

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Michael F. Kennedy
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating Units 2 and 3)

Docket Nos. 50-247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

July 13, 2016

ORDER

(Scheduling of Further Filings on Track 2 Contentions)

On March 29, 2016, Entergy Nuclear Operations, Inc. (Entergy) notified the Licensing Board that during the scheduled maintenance outage that commenced on March 7, 2016, Entergy conducted visual and ultrasonic testing of the baffle-former assembly bolts in Indian Point Unit 2 (IP2), revealing that approximately one quarter of the baffle-former bolts showed signs of degradation.¹ As a result of these findings, on March 30, 2016, the parties filed a Joint Motion asking the Board to defer for thirty-five days the Track 2 hearing schedule, including post-hearing filings and evidentiary submissions, with a status update to be filed by the parties no later than May 6, 2016.² The Board granted that motion on April 1.³ On May 6, 2016, the

¹ Letter from Counsel for Entergy Nuclear Operations, Inc., to Lawrence G. McDade, Chairman, Dr. Michael F. Kennedy, and Dr. Richard Wardwell, Atomic Safety and Licensing Board, at 1–2 (Mar. 29, 2016) [hereinafter Notification of IP2 Inspection Findings].

² Joint Motion for Track 2 Hearing Schedule Deferral (Mar. 30, 2016) at 5.

³ Order (Adopting Joint Motion for Track 2 Hearing Schedule Deferral) (Apr. 1, 2016) (unpublished).

parties filed a Joint Status Report, requesting the deferral of the Track 2 schedule for an additional thirty-two days, with a status report to be filed no later than June 7, 2016.⁴ The Board granted that motion on May 10, 2016.⁵ On June 7, 2016, the parties filed a second Joint Status Report, requesting an additional twenty-one days of deferral, until June 28, 2016.⁶ The Board granted that motion on June 8, 2016.⁷

On June 28, 2016, the parties filed a Third Joint Status Report, in which they made recommendations for a schedule for further proceedings on the Track 2 contentions.⁸ In that report, Entergy informed the Board that it will send approximately thirty-two of the cracked baffle-former bolts removed from IP2 to a “hot lab” facility for testing.⁹ Entergy stated that it plans to sponsor the analysis of three of these bolts, the results of which should be communicated by October 2016.¹⁰ Some or all of the remaining bolts may be sponsored for analysis by the nuclear industry, which analysis may not be completed until mid-2017.¹¹

Based on the uncertainties generated by the recent inspection of the baffle-former bolts at IP2 and the information provided by the parties in the Third Joint Status Report, in order to more fully develop the facts relevant to Track 2 contentions, the Board accepts the proposed briefing schedule agreed upon by three of the parties, State of New York (New York), Entergy,

⁴ Joint Status Report Regarding Track 2 Schedule Deferral (May 6, 2016) at 1.

⁵ Order (Adopting Track 2 Hearing Schedule Deferral at Request of the Parties) (May 10, 2016) (unpublished).

⁶ Second Joint Status Report Regarding Track 2 Schedule Deferral (June 7, 2016).

⁷ Order (Adopting Schedule Deferral at Request of the Parties and Requesting Conference Call Availability) (June 8, 2016) (unpublished).

⁸ Third Joint Status Report Regarding Proposed Track 2 Schedule (June 28, 2016).

⁹ Id. at 3.

¹⁰ Id.

¹¹ Id.

and the NRC Staff.¹² We grant this delay in anticipation that, at a minimum, the parties will address in their filings: 1) the cause of the higher-than-expected failure rate of baffle-former bolts at IP2¹³; 2) how the failure rate at IP2 affects the anticipated failure rate of these components over the next 2, 5, 10, and 20 years; 3) what changes, if any, should or will be made to the inspection schedule at Indian Point with an explanation why any changes to the inspection would be appropriate and adequate; 4) any changes that should or will be made to the acceptance criteria, including other ways to identify aging effects prior to failure; 5) whether efforts have been made, or should be made, to recover “missing bolts, and bars meant to hold them in place”¹⁴ and 6) a detailed discussion of what would occur if IP2 or IP3 baffle-former bolts fail at a rate approaching or exceeding the approximate 51-70% failure rate that Entergy’s expert witnesses have cited as not compromising safe plant operation due to the redundancy of baffle-former bolts in the bolting distribution.¹⁵

Additionally, the Board expects that these discussions from the parties will be supported by technical documents, and that in reaching our decision we will have the opportunity to review at a minimum the root cause evaluation performed by Entergy, the IP2 repair plan, the NRC August 15, 2016 Inspection Report, the results of the hot lab testing and evaluation of IP2 baffle-former bolts (expected in October 2016), and any key supporting documents for these

¹² Id. at 3, 5.

¹³ Dr. Hiser for the NRC Staff testified at the November 2015 Track 2 hearing that in 8,887 Westinghouse baffle-former bolts inspected via ultrasonic testing, a 1.5% cracking rate had been observed through the fall of 2014. Tr. at 5230–31 (citing Regulatory Information Conference Presentation Slides, “Recent Materials Inspects of PWR Reactor Internals” (Mar. 2015) (Ex. NRC000207)). The results of Entergy’s inspection of IP2 revealed that “approximately 227 of 832 baffle-former bolts,” or 27%, were missing or degraded. Notification of IP2 Inspection Findings at 2.

¹⁴ Notification of IP2 Inspection Findings at 1–2.

¹⁵ Testimony of Entergy Witnesses Nelson F. Azevedo, Robert J. Dolansky, Alan B. Cox, Jack R. Strosnider, Timothy J. Griesbach, Randy G. Lott, and Mark A. Gray Regarding Contention NYS-25 (Embrittlement) at 101 (Aug. 10. 2015) (Ex. ENT000616).

analyses and reports. The Board expects the parties to file these documents promptly as they become available and that further updates on any matters relating to these issues be filed with the Board as soon as practicable.

As to the schedule, absent further order from the Board, New York and Riverkeeper, Inc.'s (Riverkeeper) proposed findings of fact and conclusions of law on the Track 2 contentions, supplemental testimony on baffle-former bolt issues, and New York's reply testimony related to its February 5, 2016 motion for the admission of six exhibits, shall be filed no later than 5:00 PM EST on November 17, 2016. Entergy and the NRC Staff's proposed findings of fact and conclusions of law on the Track 2 contentions and supplemental testimony shall be filed no later than 5:00 PM EST on January 19, 2017. New York and Riverkeeper's reply testimony and any amendments to their proposed findings of fact and conclusions of law shall be filed no later than 5:00 PM EST on March 2, 2017.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 13, 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling of Further Filings on Track 2 Contentions)** have been served upon the following persons by Electronic Information Exchange and e-mail.

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[Original signed by Brian Newell _____]
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Dated at Rockville, Maryland
this 13th day of July, 2016