

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of) ENERGY NUCLEAR OPERATIONS, INC.) (Indian Point Nuclear Generating Units 2 and 3)))	Docket Nos. 50-247-LR and 50-286-LR June 7, 2016
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SECOND JOINT STATUS REPORT REGARDING TRACK 2 SCHEDULE DEFERRAL

In accordance with the Atomic Safety and Licensing Board’s (“Board”) May 10, 2016 Order,¹ Entergy Nuclear Operations, Inc. (“Entergy”), the State of New York, Riverkeeper, Inc., and the U.S. Nuclear Regulatory Commission Staff (“NRC Staff”) (collectively, “the Parties”) jointly provide this Second Joint Status Report regarding the pending Track 2 contentions.² For the reasons set forth below, the Parties respectfully request that the Board defer the scheduling of further evidentiary submissions and post-hearing findings of fact and conclusions of law on the pending Track 2 contentions for an additional 21 days, until June 28, 2016. On or before that date, the Parties plan to submit a proposed schedule for the conduct of further proceedings on the Track 2 contentions, including, but not necessarily limited to, the filing of additional evidentiary submissions (*e.g.*, expert affidavits, amended and/or supplemental testimony, additional exhibits).

¹ Licensing Board Order (Adopting Track 2 Hearing Schedule Deferral at Request of the Parties) at 2 (May 10, 2016) (ADAMS Accession No. ML16131A666).

² Counsel for the Parties have reviewed this Second Joint Status Report, have consented to it, and have authorized the undersigned to submit the report on behalf of the Parties. The three Track 2 contentions that are the subject of this report include: (1) NYS-25 (aging management of reactor pressure vessels and internals); (2) NYS-26B/RK-TC-1B (aging management of components subject to environmentally-assisted metal fatigue); and (3) NYS-38/RK-TC-5 (adequacy of certain license renewal safety commitments).

At the outset, the Parties note that significant progress has occurred since they submitted their initial Joint Status Report on May 6, 2016.³ Entergy has made several additional updates to its mandatory disclosures, and is in the process of producing copies of certain documents listed in those disclosures or otherwise requested by the other parties. The State of New York and Riverkeeper also have made supplemental disclosures, and on May 31, 2016, the NRC Staff updated its hearing file for this proceeding. Each of these disclosure updates reflects the Parties' ongoing disclosure and assessment of information related to the March 2016 baffle-former bolt inspection findings at Indian Point Unit 2.

For example, since the May 6, 2016 Joint Status Report, Entergy has completed and disclosed several key technical reports, including, for example, its root cause evaluation, as well as reports documenting its baffle-former bolt examination results, bolt repair-related analyses and actions, and extent of condition analyses for Indian Point Unit 3.⁴ In that time, Entergy also has announced its decision to advance inspections of baffle-former bolts at Indian Point Unit 3 from Spring 2019 to Spring 2017. Additionally, the NRC issued its First Quarter 2016 inspection report for Indian Point Units 2 and 3, a portion of which discusses Entergy's performance of in-service inspections and its Unit 2 baffle-former bolt inspection findings.⁵ The

³ Joint Status Report Regarding Track 2 Schedule Deferral (May 6, 2016) (ADAMS Accession No. ML16127A386).

⁴ See Root Cause Evaluation, Rev. 1, "Excessive Number of Baffle – Former Bolts Found with Indications During the 2R22 MRP-227A Inspection" (May 20, 2016); WDI-PJF-1315504-FSR-001, "Indian Point Unit 2, 2R22, Lower & Upper Internals MRP-227A Examination Field Service Report" (May 26, 2016); LTR-RIDA-16-60, Rev. 0, "Indian Point Unit 2 Baffle Bolting One Cycle Replacement Pattern Summary Letter" (May 25, 2016); LTR-RIDA-16-103, Rev. 0, "Indian Point Unit 2 Baffle Bolting Anti-Clustering Pattern and Margin Assessment" (May 25, 2016); IPP-16-43, Letter from T. Zalewski, Westinghouse, to B. Dolansky, Entergy, "Transmittal of Indian Point Unit 3 Final Engineering Evaluations Supporting Extent of Condition Review (LTR-PL-16-21 Rev. 0)" (May 6, 2016); IP-RPT-16-00025, Rev. 0, "Evaluation of Indian Point Unit 3 Reactor Core Baffle Bolting following MRP-227-A Inspection Findings at Indian Point Unit 2 during 2R22" (May 6, 2016); CR-IP3-2016-1035 – Extent of Condition Assessment (May 10, 2016).

⁵ See Letter from Sherwin Turk, Counsel for NRC Staff, to Atomic Safety and Licensing Board (May 12, 2016) (enclosing copy of "Indian Point Nuclear Generating – Integrated Inspection Report 05000247/2016001 and 05000286/2016001" (May 12, 2016)) (ADAMS Accession Nos. ML16133A596 and ML16133A597).

NRC also conducted an amplified on-site inspection at Indian Point beginning on May 23, 2016, focusing on issues related to the baffle-former bolts, and plans to present these findings along with its assessment of Entergy's response to the baffle-former bolt examination results in its Second Quarter 2016 inspection report.⁶

Accordingly, during a June 2, 2016 conference call, counsel agreed that some additional time is needed for the Parties to review recent (and still-ongoing) supplemental disclosures, to evaluate the impact of recent events and disclosures on their previously-submitted testimony, and to assess the nature and timing (including the sequence) of any further evidentiary submissions to the Board. Counsel further agreed that three weeks should provide sufficient time for the Parties to complete these reviews and assessments, and to jointly develop and submit a proposed schedule to the Board for the conduct of further proceedings on the Track 2 contentions.

For the foregoing reasons, an additional 21-day deferral of any scheduling activities related to the pending Track 2 contentions is reasonable and appropriate, supported by good cause, and in the best interests of the Parties, the Board, and the public. Accordingly, the Parties respectfully request that the Board extend the current deferral by 21 days until June 28, 2016, by which date the Parties plan to submit another joint status report that includes a proposed schedule for the Board's consideration. Following the submittal of that status report, the Parties would be amenable to scheduling a conference call with the Board to discuss the proposed schedule and any other issues relevant to the Track 2 proceedings.

⁶ *See id.* at 1.

Respectfully submitted,

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

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Counsel for Entergy Nuclear Operations, Inc.

Dated at Washington, DC
this 7th day of June 2016

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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (as revised), I certify that, on this date, copies of “Second Joint Status Report Regarding Track 2 Schedule Deferral” were served upon the Electronic Information Exchange (the NRC’s E-Filing System) in the above-captioned proceeding.

Signed (electronically) by Martin J. O’Neill
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