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January 11, 2017

Lawrence G. McDade, Chairman  
Dr. Michael F. Kennedy  
Dr. Richard E. Wardwell  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Docket:** ***Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3), Docket Nos. 50-247-LR and 50-286-LR***

**Re:** **Joint Request for Conference Call to Discuss the Parties' Recent Settlement Agreement and Need for Immediate Deferral of Near-Term Filing Deadlines**

Dear Administrative Judges:

As the Licensing Board ("Board") is likely aware from recent media reports, on January 8, 2017, Entergy Nuclear Operations, Inc. ("Entergy"), the Attorney General of the State of New York ("New York State"), and Riverkeeper, Inc. (among other pertinent Entergy corporate and New York governmental entities) entered into a settlement agreement regarding the continued operation, and early shutdown, of Indian Point Units 2 and 3. Under the agreement, Unit 2 will shut down by April 30, 2020, and Unit 3 will shut down by April 30, 2021, subject to operating extensions through, but not beyond, 2024 and 2025, respectively, under circumstances specified in the agreement. Entergy has further agreed to file an amendment to its pending license renewal application ("LRA") with the Nuclear Regulatory Commission ("NRC"), whereby it will modify the proposed terms of the renewed licenses from 20 years for each unit to the periods ending April 30, 2024 for Unit 2 and April 30, 2025 for Unit 3.

Importantly, the agreement also provides for the final resolution of numerous pending legal challenges to Indian Point Units 2 and 3 license renewal, as raised by New York State and Riverkeeper in various administrative (NRC and non-NRC) and judicial proceedings. As most relevant here, New York and Riverkeeper have agreed to withdraw their pending legal challenges to the LRA (*i.e.*, the three Track 2 safety contentions) and to not oppose renewal of the Unit 2 and Unit 3 operating licenses for the reduced terms specified above. The Agreement binds only Entergy, the State, and Riverkeeper, and imposes no obligations on the NRC.

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In light of these developments, the parties have consulted and hereby jointly request that the Board hold a status call to discuss the impact of the agreement on matters pending before the Board. The parties also would like to discuss the deferral of current filing dates pending the implementation of certain related terms of the settlement agreement. Those filing dates include, among others: (1) the January 17, 2017 deadline for New York State's and Riverkeeper's filing of supplemental testimony on the Track 2 issues; and (2) the January 19, 2017 deadline for those parties' responses to Entergy's and the NRC Staff's reports on the status of pending matters related to Entergy's compliance with the Federal Coastal Zone Management Act of 1972 and the Clean Water Act.

Given the imminent nature of these filing deadlines, the parties respectfully request that the status call be conducted as soon as practicable – preferably on or before Friday, January 13 – to allow the Board to take timely and appropriate action.

Respectfully submitted,

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

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*Counsel for Entergy Nuclear Operations, Inc.*

**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)	)	January 11, 2017	

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 2.305 (as revised), I hereby certify that, on this date, copies of the parties' letter to the Atomic Safety and Licensing Board ("Re: Joint Request for Conference Call to Discuss the Parties' Recent Settlement Agreement and Need for Immediate Deferral of Near-Term Filing Deadlines") 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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