

November 3, 2015

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF'S MOTION FOR LEAVE TO FILE EXHIBIT  
CORRECTING PREFILED TESTIMONY

INTRODUCTON

Pursuant to 10 C.F.R. § 2.323(a), the Staff of the Nuclear Regulatory Commission ("Staff") hereby requests that the Atomic Safety and Licensing Board ("Board") to permit the Staff to file an exhibit correcting the prefiled NRC Staff Testimony of Dr. Allen Hiser, Dr. Ching Ng, Mr. Gary Stevens, P.E., and Mr. On Yee, Concerning Contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5 (Ex. NRC000168) (August 10, 2015) and NRC Staff Testimony of Dr. Allen Hiser, Jeffrey Poehler, and Gary Stevens on NYS-25 and NYS-38/RK-TC-5 (Ex. NRC000197) (August 10, 2015). The proposed corrections are tabulated in Ex. NRC000230, which is being filed along with this motion. Permitting the corrections in this manner would alleviate the need for the Staff to correct its testimony orally during the upcoming Track 2 hearings.

Prior to making this request, the Staff consulted with the other parties.<sup>1</sup> Entergy does

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<sup>1</sup> The Staff previously informed the Board and parties of its intent to file a new exhibit new exhibit composed of Section 3.0.3.2.18 of NUREG-2101, pending completion of consultation with New York. See NRC Staff's 45<sup>th</sup> Status Report in Response to the Atomic Safety and Licensing Board's Order of February 16, 2012, at 2-3 (November 2, 2015). Through consultations with New York, the Staff concluded that a new excerpt from NUREG-2101 was not needed.

not oppose the corrections. Riverkeeper and New York do not oppose the corrections to Ex. NRC000168, but do oppose the single correction to Ex. NRC000197 (correcting “Three-loop” to “Four-loop”). Their opposition is based on timeliness, asserting that New York raised the error previously on September 9, 2015. While the Staff recognizes the parties’ concern over timeliness, there simply is no rational basis for requiring the Staff, or any party, to go to hearing with pre-filed testimony that the party no longer believes is correct.

#### CONCLUSION

For the foregoing reasons, the Staff respectfully requests that the Board grant the Staff’s motion to file an exhibit tabulating corrections to the Staff’s prefiled testimony.

Respectfully submitted

/Signed Electronically by/

David E. Roth  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15 D21  
Washington, DC 20555-0001  
Telephone: (301) 415-2749  
E-mail: David.Roth@nrc.gov

Dated at Rockville, Maryland  
this 3rd day of November 2013

CERTIFICATION OF COUNSEL

In accordance with 10 C.F.R. § 2.323(b) Counsel for the Staff certifies that he has made a sincere effort to contact other parties in the proceeding, to explain to them the factual and legal issues raised in this motion, and to resolve those issues, and further certifies that his efforts to resolve the issues have been partially successful as stated above.

Respectfully submitted,

**/Signed (electronically) by/**

David E. Roth  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15 D21  
Washington, DC 20555-0001  
Telephone: (301) 415-2749  
E-mail: David.Roth@nrc.gov

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing “NRC STAFF’S MOTION FOR LEAVE TO FILE EXHIBIT CORRECTING PREFILED TESTIMONY” and “NRC000230 CORRECTIONS TO NRC PREFILED TESTIMONY” dated November 3, 2015, have been served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding, this 3<sup>rd</sup> day of November, 2015.

**/Signed (electronically) by/**

David E. Roth  
Counsel for NRC Staff  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15 D21  
Washington, DC 20555-0001  
Telephone: (301) 415-2749  
E-mail: David.Roth@nrc.gov