



OFFICE OF THE
GENERAL COUNSEL

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

May 6, 2013

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:

Enclosed for the information of the Atomic Safety and Licensing Board ("Board") and parties are the following documents, regarding the potential that Indian Point Unit 2 may enter the period of "timely renewal" before a final determination is made concerning its license renewal application:

1. Note to Commissioners Assistants from Reginald W. Mitchell, Assistant for Operations, NRC Office of the Executive Director for Operations, Subject: Timely Renewal for Indian Point Nuclear Generating Unit No. 2 (Apr. 30, 2013) (ADAMS Accession No. ML13120A256); and

2. Letter from Fred Dacimo, Vice President – License Renewal, Entergy Nuclear Operations, Inc. ("Entergy") to the NRC Document Control Desk, Subject: Entergy Actions Required Prior to Entry into Period of Extended Operation Associated with License Renewal Application (LRA) for Indian Point Energy Center Unit 2 (NL-13-071) (May 1, 2013).

No action is required by the Board concerning these matters.

Respectfully,

A handwritten signature in dark ink, appearing to read "Sherwin E. Turk".

Sherwin E. Turk
Counsel for NRC Staff

Enclosures: As stated
Cc w/Encls: EIE Service List

April 30, 2013

NOTE TO COMMISSIONERS' ASSISTANTS

OCM/AMM

cc Philip Niedzielski-Eichner
cc Heather Astwood
____ Susan Vrahoetis
____ Clare Kasputys
X John Jolicoeur
X Nathan Sanfilippo
____ Marshall Kohen
____ Michael Waters
____ Mary Woollen
X Jen Schwartzman
____ Catina Gibbs
____ Patti Pace
____ Andrea Cermenio

OCM/KLS

____ Jeffry Sharkey
____ Jessica Bielecki
X Patrick Castleman
____ Alan Frazier
____ Janet Lepre
____ Nicole Riddick

OCM/WDM

____ Patrice Bubar
____ Rebecca Tadesse
____ Margaret Bupp
____ Renee Taylor
X Patti Jimenez

OCM/GEA

____ Belkys Sosa
____ Roger Davis
X Nanette Gilles
____ Steve Baggett
____ Kathleen Blake
____ Carmel Savoy

OCM/WCO

____ John Tappert
X Amy Cubbage
____ Andrea Kock
____ Kimberly Sexton
____ Linda Herr
X Sunny Bozin

FROM: Reginald W. Mitchell **/RA/**
Assistant for Operations, OEDO

SUBJECT: TIMELY RENEWAL FOR INDIAN POINT NUCLEAR GENERATING UNIT NO. 2

The purpose of this note is to inform the Commissioners' Assistants of the status of the timely license renewal for Indian Point Nuclear Generating Unit 2. Indian Point Nuclear Generating Units 2 and 3 were licensed to operate for a period of 40 years. The current operating license for Indian Point Unit 2 will expire on September 28, 2013, and the license for Indian Point Unit 3 will expire in December 2015. The licensee, Entergy Nuclear Operations, Inc. ("Entergy") submitted a timely application for license renewal of Indian Point Units 2 and 3 on April 23, 2007. The license renewal application is currently the subject of ongoing adjudicatory proceedings before an Atomic Safety and Licensing Board. In addition, the Commission is engaged in ongoing activities related to waste confidence issues. Those activities render it likely that the current license for Indian Point Unit 2 will expire before a final determination has been made regarding the license renewal application. In that event, the plant would enter a period of "timely renewal," in which the plant would continue to operate under the current license beyond the stated license expiration date, in accordance with 10 CFR § 2.109 and Section 558(c) of the Administrative Procedure Act, 5 U.S.C. § 558(c), until the license renewal application "has been finally determined by the agency."

ML13120A256

In view of the potential that Indian Point Unit 2 is likely to enter the period of timely renewal later this year, the U.S. Nuclear Regulatory Commission (NRC) staff held a telephone conference call with the licensee on April 11, 2013, to gain an understanding of Entergy's planned actions regarding implementation of its license renewal commitments and incorporation of its aging management programs into the current licensing basis prior to entering the period of timely renewal. During the conference call, Entergy informed the staff that, by May 3, 2013, it will submit a letter to NRC that includes two actions:

- (1) Entergy will submit a letter by the end of August 2013, stating that all Unit 2 license renewal commitments, that are to be implemented prior to the period of extended operation, have been implemented; and
- (2) Entergy will send a letter to the NRC by September 28, 2013, stating that the Unit 2 Updated Final Safety Analysis Report (UFSAR) has been updated to implement the licensee's aging management programs for license renewal into the licensing basis.

The NRC staff indicated it was satisfied with the licensee's proposal and had no other questions. A summary of the telephone conference call is publicly available in the Agencywide Documents Access and Management System, Accession No. ML13102A124.

cc:	R. W. Borchardt, EDO	E. Leeds, NRR
	M. Weber, DEDMRT	SECY
	M. Johnson, DEDR	OGC
	D. Ash, DEDCM	OCA
	R. Mitchell, AO	OPA
	M. Landau, OEDO	OIP
	K. Brock, OEDO	OIS
	D. Merzke, OEDO	CFO
	D. Pickett, NRR	
	S. Meighan, NRR	
	M. Evans, NRR	
	L. Lund, NRR	



Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, N.Y. 10511-0249
Tel (914) 254-2055

Fred Dacimo
Vice President
License Renewal

NL-13-071

May 1, 2013

Document Control Desk
U.S. Nuclear Regulatory Commission
Mail Stop O-P1-17
Washington, D.C. 20555-0001

Subject: **Entergy Actions Required Prior to Entry into Period of Extended Operation Associated with License Renewal Application (LRA) for Indian Point Energy Center Unit 2**
Indian Point Nuclear Generating Unit No. 2
Docket No. 50-247
License No. DPR-26

- References:
- 1) Entergy Letter dated April 23, 2007, F. R. Dacimo to Document Control Desk, "License Renewal Application" (NL-07-039)
 - 2) Entergy Letter dated April 23, 2007, F. R. Dacimo to Document Control Desk, "License Renewal Application Boundary Drawings" (NL-07-040)
 - 3) Entergy Letter dated April 23, 2007, F. R. Dacimo to Document Control Desk, "License Renewal Application Environmental Report References" (NL-07-041)

Dear Sir or Madam:

Entergy Nuclear Operations, Inc. ("Entergy") applied for renewal of the Indian Point Nuclear Generating Unit Nos. 2 and 3 operating licenses in April 2007 (References). The Unit 2 operating license expires on September 28, 2013. The license renewal application ("Application") for both Units 2 and 3 is currently under review by the Nuclear Regulatory Commission ("NRC") Staff.

As NRC's review and approval of the Application will not be completed prior to the expiration of the Unit 2 Operating License, Entergy will take the following two actions to ensure full implementation of its license renewal commitments, as documented in the Application, prior to entering the Unit 2 period of extended operation ("PEO").

Action

By the end of August 2013, Entergy will submit a letter to the NRC confirming implementation of Unit 2 license renewal commitments required to be implemented prior to entry into the PEO i.e., by September 28, 2013. Entergy will reference the list of commitments included in the second Safety Evaluation Report ("SER") supplement scheduled for July 2013. In the event that the NRC does not issue the second SER supplement on schedule, Entergy will reference an alternate document containing the most current list of commitments.

Action

By September 28, 2013, Entergy will submit a letter to the NRC confirming that the Unit 2 Updated Final Safety Analysis Report ("UFSAR") has been updated to implement the Unit 2 aging management programs into the licensing basis.

The attachment to this letter summarizes the commitments made in this response. If you have any questions concerning this submittal, or require additional information, please contact Mr. Robert Walpole at 914-254-6710.

Sincerely,



FRD/aas

cc: Mr. William Dean, Regional Administrator, NRC Region 1
Mr. David Wrona, NRC Branch Chief, Division of License Renewal
Ms. Lois James, NRC Environmental Project Manager, IPEC License Renewal
Mr. Nathaniel Ferrer, NRC Project Manager, Division of License Renewal
Mr. Sherwin E. Turk, NRC Office of General Counsel, Special Counsel
Mr. Douglas Pickett, Senior Project Manager, NRC NRR DORL
Ms. Bridget Frymire, New York State Dept. of Public Service
Mr. Francis J. Murray, Jr., President & CEO, NYSERDA
NRC Resident Inspectors

ATTACHMENT TO NL-13-071

LIST OF REGULATORY COMMITMENTS

ENTERGY NUCLEAR OPERATIONS, INC.
INDIAN POINT NUCLEAR GENERATING UNIT NO. 2
DOCKET NO. 50-247

List of Regulatory Commitments

The following table identifies those actions committed to by Entergy in this document. Any other statements in this submittal are provided for information purposes and are not considered to be regulatory commitments.

COMMITMENT	TYPE (Check one)		SCHEDULED COMPLETION DATE (If Required)
	ONE-TIME ACTION	CONTINUING COMPLIANCE	
Submit a letter to the NRC confirming complete implementation of Unit 2 license renewal commitments required to be implemented prior to entry into the PEO.	X		August 2013
Modify the Unit 2 Updated Final Safety Analysis Report ("UFSAR"). Incorporate Unit 2 material set forth in Appendix A of the Application into both a new appendix to the Unit 2 UFSAR, as well as updating corresponding sections of the USFAR with new or modified information and programs. Transmit a letter to the NRC confirming that this has been completed.	X		September 28, 2013