

November 3, 2014

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 33rd 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 33rd monthly status report to the Board.

Safety Issues

1. SER Supplement 2. As stated previously,¹ the Staff plans to issue Supplement 2 to its Safety Evaluation Report ("SER") related to license renewal of Indian Point Units 2 and 3 ("IP2/IP3"), in which it will address changes made to the license renewal application ("LRA") and information provided by Entergy Nuclear Operations, Inc. ("Entergy" or "Applicant") in response to Staff requests for additional information ("RAIs") following the issuance of SER Supplement 1;² this will include information concerning the Applicant's Reactor Vessel Internals ("RVI") Aging Management Program and Inspection Plan ("AMP").

¹ See, e.g., "NRC Staff's 32nd Status Report in Response to the Atomic Safety and Licensing Board's Order of February 16, 2012" (Oct. 1, 2014) ("32nd Status Report") at 1-2.

² "Safety Evaluation Report Related to the License Renewal of Indian Point Nuclear Generating Plant Units 2 and 3," NUREG-1930, Supp. 1 (Aug, 2011) ("SER Supplement 1").

On November 19, 2013, the Staff transmitted RAIs to Entergy with respect to RVI issues; Entergy responded to those RAIs on January 16, 2014.³ On April 9, 2014, the Staff transmitted additional RAIs on RVI issues to Entergy;⁴ Entergy responded to those RAIs on June 9, 2014,⁵ and submitted an amended response on August 5, 2014.⁶ The Staff has completed its review of Entergy's responses, and will present its evaluation of Entergy's RVI AMP in SER Supplement 2. The Staff expects to issue SER Supplement 2 in November 2014.⁷

2. Track 2 Safety Issues. There has been no change in this item since the Staff filed its previous status report. As stated previously,⁸ the Staff believes that hearings on Track 2 safety issues related to the Applicant's RVI aging management program (Contentions NYS-25 and portions of NYS-38/ RK-TC-5) should be deferred until the Staff has completed its evaluation of this matter. In addition, to promote efficiency and conservation of resources, and to assure there is no overlap in the issues or testimony, the Staff believes that evidentiary hearings on the remaining Track 2 safety issues (Contentions NYS-26B/RK-TC-1B and remaining portions of NYS-38/RK-TC-5) should be deferred to coincide with hearings on Contention NYS-25 and RVI-related portions of Contention NYS-38/RK-TC-5.

³ See (1) Letter from Fred Dacimo (Entergy) to NRC Document Control Desk, NL-14-010 (Jan. 16, 2014) (ADAMS Accession No. ML14027A413); and (2) Letter from Fred Dacimo (Entergy) to NRC Document Control Desk, NL-14-117 (Sept. 8, 2014) (ADAMS Accession No. ML14267A270 (replacing the attachments to the letter of January 16, 2014, with proprietary and non-proprietary versions).

⁴ Letter from Kimberly Green (NRC) to Vice President, Operations (Entergy), "Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application, Set 2014-02" (April 9, 2014) (ADAMS Accession No. ML14094A173).

⁵ Letter from Fred Dacimo (Entergy) to NRC Document Control Desk, NL-14-067 (June 9, 2014) (ADAMS Accession No. ML14176A159).

⁶ Letter from Fred Dacimo (Entergy) to NRC Document Control Desk, NL-14-093 (Aug. 5, 2014) (ADAMS Accession No. ML14225A777); Transcript of Teleconference (July 17, 2014) ("Tr."), at 4603-04.

⁷ Upon issuance, the SER supplement will also be transmitted to the Advisory Committee on Reactor Safeguards ("ACRS") for its consideration.

⁸ 32nd Status Report, at 2.

3. UFSAR Revision and LRA Update. There has been no change in this item since the Staff filed its previous status report. As stated previously,⁹ on September 26, 2013, the Applicant submitted a letter to the NRC, in which it revised the Indian Point Unit 2 (“IP2”) Updated Final Safety Analysis Report (“UFSAR”) to incorporate the provisions in Appendix A (UFSAR Supplement) of the IP2 LRA, in accordance with a commitment stated in Entergy’s letter of May 1, 2013 (NL-13-071).¹⁰ Also on September 26, 2013, the Applicant submitted Amendment No. 14 to its LRA, amending certain aspects of the IP2 LRA.¹¹ That information has been reviewed by the Staff and will be addressed in SER Supplement 2.

Environmental Issues

4. FSEIS Supplement. As stated previously,¹² the Staff intends to issue a second supplement to the Final Supplemental Environmental Impact Statement (“FSEIS”) for license renewal of Indian Point Units 2 and 3,¹³ which will address new information received by the Staff since preparation and publication of the previous FSEIS Supplement (FSEIS Vol. 4) in June 2013. The matters to be addressed in this supplement include the Applicant’s May 6, 2013 submittal of engineering project cost information for severe accident mitigation alternatives (SAMAs); Entergy’s February 19, 2014 submittal of new aquatic impact information; the June 2013 revision of 10 C.F.R. Part 51, Table B-1, and the Generic Environmental Impact

⁹ See, e.g., *id.*, at 3.

¹⁰ See Letter from F. Dacimo, Entergy, to NRC Document Control Desk, “Indian Point Energy Center Letters to NRC, License Renewal Application, dated April 23, 2007,” NL-13-130 (Sept. 26, 2013) (ADAMS Accession No. ML13269A452).

¹¹ See Letter from F. Dacimo, Entergy, to NRC Document Control Desk, “Amendment 14 to License Renewal Application,” NL-13-131 (Sept. 26, 2013) (ADAMS Accession No. ML13269A452).

¹² See Letter from Sherwin E. Turk to the Atomic Safety and Licensing Board (July 15, 2014); Tr. at 4590, 4598.

¹³ “Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Final Report,” NUREG-1437, Supplement 38 (Dec. 2010) (“FSEIS”) (Ex. NYS000133A-J).

Statement for license renewal; and the September 2014 amendment of 10 C.F.R. § 51.23(b) regarding the continued storage of spent nuclear fuel.¹⁴ The Staff expects to issue the Draft FSEIS Supplement in July 2015.

5. Contention NYS-35/36. On July 14, 2011, the Board issued LBP-11-17, granting summary disposition on Contention NYS-35/36 (Cost-Beneficial SAMAs) in favor of New York.¹⁵ On February 14, 2014, the Applicant and Staff filed petitions for Commission review of that decision;¹⁶ New York filed an answer opposing those petitions on March 25, 2014, to which the Applicant and Staff replied on April 9, 2014. The petitions are currently pending before the Commission.

On May 7, 2013, the Applicant notified the Board that it had submitted a letter to the Staff (NL-13-075), reporting the results of its completed engineering project cost estimates for Severe Accident Mitigation Alternatives (“SAMAs”) that previously had been identified as potentially cost-beneficial.¹⁷ In its notification, the Applicant noted, *inter alia*, that it was submitting the information “to support resolution of certain issues identified by the Board” in LBP-11-17.¹⁸ On July 9, 2013, the Board directed that “adjudicatory submissions based on

¹⁴ See (1) NUREG-1437, Revision 1, “Generic Environmental Impact Statement for License Renewal of Nuclear Plants” (NUREG-1437, Rev. 1) (June 2013); (2) NUREG-1437, Volumes 1-2: Generic Environmental Impact Statement for License Renewal of Nuclear Plants (May 1996) (“GEIS-LR”) (Exh. NYS000131A-I).

¹⁵ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-11-17, 74 NRC 11, *petition for interlocutory review denied*, CLI-11-14, 74 NRC 801 (2011).

¹⁶ See (1) “Applicant’s Petition for Review of Board Decisions Regarding Contentions NYS-8 (Electrical Transformers), CW-EC-3A (Environmental Justice), and NYS-35/36 (SAMA Cost Estimates)” (Feb. 14, 2014) (“Applicant’s Petition for Review”); and (2) “NRC Staff’s Petition for Commission Review of LBP-13-13 in Part (Contentions NYS-8 and CW-EC-3A), and LBP-11-17 (Contention NYS-35/36)” (Feb. 14, 2014) (“Staff Petition for Review”).

¹⁷ See Letter from Kathryn M. Sutton, Esq., *et al.*, to the Board (May 7, 2013), attaching Letter from Fred Dacimo (Entergy) to the NRC Document Control Desk, NL-13-075 (May 6, 2013) (ADAMS Accession No. ML13142A014).

¹⁸ *Id.*, at 1 and 2.

NL-13-075 are due no later than 60 days after the Staff issues its draft FSEIS supplement or an equivalent document discussing its review of NL-13-075, or alternatively, no later than 60 days after the NRC Staff notifies the parties that it will not issue a written evaluation of NL-13-075 in any form.”¹⁹ On October 6, 2014, the Staff transmitted RAIs to the Applicant concerning its refined engineering project cost information; the Applicant’s responses are expected by November 20, 2014.²⁰ The Staff plans to present its evaluation of the Applicant’s revised SAMA cost information in the draft FSEIS Supplement, which is expected to be issued in July 2015.²¹ The Staff will provide further information to the Board regarding this issue when available.

6. Contention NYS-12C (SAMAs). There has been no change in this item since the Staff filed its previous status report.²² On February 14, 2014, New York filed a petition for Commission review of the Board’s decision in LBP-13-13,²³ concerning its resolution of Contention NYS-12C;²⁴ Entergy and the Staff responded to that petition on April 28, 2014; New York filed its reply on May 22, 2014.²⁵ On April 28, 2014, New York filed a petition for review of

¹⁹ “Order (Granting Entergy’s Motion [for] Clarification)” (July 9, 2013), at 2.

²⁰ Letter from Michael Wentzel (NRC) to Vice President, Operations (Entergy) (Oct. 6, 2014) (ADAMS Accession No. ML14239A380).

²¹ See Letter from Sherwin E. Turk, Esq., to the Board (July 15, 2014); Tr. at 4598; “Indian Point Nuclear Generating Units 2 and 3; Entergy Nuclear Operations, Inc., License Renewal Application; Intent to Prepare A Second Supplement to Final Supplemental Environmental Impact Statement,” 79 Fed. Reg. 52,058 (Sept. 2, 2014).

²² See 32nd Status Report, at 7.

²³ *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Units 2 and 3), LBP-13-13, 78 NRC 246 (Nov. 27, 2013).

²⁴ “State of New York Petition for Review of Atomic Safety and Licensing Board Decision LBP-13-13 With Respect to Consolidated Contention NYS-12C” (Feb. 14, 2014).

²⁵ Petitions for review of LBP-13-13 were also filed by Clearwater (on Contention CW-EC3A), and by Entergy and the Staff (on Contentions NYS-8, CW-EC3A, and NYS-35/36); answers to those petitions were filed on March 25, 2014; replies were filed on April 9, 2014.

the Board's Order denying its motion to reopen and reconsider.²⁶ Entergy and the Staff filed answers to that petition on May 23, 2014, to which New York replied on June 2, 2014. The petitions are currently pending before the Commission.

7. CZMA Issues. On June 12, 2013, the Board denied the Applicant's and New York's motions seeking the entry of a declaratory order regarding the need to review the IP2/IP3 LRA to determine its consistency with the New York State Coastal Management Program pursuant to the Coastal Zone Management Act ("CZMA").²⁷ As the Board noted, consultations had not been held between the Staff, New York and Entergy pursuant to 15 C.F.R. § 930.51(e); the Board left open the possibility that the motions might be re-filed after consultation occurs.²⁸ The Staff thereafter initiated consultations with the New York State Department of State ("NYSDOS"), and has engaged in further consultations with NYSDOS and Entergy. On December 6, 2013, the Staff transmitted a request for information to NYSDOS regarding prior reviews of Indian Point's consistency with the New York State Coastal Management Program;²⁹ NYSDOS provided its response to the Staff on May 30, 2014.³⁰ On

²⁶ See (1) "State of New York Petition for Review of Atomic Safety and Licensing Board's April 1, 2014 Decision Denying the State's Motion to Reopen the Record and for Reconsideration of the Board's November 27, 2013 Partial Initial Decision Concerning Consolidated Contention NYS-12C" (Apr. 28, 2014); and (2) "Order (Denying New York's Motion to Reopen the Record; Setting Deadline for New or Amended Contention)" (Apr. 1, 2014).

²⁷ "Order (Granting New York's Motions, Denying Clearwater's Motion, and Denying CZMA Motions)" (June 12, 2013).

²⁸ In its Order of June 12, 2013, the Board ruled that its "denial of Entergy's and New York's motions does not trigger the time for filing new contentions." *Id.* at 4 n.16, *citing* "Order (Granting State of New York Motion for Extension of Time to File New Contentions)" (Aug. 31, 2012) (requiring the filing of new contentions on Entergy's LRA amendment regarding the need for a CZMA consistency determination within 30 days after the Board rules on Entergy's motion).

²⁹ See (1) Letter from Sherwin E. Turk to the Board (Dec. 12, 2013), transmitting letter from David J. Wrona (NRC) to George Stafford (NYSDOS) (Dec. 6, 2013) (ADAMS Accession No. ML13281A065); (2) Letter from George R Stafford (NYSDOS) to David J. Wrona (NRC) (Jan. 6, 2014) (ADAMS Accession No. ML14028A209); (3) "Summary of Phone Call Between [NYSDOS] and [NRC] on January 13, 2014" (Feb. 19, 2014) (ADAMS Accession No. ML14024A372); (4) Letter from David J. Wrona (NRC) to George Stafford (NYSDOS) ("Consistency of the Indian Point Nuclear Generating Unit Nos. 2 and 3 License Renewal Application with New York State Coastal Management Program") (Mar. 4, 2014) (ADAMS Accession No. ML14024A064); and (5) Summary of Phone Call Between New York State Department of (continued. . .)

July 15, 2014, Entergy submitted its views concerning the NYSDOS response,³¹ to which NYSDOS replied on July 25, 2014.³² The Staff is currently reviewing those submittals and will provide further information to the Board regarding this issue when available.

8. Aquatic Impacts. As stated previously,³³ on February 19, 2014, Entergy submitted new information to the Staff regarding the impacts of plant operation on various aquatic species in the Hudson River,³⁴ modifying the information that had been evaluated in the FSEIS (December 2010) and FSEIS Supplement (FSEIS Vol. 4) (June 2013).³⁵ The Staff has determined that it requires additional information to complete its review, as set forth in RAIs issued on August 28, 2014, as amended on September 26, 2014,³⁶ Entergy's responses were

(. . .continued)

State and U.S. Nuclear Regulatory Commission on May 7, 2014, Regarding the Coastal Zone Management Act Consistency Review (ADAMS Accession No. ML14136A005).

³⁰ See Letter from Linda M. Baldwin, Esq., General Counsel (NYSDOS), to David J. Wrona (NRC) (May 30, 2014) (ADAMS Accession No. ML14154A334).

³¹ See Letter from Bobby R. Burchfield, Esq., to David J. Wrona (NRC) (July 15, 2014) (ADAMS Accession No. ML141198A229).

³² See Letter from Linda M. Baldwin, Esq., General Counsel (NYSDOS), to David J. Wrona (NRC) (July 25, 2014) (ADAMS Accession No. ML14230A005).

³³ See 32nd Status Report, at 9.

³⁴ See Letter from F. Dacimo (Entergy), to Lois James and NRC Document Control Desk, "Final Supplemental Environmental Impact Statement," NL-14-030 (Feb. 19, 2014) (ADAMS Accession No. ML14063A528).

³⁵ "Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 38 Regarding Indian Point Nuclear Generating Unit Nos. 2 and 3, Final Report," NUREG-1437, Supplement 38, Volume 4 (June 2013) (ADAMS Accession No. ML13162A616).

³⁶ See (1) Letter from Michael Wentzel (NRC) to Vice President, Operations (Entergy), "Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application Environmental Review" (Aug. 28, 2014) (ADAMS Accession No. ML14225A847); and (2) Letter from Michael Wentzel (NRC) to Vice President, Operations (Entergy), "Request for Additional Information for the Review of the Indian Point Nuclear Generating Unit Nos. 2 and 3, License Renewal Application Environmental Review" (Sept. 26, 2014) (ADAMS Accession No. ML14261A031).

submitted on October 27, 2014.³⁷ As stated previously, the Staff plans to present its evaluation of the new information in a draft FSEIS supplement to be issued in July 2015. The Staff will provide further information to the Board regarding this issue when available.

9. Waste Confidence Decision. In July 2012, following issuance of the D.C. Circuit Court of Appeals' decision in *New York v. NRC*, 681 F.3d 471 (D.C. Cir. 2012), the Intervenor filed two new contentions (CW-SC-4 and NYS-39/RK-EC-9/CW-EC-10) related to waste storage and/or disposal;³⁸ the Applicant and Staff responded to those contentions on August 2 and 3, 2012.³⁹ On August 8, 2012, the Board ordered that all other pleadings concerning these proposed contentions be held in abeyance, in accordance with CLI-12-16.⁴⁰

On August 26, 2014, the Commission issued CLI-14-08.⁴¹ Therein, the Commission lifted its suspension of final licensing decisions, and dismissed the long term storage/waste confidence contentions pending before it in seven combined license and license renewal

³⁷ See Letter from F. Dacimo (Entergy) to NRC Document Control Desk, "Reply to Request for Additional Information Regarding the License Renewal Application," NL-14-133 (Oct. 27, 2014) (ADAMS Accession No. ML14300A704).

³⁸ See (1) "Hudson River Sloop Clearwater, Inc.'s Motion for Leave to Add A New Contention Based Upon New Information and Petition to Add New Contention" (July 9, 2012); (2) "State of New York, Riverkeeper, and Clearwater's Joint Motion for Leave to File A New Contention Concerning the On-Site Storage of Nuclear Waste at Indian Point" (July 8, 2012); and (3) "State of New York, Riverkeeper, Inc., and Hudson River Sloop Clearwater's Joint Contention NYS-39/RK-EC-9/CW-EC-10 Concerning the On-Site Storage of Nuclear Waste at Indian Point" (July 8, 2012).

³⁹ See (1) "NRC Staff's Response to Intervenor's [] Joint Motion for Leave to File A New Contention Concerning the Onsite Storage of Nuclear Waste at Indian Point and [] Joint Contention NYS-39/RK-EC-9/CW-EC-10" (Aug. 2, 2012); (2) "Entergy's Answer to New York State, Riverkeeper, and Clearwater's Joint Contention NYS-39/RK-EC-9/CW-EC-10 Concerning On-Site Storage of Nuclear Waste at Indian Point" (Aug. 2, 2012); (3) "NRC Staff's Answer to 'Hudson River Sloop Clearwater, Inc.'s Motion for Leave to Add A New Contention Based Upon New Information and Petition to Add New Contention' (Contention CW-SC-4 (Safety of Long-Term Storage))" (Aug. 3, 2012); and (4) "Entergy's Answer to Hudson River Sloop Clearwater, Inc.'s New Safety Contention Concerning the Waste Confidence Rule" (Aug. 3, 2012).

⁴⁰ See "Order (Holding Contentions NYS-39/RK-EC-9/CW-EC-10 and CW-SC-4 in Abeyance)" (Aug. 8, 2012); *Calvert Cliffs 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC* (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-12-16, 76 NRC 63, 67, 68-69 (Aug. 7, 2012).

⁴¹ *Calvert Cliffs 3 Nuclear Project, LLC, and Unistar Nuclear Operating Services, LLC* (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-14-08, 80 NRC __ (Aug. 26, 2014) (slip op.).

proceedings, based on its recent issuance of the Continued Storage Rule and related GEIS.⁴² Further, the Commission directed the Atomic Safety and Licensing Boards in all proceedings other than *Indian Point* to reject the spent fuel storage/waste confidence contentions pending before them; and it directed the Board in *Indian Point* to dismiss Contentions CW-SC-4 and NYS-39/RK-EC-9/CW-EC-10 to the extent that they raise issues resolved by the Continued Storage Rule, and to assess the admissibility of any other matters raised by these contentions “under our generally applicable rules of practice.”⁴³

On September 17, 2014, the Board directed the Intervenors to state their views “regarding the extent to which Contentions CW-SC-4 and NYS-39/RK-EC-9/ CW-EC-10 raise issues that have not been resolved by the Continued Storage Rule.”⁴⁴ The Intervenors filed their required statements on October 1, 2014;⁴⁵ the Staff and Entergy responded on October 15, 2014.⁴⁶ This matter is now pending before the Board.

10. Continued Storage Petition and New Contention. On October 3, 2014, Riverkeeper filed a petition seeking the suspension of this proceeding, along with a new contention (Contention RK-EC-10) alleging that the Commission erred in issuing its Continued

⁴² See (1) Final Rule, “Continued Storage of Spent Nuclear Fuel,” 79 Fed. Reg. 56,238 (Sept. 19, 2014); and (2) “Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel,” 79 Fed. Reg. 56,263 (Sept. 19, 2014).

⁴³ CLI-14-08, slip op. at 10, *citing* 10 C.F.R. § 2.309(c) and (f).

⁴⁴ “Order (Requesting Briefs on NYS-39/RK-EC-9/CW-EC-10 and CW-SC-4)” (Sept. 17, 2014), at 2.

⁴⁵ See (1) “State of New York, Riverkeeper, and Clearwater’s Brief in Response to September 17, 2014 [Board] Order Concerning Contention NYS-39/RK-EC-9/CW/EC-10 and the On-Site Storage of Nuclear Waste at Indian Point” (Oct. 1, 2014); and (2) “Hudson River Sloop Clearwater, Inc.’s Brief Regarding Contention SC-4” (Oct. 1, 2014).

⁴⁶ See (1) “NRC Staff’s Response to State of New York, Riverkeeper, and Clearwater’s Brief Concerning Contention NYS-39/RK-EC-9/CW/EC-10 and the On-Site Storage of Nuclear Waste at Indian Point” (Oct. 15, 2014); (2) “NRC Staff’s Response to Hudson River Sloop Clearwater, Inc.’s Brief Regarding Contention SC-4” (Oct. 15, 2014); 3 “Entergy’s Answer to Intervenors’ Brief Regarding Proposed Contention NYS-39/RK-EC-9/CW/EC-10” (Oct. 15, 2014); and (4) “Entergy’s Answer to Hudson River Sloop Clearwater, Inc.’s Brief Regarding Proposed Contention SC-4” (Oct. 15, 2014).

Storage Rule without making findings regarding the safety of continued spent fuel storage or disposal of spent nuclear fuel;⁴⁷ these filings were substantially similar or identical to pleadings filed by intervenors in other proceedings on or about September 29, 2014. On October 7, 2014, the Commission directed the parties in all affected proceedings to respond to these filings by October 31, 2014; the intervenors' replies are to be submitted by November 7, 2014.⁴⁸ In accordance with the Commission's Order, responses to the suspension petition and contention were filed by the Staff and Entergy on October 31, 2014.⁴⁹

⁴⁷ See (1) "Petition to Suspend Final Decision in Indian Point Relicensing Proceeding Pending Issuance of Waste Confidence Safety Findings" (Oct. 3, 2014); and (2) "Riverkeeper Consolidated Motion for Leave to File a New Contention and New Contention RK-10 Concerning the Absence of Required Waste Confidence Safety Findings" (Oct. 3, 2014).

⁴⁸ *DTE Electric Co.* (Fermi Nuclear Power Plant, Unit 3), CLI-14-09, 80 NRC ____ (Oct. 7, 2014), slip op. at 3.

⁴⁹ See (1) "NRC Staff Consolidated Answer to Petitions to Suspend Final Reactor Licensing Decisions, Motions to Admit A New Contention, and Motions to Reopen the Record" (Oct. 31, 2014); and (2) "Entergy's Combined Answer to Riverkeeper's Proposed New Contention RK-10 and Petition to Suspend Final License Renewal Decision Pending Issuance of Waste Confidence 'Safety' Findings" (Oct. 31, 2014). See also "Nuclear Energy Institute, Inc.'s Motion for Leave to File *Amicus Curiae* Brief" and "*Amicus Curiae* Brief of the Nuclear Energy Institute, Inc. in Response to Suspension Petitions and Waste Confidence Safety Contentions" (Oct. 31, 2014).

11. 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/

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Dated at Rockville, Maryland
this 3rd day of November 2014

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
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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 33rd STATUS REPORT IN RESPONSE TO THE ATOMIC SAFETY AND LICENSING BOARD'S ORDER OF FEBRUARY 16, 2012," dated November 3, 2014, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the above- captioned proceeding, this 3rd day of November, 2014.

/Signed (electronically) by/

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