Safety Analysis Report (“UFSAR”) Supplements for Indian Points Units 2 and 3, as contained in Sections A.2.1.5 and A.3.1.5 of the license renewal application. Nor do they affect any related Entergy commitments (Commitment Nos. 3 and 48) reflected in those LRA sections and Entergy’s List of Regulatory Commitments. *See* NL-12-174, Letter from Fred Dacimo, Vice President, IPEC, to NRC Document Control Desk, “Additional Clarification of Underground Piping Information Provided in Letter NL-12-149 Regarding the License Renewal Application Indian Point Nuclear Generating Unit Nos. 2 & 3,” Attachs. 1 & 2 (Nov. 29, 2012) (ENT000597).

Therefore, there is no change to the total number of excavated direct visual inspections that Entergy has committed to perform before and during the period of extended operation, or to Entergy’s use of the risk-ranking process described in the UFSAR Supplements (NL-12-174, Attach. 2) and CEP-UPT-0100, Rev. 1, Underground Piping and Tanks Inspection and Monitoring (Nov. 30, 2012) (ENT000598) (which assigns the highest inspection priority to Code Class/Safety-Related buried piping and buried piping containing radioactive fluids). There also is no effect on the Staff’s conclusion in Safety Evaluation Report Supplement 1 (NYS000160) that Entergy is performing a sufficient number of risk-informed inspections.

The evidentiary record on NYS-5 is still open. Therefore, Entergy plans to submit a motion that will seek the admission of NL-13-037 as an exhibit and identify related limited updates to Entergy’s written and oral testimony (including the number of completed inspections of in-scope buried piping). Earlier today, Entergy discussed this Board notification with the other parties via telephone. The parties plan to confer again on Monday of next week to discuss the best approach for reflecting the new exhibit and any associated testimony updates, as necessary, in the parties’ NYS-5 findings, which currently are due on Friday, March 22, 2013.

Administrative Judges
March 15, 2012
Page 3

Attachment: As stated

cc: Service List

Respectfully submitted,

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

Kathryn M. Sutton, Esq.
Paul M. Bessette, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Phone: (202) 739-3000
Fax: (202) 739-3001
E-mail: ksutton@morganlewis.com
E-mail: pbessette@morganlewis.com

William B. Glew, Jr., Esq.
William C. Dennis, Esq.
ENTERGY SERVICES, INC.
440 Hamilton Avenue
White Plains, NY 10601
Phone: (914) 272-3202
Fax: (914) 272-3205
E-mail: wglew@entergy.com
E-mail: wdennis@entergy.com

Counsel for Entergy Nuclear Operations, Inc.

**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))	
)	March 15, 2012

CERTIFICATE OF SERVICE

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

Signed (electronically) by Martin J. O'Neill
Martin J. O'Neill, Esq.
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana Street
Suite 4000
Houston, TX 77002
Phone: (713) 890-5710
E-mail: martin.oneill@morganlewis.com