

August 1, 2016

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/286-LR
)
(Indian Point Nuclear Generating)
Units 2 and 3))

NRC STAFF'S 54th STATUS REPORT
IN RESPONSE TO THE ATOMIC SAFETY AND
LICENSING BOARD'S ORDER OF FEBRUARY 16, 2012

In accordance with the Atomic Safety and Licensing Board's ("Board") "Order (Granting NRC Staff's Unopposed Time Extension Motion and Directing Filing of Status Updates)" ("Order"), issued on February 16, 2012, the NRC Staff ("Staff") herewith provides its 54th monthly status report to the Board.

Safety Issues

1. Track 2 Safety Issues. Hearings on the three "Track 2" safety contentions related to the License Renewal Application ("LRA") for Indian Point Units 2 and 3 ("IP2" and "IP3") were held on November 16-19, 2015. On February 5, 2016, the State of New York ("New York") filed a motion seeking the late admission of six documents as exhibits related to the Track 2 contentions; answers were filed on February 16, 2016.¹ On February 19, 2019, the Board granted New York's Motion, conditioned upon its filing of expert testimony demonstrating

¹ See (1) "State of New York Motion for Leave to File Six Documents as Additional Exhibits" (Feb. 5, 2016); (2) "NRC Staff Answer to 'State of New York Motion for Leave to File Six Documents as Additional Exhibits'" (Feb. 16, 2016); and (3) "Entergy's Answer to State of New York Motion for Leave to File Six Documents as Additional Exhibits" (Feb. 16, 2016).

the relevance, materiality and reliability of the proposed exhibits;² the Board further indicated that the evidentiary record will be closed within 10 days after the filing of all supplemental testimony, unless it requires additional testimony on the proposed exhibits.³ New York filed its supplemental testimony on March 4, 2016; Entergy and the Staff filed responsive testimony on March 18, 2016. As required by the Board's Order of July 13, 2016, (a) New York is to file its reply testimony regarding the documents on November 17, 2016; (b) the Intervenors are to file their supplemental testimony on baffle-former bolt issues and proposed findings of fact and conclusions of law on Track 2 issues on November 17, 2016; (c) Entergy and the Staff are to file their supplemental testimony and proposed findings of fact and conclusions of law on Track 2 issues on January 19, 2017; and (d) the Intervenors are to file their reply testimony and amendments to their proposed findings of fact and conclusions of law on March 2, 2017.⁴ On July 25, 2016, the parties filed a joint motion for reconsideration and/or clarification of the Board's Order with respect to the filing of non-evidentiary technical documents and the schedule for filing proposed findings of fact and conclusions of law.⁵

2. Other Safety Issues. There has been no change in this item since the Staff filed its previous status report. As stated previously, the Staff is reviewing issues associated with

² *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Requesting Expert Testimony on New York's Proposed Exhibits and Suspending Deadline for Filing Proposed Findings of Fact and Law)" (Feb. 19, 2016).

³ *Id.* at 3.

⁴ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Scheduling of Further Filings on Track 2 Contentions)" (July 13, 2016) ("Scheduling Order"), at 4.

⁵ "Joint Motion for Reconsideration or, in the Alternative, Clarification of the July 13, 2016 Board Order Scheduling Further Filings on the Track 2 Contentions" (July 25, 2016).

two recent Interim Staff Guidance (“ISG”) documents (LR-ISG-2012-02 and LR-ISG-2013-01).⁶ In addition, a further ISG (LR ISG-2015-01) has been issued,⁷ and an additional draft ISG (LR ISG-2016-01) has been issued for public comment.⁸ The Staff has not yet determined whether these matters will be addressed in an SER Supplement for IP2 and IP3. The Staff will provide further information to the Board regarding these issues when available.

Environmental Issues

3. FSEIS Supplement. There has been no change in this item since the Staff filed its previous status report. On December 22, 2015, the Staff issued its draft second supplement (Volume 5) to the Final Supplemental Environmental Impact Statement (“FSEIS”) for license renewal of IP2 and IP3.⁹ The Staff has determined that it will require additional time to address the issues raised in the public comments on the draft FSEIS supplement; the Staff currently expects to issue Final Supplement 2 (Volume 5) to the FSEIS in January 2017.¹⁰

⁶ See (1) Notice of Issuance, Interim Staff Guidance; LR-ISG-2012-02; “Aging Management of Internal Surfaces, Fire Water Systems, Atmospheric Storage Tanks, and Corrosion under Insulation,” 78 Fed. Reg. 70,076 (Nov. 22, 2013); (2) Notice of Issuance, Interim Staff Guidance; LR-ISG-2013-01; “Aging Management of Loss of Coating or Lining Integrity for Internal Coatings/ Linings on In-Scope Piping, Piping Components, Heat Exchangers, and Tanks,” 79 Fed. Reg. 68,308 (Nov. 14, 2014).

⁷ See Notice of Issuance, Interim Staff Guidance; LR-ISG-2015-01, “Changes to Buried and Underground Piping and Tank Recommendations,” 81 Fed. Reg. 23 (Feb. 4, 2016). This LR-ISG will replace aging management program (AMP) XI.M41, “Buried and Underground Piping and Tanks,” and the associated Updated Final Safety Analysis Report (UFSAR) Summary Description in LR-ISG-2011-03, “Changes to the Generic Aging Lessons Learned (GALL) Report Revision 2 Aging Management Program (AMP) XI.M41, ‘Buried and Underground Piping and Tanks.’”

⁸ Draft License Renewal Interim Staff Guidance [LR ISG-2016-01]; Request for Comment, “Changes to Aging Management Guidance for Various Steam Generator Components,” 81 Fed. Reg. 36,612 (June 7, 2016).

⁹ “Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Draft Report for Comment,” NUREG-1437, Supplement 38, Vol. 5 (Dec. 2015) (“Draft FSEIS Supplement 2”). See Letter from Sherwin E. Turk to the Board (Dec. 22, 2015), at 1.

¹⁰ Letter from Jane Marshall (NRC) to Vice President, Operations, Entergy Nuclear Operations, Inc., “Schedule Revision for the Environmental Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3 License Renewal Application” (June 28, 2016).

4. Contention NYS-12C (SAMAs). There has been no change in this item since the Staff filed its previous status report. On February 14, 2014, New York filed a petition for review of the Board's Partial Initial Decision (LBP-13-13) concerning Contention NYS-12C,¹¹ and on April 28, 2014, New York filed a petition for review of the Board's Order denying its motion to reopen and reconsider that portion of the decision.¹² On May 4, 2016, the Commission issued CLI-16-07, in which it reversed the Board's decision on Contention NYS-12, directed the Staff to perform additional sensitivity analyses due to uncertainties in the CDNFRM and TIMDEC input values, and denied New York's petition for review of the Board's Order denying New York's motion to reopen and reconsider.¹³ The Staff plans to conduct the required sensitivity analyses and may present the results of those analyses in a further FSEIS supplement. The Staff will provide additional information to the Board regarding this matter when available.

5. Potential Filing of Waiver Petition and/or New or Revised Contentions. On June 30, 2016, New York filed a motion seeking to establish a schedule for its contemplated filing of a petition for waiver of the Commission's Continued Storage Rule¹⁴ and/or new or revised contentions regarding the site-specific impacts of spent fuel storage at Indian Point; on July 22, 2016, the Board denied New York's motion.¹⁵

¹¹ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-13-13, 78 NRC 246 (Nov. 27, 2013).

¹² *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Denying New York's Motion to Reopen the Record; Setting Deadline for New or Amended Contention)" (Apr. 1, 2014).

¹³ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), CLI-16-7, 83 NRC ___ (May 4, 2016) (slip op.).

¹⁴ See (1) 10 C.F.R. 51.23(a); (2) Final Rule, "Continued Storage of Spent Nuclear Fuel," 79 Fed. Reg. 56,260 (Sept. 19, 2014).

¹⁵ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), "Order (Denying New York's Motion to Establish a Schedule for the Filing of a Waiver Petition and/or Contentions)" (July 22, 2016).

6. Other Matters. The Staff is not currently aware of any other matter that has the potential to impact the schedule for hearings in this proceeding. In accordance with the Board's direction (Order, at 2), the Staff will notify the Board as soon as any other event with potential to alter the hearing schedule arises.

Respectfully submitted,

/Signed (electronically) by/

Sherwin E. Turk
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop – O-15D21
Washington, DC 20555
Telephone: (301) 287-9194
E-mail: Sherwin.Turk@nrc.gov

Dated at Rockville, Maryland
this 1st day of August 2016

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R § 2.305 (as revised), I hereby certify that copies of the foregoing “NRC STAFF’S 54th STATUS REPORT IN RESPONSE TO THE ATOMIC SAFETY AND LICENSING BOARD’S ORDER OF FEBRUARY 16, 2012,” dated August 1, 2016, have been served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned proceeding, this 1st day of August 2016.

/Signed (electronically) by/

Sherwin E. Turk
Counsel for NRC Staff
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop – O-15D21
Washington, DC 20555
Telephone: (301) 287-9194
E-mail: Sherwin.Turk@nrc.gov