RAS-E-107



STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

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OFFICE OF SECRETARY **RULEMAKINGS AND** ADJUDICATIONS STAFF

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DIVISION OF SOCIAL JUSTICE **ENVIRONMENTAL PROTECTION BUREAU**

April 2, 2008

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U.S. Nuclear Regulatory Commission

Richard E. Wardwell, Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Mail Stop - T-3 F23 Two White Flint North 11545 Rockville Pike Rockville, MD 20852-2738

Dr. Kaye D. Lathrop Administrative Judge Atomic Safety and Licensing Board 190 Cedar Lane E. Ridgway, CO 81432

Re:

License Renewal Application submitted by Entergy Indian Point Unit 2, LLC, Entergy Indian Point Unit 3, LLC, and Entergy Nuclear Operations, Inc., for Indian Point Nuclear Generating Station, Unit 2 and Unit 3, Docket Nos. 50-247-LR/50-286-LR; ASLBP No. 07-858-03-LR-BD01

Dear Administrative Judges:

In response to the March 18, 2008 Order of the Licensing Board, enclosed please find joint corrections to the transcripts of the Indian Point oral argument held March 10, 11, and 12, 2008 in White Plains which are submitted on behalf of the State of New York, the State of Connecticut, the County of Westchester, New York, Town of Cortlandt, New York, and Riverkeeper, Inc.

Respectfully submitted,

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cc: Service List

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ENTERGY NUCLEAR INDIAN POINT 2, LLC, ENTERGY NUCLEAR INDIAN POINT 3, LLC, and ENTERGY NUCLEAR OPERATIONS, INC.

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

Regarding the Renewal of Facility Operating Licenses
No. DPR-26 and No. DPR-64 for an Additional 20-year

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

No. DPR-26 and No. DPR-64 for an Additional 20-year Period for

DPR-26, DPR-64

INDIAN POINT NUCLEAR GENERATING UNITS 2 & 3.

Joint Corrections to Transcripts of
Indian Point Oral Argument
March 10-12, 2008
White Plains, New York
Submitted on Behalf of the State of New York;
the State of Connecticut; the County of Westchester, New York;
the Town of Cortlandt, New York; and Riverkeeper, Inc.

Text in brackets [] has been deleted; <u>underscored text</u> has been added or corrected.

MARCH 10, 2008 PROCEEDINGS:

Page/line

Correction

Chairman McDade Introduction

P. 7/1.8

Atomic Safety and Licensing Board

P. 7/1. 20

[that] then the NRC staff

Page/Line

Correction

Questions on Westchester County's Petition

P. 13 / 1. 21	[AUDIENCE MEMBER] <u>Michael Kaplowitz, Vice-Chair,</u> Westchester County Board of Legislators,
P. 13 / 1. 22	[I'm] he's representing me.
P. 13 / l. 25	denied the right to be properly represented [ing].
P. 19/1.2	we do have [our] full faith and confidence[. And] that the State of
P. 26 / 1. 8	the staff that [the] 309

Questions on New York State's Petition

P.31 / 1. 16	[Royceman] Roisman
P.31 / 1. 21	[Royceman] Roisman
P. 32 / 1. 9	[Jody] <u>Jodi</u>
P. 32 / l. 11-13	Janice Dean, who is an Assistant Attorney General [in Cape] , and Kit Kennedy, who is in charge of the environmental protection[s] bureau there
P. 34 / 1. 22	[state] spate
P. 36 / I. 7	[in the courts] and reports
P. 36 / 1. 12	[ripe] <u>rife</u>
P. 40 / 1. 3	contention <u>s</u>
P. 42 / 1. 5	or is the [renew] <u>review</u> at
P. 45 / 1. 9	Indian Point [Entergy center] Energy Center
P. 49 / 1. 1	Is that [tin]
P. 53 / 1. 20	under an [sanction] accession number
P. 56/1.18	at[e]

Page/Line	Correction
P. 59 / l. 13	Commissioners .
P. 61/1. 6	[at] on their behalf
P. 62 / 1. 23	seismic information from [the] circa
P. 68 / l. 24	but it would be in current licensing [space] basis
P. 69 / 1. 23	is a real possibility of a more significant [termor] tremor
P. 70 / 1. 9	were necessary, it would begin in part 50 [space] basis,
P. 70 / I. 10	current operating [space] basis
P. 71 / l. 2-3	There was a draft [NRC] <u>AEC GDC</u> in 1967. There was a final [NRC] <u>AEC GDC</u> in 1971.
P. 71 / 1. 8	the [NRC] GDC '67 draft?
P. 71 / 1. 24	[pushed] <u>published</u>
P. 72 / 1. 8	[COL] <u>CLB</u>
P. 73 / l. 18	were to change, then the [accident] applicant
P. 75 / 1. 1	[all] <u>old</u>
P. 80 / l. 14	[let] <u>left</u>
P. 81 / l. 6	[seize] <u>cease</u>
P. 86 / l. 17	and <u>am</u> now
P. 86 / 1. 25	[muting] meeting
P. 91 / 1. 25	[how] who
P. 92 / 1. 24	[This] Thus if you suspend the
P. 92 / 1. 25	proceeding would [has] , as Judge McDade pointed out,
P. 93 / 1. 19	summary [deposition] <u>disposition</u>

	·
Page/Line	Correction
P. 93 / 1. 22	summary [deposition] disposition
P. 95 / 1. 8	Are we adopting [intention] contentions
P. 103 / l. 23	use the word "[intention] contention"
P. 106 / l. 10	[effected] affected
P. 107 / 1. 4	[GOC] GDC
P. 109 / 1. 10	statement was connected
P. 109 / 14	that what there
P. 109 / l. 15	[buy-buy] abide by
P. 112 / l. 21	[GDCB adhere] GDC be adhered
P. 116/ l. 21	[can] can't attack the current licensing basis
P. 117 / l. 2	part of the staff [at] or Entergy
P. 119 / l. 21	action" and it carries on. ["]
P. 120 / l. 22	(Laughter.)
P. 121 / l. 16	Unit [3] <u>2</u>
P. 124 / I. 7	further action."
P. 129 / I. 22	[infects] affects
P. 130 / l. 3	Unit [3] <u>2</u>
P. 132 / l. 19	license approve <u>d</u> ,
P. 135 / l. 10	Unit [3] <u>2</u>
P. 140 / l. 17	But it is not that [they're] there
P. 141 / l. 1	[2.000] <u>2,000</u>
P. 141 / 1. 8	I think it's "each nuclear facility"

Page/Line	Correction
P. 142 / l. 7	operate [A,] <u>a</u> nuclear
P. 142 / l. 16	and the regulation says to operate "a" nuclear power plant
P. 143 / l. 7	[SR. SPEC. AGENT MULLEN] JUDGE WARDWELL
P. 148 / l. 1	that's of importance here
P. 150 / 1. 20	It just seems like [there] there's a difference,
P. 151 / l. 19	proposal is strictly the combined power [outages] outputs of
P. 152 / l. 11	contain radioactive[ly] contaminants
P. 154 / l. 5	[of curves] occurs
P. 154 / l. 25	It was aerosolized,
P. 156 / I. 12	hydro-geological <u>ly</u> influence <u>d</u>
P. 156 / 1. 18	of this effort [on] in
P. 158 / I. 23	one of the [A&Ps] <u>AMPs</u>
P. 167 / I. 18	tank systems[?].
P. 168 / 1. 16	applies to[;] :
P. 168 / 1. 17	[field] fuel oil
P. 169 / 1. 7	Okay, if I could sort [of] out
P. 170 / 1. 23	They specifically [site] cite
P. 171 / I. 5	possible <u>:</u>
P. 171 / l. 15	contention, supported
P. 171 / l. 25	[application] declaration
P. 177 / I. 3	[Adams] ADAMS
P. 189 / I. 11	And to come to Section [54-29] <u>54.29</u>

Page/Line	Correction
P. 191 / l. 11	[2309] <u>2.309</u>
P. 201 / l. 3	[54.21-A.1.(i)] <u>54.21(a)(1)(i)</u>
P. 204 / l. 21	[54.21-A.1.(i)] <u>54.21(a)(1)(i)</u>
P. 208 / l. 1	Part 54 at page [22.471] <u>22,471</u>
P. 209 / l. 10	from Paul [Blanche] Blanch
P. 209 / l. 24	Paul [Blanche's] Blanch's
P. 210 / l. 18	Federal Register [22.471] <u>22,471</u>
P. 210 / l. 24	Paul [Blanche] Blanch
P. 213 / l. 3	[22-477] <u>22,477</u>
P. 214 / l. 24	Federal Register [22-471] <u>22,471</u>
P. 215 / l. 9	Mr. [Blanche's] Blanch's
P. 215 / l. 23	Mr. [Blanche] Blanch
P. 221 / l. 4	putting up a wind farm, of conservation,
P. 224 / l. 13	Clinton was an early site
P. 229 / l. 21	their replies to [your's] yours
P. 229 / l. 24	in our Environmental [report] Report
P. 234 / l. 3	Contention Eleven is that [DER] the ER
P. 234 / l. 5-6	Indian Point [II] 2 and Indian Point [III] 3
P. 234 / l. 9	[II] <u>2</u> and [III] <u>3</u>
P. 234 / 1. 24	[conservatism] conservation
P. 237 / 1. 10	Indian Point [II] 2 and Indian Point [III] 3

Page/Line	Correction
P. 241 / 1. 24	[C3.IIL] (c)(3)(ii)(L)
	MARCH 11, 2008 PROCEEDINGS:
P. 253 / 1. 4	Cortlandt, [CT] <u>NY</u>
P. 254 / l. 11	specific [intentions] contentions
P. 259 / l. 1	Register [28.481] <u>28,481</u>
P. 264 / l. 13	responsibilities under [CIRCA (phonetic)] <u>CERCLA</u>
P. 266 / 1. 25	threshold. It's [a really fast and] really cast in generic terms.
P. 270 / 1. 10	of the Code at any particular power [point] plant
P. 272 / 1. 5	[in] and
P. 272 / 1. 7	[residents] residences
P. 273 / 1. 25	summary [deposition] disposition stage
P. 274 / l. 4	contention, which
P. 274 / I. 5	contention that was at issue in Pilgrim,
P. 274 / 1. 7	inputs, Judge Lathrop, as you said and [assumption] assumptions
P. 274 / l. 14	And I would just note that to [Entergy] Entergy's
P. 274 / 1. 22	"[Date] <u>Data</u> on recovery
P. 275 / 1. 1	severe reactor accidents."
P. 275 / 1. 8	fortunately a [dire] dearth
P. 279 / l. 7	a time because I'm this [hard-scribble] hard-scrabble

saying it could [effect] affect

P. 280 / 1. 20

Page/Line	Correction
P. 280 / l. 24	might get influenced by that,
P. 280 / 1. 25	smaller particles,
P. 283 / l. 20	[upper west side] <u>Upper West Side</u>
P. 289 / l. 12	same term that the discussion that [State] Staff references
P. 289 / l. 15	[Wash] WASH
P. 290 /1. 10	MACCS2 Code, not that they demonstrated
P. 292 / 1. 23	it's increased clean-up costs
P. 302 / 1. 15	identified the risk [that's at the] that a fire will disable
P. 302 / l. 19	was [no] not evaluated
P. 306 / l. 15	information is going to [effect] affect
P. 306 / l. 17	controlling [condition] Commission case law
P. 306 / 1. 23	of SAMA analysis that [is's] it's
P. 308 / 1. 1	Because again we think it's a
P. 308 / 1. 6	would materially [effect] affect
P. 308 / l. 14	consider this information or you haven't [to] considered
P. 308 / l. 17	properly has [effected] affected
P. 309 / l. 17	does this [effect] affect
P. 311 / l. 17-21	["In order to reduce the earthquake risk for IP 1 and to critical conjoin in adjacent Units 2 and 3 is necessary to improve the ability of IP1's critical components to withstand the effects of an earthquake."] "In order to reduce the earthquake risk for IP1 (and to the conjoined and adjacent Units 2 and 3), it is necessary to improve the ability of IP1's critical components to withstand the effects of an earthquake."

Page/Line	Correction
P. 313 / 1. 6	[effect] affect
P. 313 / 1. 7	thing, how it's going to [effect] affect
P. 316 / l. 15	[si0tuations] situations
P. 319 / l. 17	Is that correct[>] ?
P. 326 / 1. 3	system <u>by</u> system
P. 327 / l. 13	been [s] scoped in
P. 329 / l. 23	[Sherman] Sherwin
P. 330 / l. 17	magnitude events and that's what's then [factor] factored into
P. 333 / l. 1	[MS. SUTTON:] MR. TURK:
P. 333 / l. 3	[MR. TURK:] MS. SUTTON:
P. 335 / 1. 5	But [is] if the dose is
P. 336 / 1. 21	[burroughs] boroughs
P. 337 / l. 13	into question this is an outdated, obsolete [node] model,
P. 337/1.17	[this] the siting of this plant, that [if] this
P. 337 / l. 19	what New York is interested in here
P. 343 / l. 14	in here (holding up CFR).
P. 343 / l. 24	promulgated, I believe it's part [2309] 2.309
P. 344 / l. 8	That's our burden under [2309] 2.309.
P. 346 / I. 12	[NOAA Evaluation] no - evacuation
P. 346 / l. 19	what the Commission said in McGuire, [COI217] CLI-217
P. 347 / 1. 15	not [a] at the contention [of] admissibility stage

Page/Line	Correction
P. 350 / l. 16	[20.13] <u>2013</u>
P. 350 / l. 17	[20.15] <u>2015</u>
P. 351 / l. 23	of the regulation that that be [addresses] addressed,
P. 354/1.7	[MR. SIPOS:] MR. CHANDLER
P. 360 / l. 15	[MR.] MS. SUTTON:
P. 362 / l. 15	Is this the [new reg.] <u>NUREG</u> of
P. 362 / l. 18	I believe it is. The [new reg.] <u>NUREG</u>
P. 365 / l. 9	I would note, however, that the [present] premise of
P. 373 / l. 9	systems, [structure] structures,
P. 373 / l. 10	the scope of 54.21(a) and therefore [is] are subject to
P. 374 / l. 4, 11	[Leahy] Lahey
P. 374 / l. 12	declaration [in] and
P. 375 / l. 18	[MR.] MS. SUTTON
P. 376 / l. 5, 25	[Leahy] Lahey
P. 376 / 1. 7	[MR.] MS. SUTTON
P. 376 / l. 12	[MR.] <u>MS.</u> SUTTON
P. 377 / I. 13	[Leahy] Lahey
P. 378 / l. 1, 17, 20, 23	[Leahy] Lahey
P. 379 / 1. 4, 11	[Leahy] <u>Lahey</u>
P. 379 / I. 16	they have [filed] followed the guidance,
P. 379 / l. 18, 22	[Leahy] <u>Lahey</u>

Page/Line	Correction
P. 380 / l. 6	with now, then you won't know what [you] you've got as you're
P. 380 / l. 14, 16, 25	[Leahy] <u>Lahey</u>
P. 381 / l. 8	program, and that's Entergy's burden. Our [expect] expert has
P. 381 / l. 17	[Leahy] <u>Lahey</u>
P. 381 / l. 18	one paragraph on [pages] page 126
P. 382/1.1	down to is <u>a</u> dispute between experts.
P. 382 / l. 17, 19	[Leahy] <u>Lahey</u>
P. 383 / l. 6, 14, 22	[Leahy] <u>Lahey</u>
P. 383 / l. 19	[MR.] MS. SUTTON
P. 386 / 1. 10	[werer] were recessed,
P. 388 / 1. 18	correct when they say that they have [gotten] got in their
P. 391 / l. 18, 22	[Leahy] <u>Lahey</u>
P. 393 / 1. 7	[Leahy] <u>Lahey</u>
P. 395 / 1. 20	facilities. It's [giving] given experience and aging.
P. 401 / 1. 7	contention number [5] <u>25</u> ,
P. 401 / 1. 14	[Leahy] <u>Lahey</u>
P. 402 / 1. 3, 9, 14	[Leahy] Lahey
P. 403 / 1. 3, 8, 22	[Leahy] <u>Lahey</u>
P. 404 / 1. 5, 22	[Leahy] <u>Lahey</u>
P. 404 / 1. 25	requirements. But he also discusses the [sharpey] Charpy test
P. 406 / l. 17	[Leahy] <u>Lahey</u>

Page/Line	Correction
P. 406 / 1. 25	stainless steel. And even the welds of the [in-course] in-core
P. 407 / 1. 3	[Leahy] <u>Lahey</u>
P. 407 / 1. 6	these loads can damage the [course] core
P. 407 / 1. 9, 13, 18	[Leahy] <u>Lahey</u>
P. 408 / l. 4, 9, 25	[Leahy] <u>Lahey</u>
P. 409 / 1. 4, 10, 15	[Leahy] Lahey
P. 409 / I. 16	[serous] serious
P. 410 / 1. 11	[Leahy] <u>Lahey</u>
P. 412 / l. 10	[along] on the same date as its reply.
P. 415 / l. 14	regulation, [5413] <u>54.13</u>
P. 440 / 1. 20	Unit 1 [spend] spent fuel pool
P. 441 / l. 4	accurate [dada] data
P. 441 / l. 5	was [prepared] repaired
P. 452 / 1. 24	56 Federal Register [64-967] <u>64,967</u> ,
P. 453 / l. 20	doesn't have to be made in the relicense [goes] does not go to the
P. 453 / l. 21	mitigation of the environmental impacts [or] of a postulated
P. 453 / 1. 22	or a severe accident, should it occur
P. 454 / 1. 7	[meteorological] <u>radiological</u> emergency preparedness plan for Indian
P. 454 / I. 20	under the Part 51 regulations
P. 454 / l. 21	appendix [subpart] B to subpart [appendix] A
P. 454 / l. 24	also gets to the heart of, yes, it was studied

Page/Line	Correction
P. 455 / l. 15	environmental impacts of <u>a</u> nuclear facility
P. 455 / l. 17	us has failed to comply with the [updated] updating requirements
P. 455 / 1. 22	the incorporation by reference of the [Wood] Witt report,
P. 456 / l. 8	[one is producing] once it sunsets,
P. 459 / l. 4	[sound] stated
P. 460 / 1. 2	[Roni] Rani Franovich in her statement on the 19th of
P. 460 / l. 7	to that ten-year obligation [,] we had discussed earlier,
P. 460 / l. 11	2006, they really "kicked" it off "in earnest." That is
P. 469 / l. 24	[permanent] permit in effect,
P. 472 / l. 3	This is where I would <u>not</u> ask you to do the
P. 472 / l. 10	And the [DEIS] analysis
P. 472 / l. 24	Dilks. He has demonstrated [in] with great specificity and
P. 488 / l. 10	issues means that they have [weighed] waived their legal
P. 491 / l. 23	as a sovereign state, is at this time unable to [see] <u>cede</u>
P. 492 / l. 5	now [that] and New York
P. 492 / l. 13	individual [intervenor] intervenors
P. 493 / l. 21	excused. We would then start with [Portland] Cortlandt at 4:00
P. 493 / l. 22	o'clock. Anyway, I believe [Portland] Cortlandt would be next at

Page/Line

Correction

Questions on the Town of Cortlandt's Petition

P. 496 / I. 13	they have been very [obstructive] instructive
P. 496 / l. 16	of our contentions, <u>Technical</u> Contention [and Contention] 2 – on
P. 496 / l. 25	and also appear
P. 498 / 1. 1	course [of] in and of itself
P. 498 / 1. 3	Environmental Impact Statement [proceeds] precedes [and] such
P. 500 / 1. 2	report are generally promises to carry out [our] programs as
P. 504 / I. 1	[trust] thrust of the Sansoucy affidavit
P. 505 / 1. 9 – 11	facility; [and] there is a considerable concern that we examine the issues of not licensing this facility [for] or relicensing [its] this facility.
P. 507 / 1. 7	and indicate[s] that in that instance
P. 509 / 1. 3	pool issue, then we would elect to proceed under [23.5] <u>2.315</u> .

Questions on the State of Connecticut's Petition

P. 510 / 1. 3	[started] stated yesterday
P. 510 / 1. 14	[the] Westchester County
P. 511 / l. 14	[effect] affect
P. 512 / l. 1	a significant amount
P. 512 / 1. 3	[west] east
P. 516 / l. 24	[changed] <u>changes</u>
P. 520 / 1. 23	[for seeding] proceeding
P. 522 / Į. 22	[SR. SPEC. AGENT MULLEN] JUDGE WARDWELL

Page/Line Correction P. 524 / 1. 2 [2-335] 2.335

MARCH 12, 2008 PROCEEDINGS:

Questions on Riverkeeper, Inc.'s Petition

P. 529 / l. 14	[Daronoco] <u>Daronco</u>
P. 534 / 1. 16	[Philip] Phillip
P. 537 / l. 1	[and] of
P. 537 / 1. 9	admissibility [and]
P. 537 / 1. 20	[simple] simply
P. 538 / 1. 13	pool[s]
P. 544 / 1. 4	that this was a
P. 544 / 1. 6	the[y]
P. 544 / l. 11	[this] that
P. 544 / 1. 22	broad <u>en</u>
P. 545 / 1. 2	position that
P. 546 / 1. 23	[2206] <u>2.206</u>
P. 550 / 1. 8	[2206] <u>2.206</u>
P. 552 / 1. 4	[2206] <u>2.206</u>
P. 557 / l. 4	[3.206] <u>2.206</u>
P. 557 / l. 13	[206] <u>2.206</u>
P. 557 / l. 16	says
P. 568 / 1. 5	<u>un</u> successful

Text in brackets [] has been deleted; $\underline{underscored\ text}$ has been added or corrected.

Page/Line	Correction
P. 568 / l. 11	it seems to me <u>for</u>
P. 568 / l. 24	referenced
P. 575 / l. 15	[operated] uprate
P. 580 / 1. 6	[float] flow
P. 584/1.9	CHECWORKS,
P. 586 / l. 10	[estrangement] entrainment
P. 588 / l. 7	[MR. TURK] <u>MR. TAFUR</u>
P. 589 / 1. 12-13	entrainment and impingement
P. 589 / l. 14	entrainment and impingement
P. 590 / l. 13-14	entrainment and impingement
P. 590 / l. 19	levels [and] of impingement entrainment
P. 595 / l. 14	[FAQ] Fact
P. 595 / l. 17	entrainment and impingement
P. 595 / 1. 20	analysis is,
P. 595 / l. 21	submit it,
P. 605 / 1. 23	<u>D</u> EC
P. 610 / l. 17	[intentionally cause an] intentionally caused
P. 610 / l. 19	intention <u>al</u>
P. 611 / l. 16	caused attacks
P. 612 / l. 25	[be] we have to do that
P. 612 / l. 14	[an amenable] a meaningful

Page/Line	Correction
P. 613 / l. 16	that's [a] Baltimore
P. 615 / l. 13	consequence <u>s</u>
P. 616 / l. 19	you[r]
P. 623 / l. 25	say <u>s</u>
P. 623 / l. 1	[NUREG CR 6295] <u>NUREG/CR-6295</u>
P. 627 / l. 25	[balder] bald or
P. 629 / l. 11	[difference is] differences
P. 640 / 1. 25	outline <u>d</u>
P. 647 / l. 21	[find] fine

Capitalization Consistency Note:

If "Applicant," "Agency," and "Commission" are to be capitalized, then so, too, should "State" and "County" be capitalized.

Dated: April 2, 2008

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