

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-247-LR and
ENTERGY NUCLEAR OPERATIONS, INC.)	50-286-LR
(Indian Point Nuclear Generating Units 2 and 3))	
	November 11, 2015

**ENTERGY’S UNOPPOSED MOTION FOR LEAVE TO FILE NEW AND
REVISED HEARING EXHIBITS**

I. INTRODUCTION

In accordance with 10 C.F.R. § 2.323(a), Entergy Nuclear Operations, Inc. (“Entergy”) requests leave from the Atomic Safety and Licensing Board (“Board”) to file five revised hearing exhibits (ENTR00681, ENTR00682, ENTR00683, ENTR00689 and ENTR00690) and two new hearing exhibits (ENT000727 and ENT000728) (collectively, “Additional Exhibits”).¹ Pursuant to 10 C.F.R. § 2.323(b), counsel for Entergy consulted with counsel for New York State (“New York”), Riverkeeper, Inc. (“Riverkeeper”), and the Nuclear Regulatory Commission (“NRC”) Staff, beginning on November 4, 2015. Neither New York, Riverkeeper, nor the NRC Staff opposes Entergy’s Motion.²

The five revised exhibits, and one of the new exhibits, ENT000727, represent the most recent updates to certain Westinghouse calculation notes and reports previously submitted in this

¹ Entergy is also filing a revised Track 2 Hearing Exhibit List (ENTR00726) that includes the Additional Exhibits. *See* Transcript at 4748-49.

² NRC Staff counsel stated that the Staff does not oppose Entergy’s Motion, subject to the understanding that the Staff reserves the right to make any necessary updates or corrections to its testimony that may arise from Entergy’s revised exhibits. The State noted that Entergy has agreed to disclose to the State certain interim versions of Westinghouse documents filed as updated exhibits covered by this Motion.

proceeding. ENT000727, styled as a “new” Entergy exhibit, is an update to a document previously filed as an exhibit by New York. The other new exhibit, ENT000728, is an errata sheet noting minor conforming changes (page citations, revision dates, and certain content references) in Entergy’s pre-filed testimony for contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5.³

Entergy respectfully requests that the Board grant this motion for leave to file the Additional Exhibits. As explained below, good cause exists for the submittal of these exhibits, and the submittal of these exhibits will not result in harm to any other party, will not cause any delay in the proceeding, and is otherwise in the public interest.

II. ARGUMENT

The Board has previously indicated that, to the extent relevant documents are identified prior to the closure of the hearing record, such documents may be proffered as new exhibits.⁴ As set forth below, the Additional Exhibits are relevant to issues raised in the Track 2 contentions, and their submission would be beneficial to the upcoming Track 2 hearing.

A. Revised Exhibits ENTR00681, ENTR00682, ENTR00683, ENTR00689 and ENTR00690, and New Exhibit ENT000727

As detailed in the table below, these exhibits represent the most recent updates to certain Westinghouse calculation notes and reports previously submitted in this proceeding:

³ Revised Testimony of Entergy Witnesses Nelson F. Azevedo, Alan B. Cox, Jack R. Strosnider, Randy G. Lott, Mark A. Gray, and Barry M. Gordon Regarding Contention NYS-26B/RK-TC-1B (Metal Contention) (Aug. 10, 2015) (ENT000679); Revised Testimony of Entergy Witnesses Nelson F. Azevedo, Robert J. Dolansky, Alan B. Cox, Jack R. Strosnider, Timothy J. Griesbach, Barry M. Gordon, Randy G. Lott, and Mark A. Gray Regarding Contention NYS-38/RK-TC-5 (Safety Commitments) (Aug. 10, 2015) (ENT000699).

⁴ See Tr. at 4484-85 (Dec. 13, 2012) (stating that the record should remain open until findings of fact and conclusions of law are submitted, in case any party “would want to either supplement or correct the record”).

Document	Current Exhibit No.	Proposed Exhibit No.
	Revision No.	Updated Revision No.
	Revision Date	Updated Revision Date
Westinghouse, WCAP-17199-P, Environmental Fatigue Evaluation for Indian Point Unit 2	ENT000681	ENTR00681
	Rev. 1	Rev. 2
	Dec. 2014	Oct. 2015
Westinghouse, WCAP-17200-P, Environmental Fatigue Evaluation for Indian Point Unit 3	ENT000682	ENTR00682
	Rev. 1	Rev. 2
	Dec. 2014	Oct. 2015
Westinghouse, Calculation Note CN-PAFM-13-32, Indian Point Unit 2 (IP2) and Unit 3 (IP3) Refined EAF Analyses and EAF Screening Evaluations	ENT000683	ENTR00683
	Rev. 3	Rev. 4
	June 2015	Oct. 2015
Westinghouse, WCAP-12191, Transient and Fatigue Cycle Monitoring Program Transient History Evaluation Report for Indian Point Unit 2	ENT000689	ENTR00689
	Rev. 4	Rev. 5
	Dec. 2014	Oct. 2015
Westinghouse, WCAP-16898-P, Indian Point Unit 3 Transient and Fatigue Cycle Monitoring Program Transient History Evaluation	ENT000690	ENTR00690
	Rev. 1	Rev. 2
	May 2015	Oct. 2015
Westinghouse, Calculation Note CN-PAFM-09-21, Indian Point Units 2 and 3 Charging Nozzles Environmental Fatigue Evaluation	NYS000364	ENT000727
	Rev. 0	Rev. 4
	June 2010	Oct. 2015

These exhibits update previously-submitted exhibits that are referenced in the parties' testimony, and are relevant and material to the upcoming hearing during the week of November 16, 2015. Due to the limited nature of the updated information in each exhibit, their submission will not result in harm to any other party, and will not cause any delay in the proceeding. Therefore, good cause exists to grant this motion for leave to file exhibits ENTR00681, ENTR00682, ENTR00683, ENTR00689 and ENTR00690, and ENT000727.

B. New Exhibit ENT000728

As mentioned above, Proposed Exhibit ENT000728 is an errata sheet noting conforming minor changes necessary to update Entergy's pre-filed testimony for contention NYS-26B/RK-TC-1B with the revision dates and page numbers in updated exhibits ENTR00681, ENTR00682, ENTR00683, and ENT000727. The errata sheet also revises references to the use of "peak editing" in Indian Point environmentally-assisted fatigue evaluations, primarily to address the revised exhibits. The specific changes are explained in the proposed new exhibit. As this exhibit includes limited updates to pre-filed testimony relevant and material to the upcoming hearing, its submission will not result in harm to any other party, and will not cause any delay in the proceeding. Therefore, good cause exists to grant this motion for leave to file ENT000728.

III. CONCLUSION

For the foregoing reasons, the Board should grant this motion for leave to file the Additional Exhibits. The documents are relevant to the upcoming hearing, will contribute to the development of a sound record, may assist the Board in reaching its decisions on the merits, and will not cause undue delay or prejudice to any party.

Respectfully submitted,

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Executed in Accord with 10 C.F.R. § 2.304(d)
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Counsel for Entergy Nuclear Operations, Inc.

Dated in Washington, D.C.
this 11th day of November 2015

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MOTION CERTIFICATION

Pursuant to 10 C.F.R. § 2.323(b), counsel for Entergy certifies that he made a sincere effort to contact the other parties in this proceeding, to explain to them the factual and legal issues raised in this Motion, and to resolve those issues, and he certifies that his efforts have been successful.

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

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that, on this date, copies of “Entergy’s Unopposed Motion for Leave to File New and Revised Hearing Exhibits,” and one non-proprietary exhibit, were served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding.

Signed (electronically) by Ryan K. Lighty

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