

## ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judge:

Charles Bechhoefer,  
Presiding Officer

In the Matter of

POWER AUTHORITY OF THE STATE OF  
NEW YORK and ENTERGY NUCLEAR  
FITZPATRICK LLC, ENTERGY NUCLEAR  
INDIAN POINT 3 LLC, and ENTERGY  
NUCLEAR OPERATIONS, INC.(James A. FitzPatrick Nuclear Power Plant  
and Indian Point Nuclear Generating Unit No.  
3)Docket Nos. 50-333-LT  
and 50-286-LT  
(consolidated)

ASLBP No. 01-785-02-LT

December 5, 2000

MEMORANDUM AND ORDER  
(Supplemental Filing Schedules and Procedures)

By Memorandum and Order (Filing Schedules and Procedures), dated November 30, 2000, LBP-00-32, the Presiding Officer in this license-transfer proceeding under 10 C.F.R. Part 2, Subpart M, set forth filing schedules and procedures for parties to follow in implementing the schedules and procedures outlined by the Commission in CLI-00-22.

Reflecting the circumstance set forth in CLI-00-22 that the NRC Staff is not a party to the proceeding, LBP-00-32 did not set forth any schedules or procedures for the NRC Staff to follow. Nonetheless, CLI-00-22 provided for the Staff to provide its Safety Evaluation Report (SER) of the license transfer to the parties, as well as the Presiding Officer, and to present such report at the oral hearing, should one be held.

On December 4, 2000, the Presiding Officer was telephoned by Steven Hom, Esq., counsel for the NRC Staff, who asked for his name to be substituted on the service list in place of Lawrence J. Chandler, Esq., Office of the General Counsel. The following name should be

included on the service list:

Steven R. Hom, Esq., Counsel for NRC Staff  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Mail Stop O-15D21  
Washington, DC 20555

Telephone: 301-415-3725  
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In addition, the Presiding Officer requested Mr. Hom, who will represent the Staff in presenting the SER at an oral hearing if one be held, to file by 11:59 p.m. on December 7, 2000 (the same date fixed for other parties) a Notice of Appearance, modified to reflect the Staff's non-party status.

Mr. Hom further advised that the SER has already been provided to all parties and that he would send one in the near future to the Presiding Officer (together with the Staff's Order granting the requested license changes). Parties should note that their written responses to direct and rebuttal testimony and proposed questions, which are scheduled to be filed by 11:59 p.m. on January 16, 2001, should include responses and questions relating to information set forth in the SER. By that same date, the Staff should identify any sponsoring witness or witnesses it plans to use in presenting the SER at the February 2, 2001 oral hearing (see CLI-00-22, slip op. at 57).

IT IS SO ORDERED.

***/RA/***

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Charles Bechhoefer, Presiding Officer  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
December 5, 2000

[Copies of this Memorandum and Order have been transmitted this date by e-mail to counsel for each of the parties.]

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 )  
POWER AUTHORITY OF THE STATE OF )  
NEW YORK, ET AL. )  
 )  
(James A. FitzPatrick Nuclear Power Plant )  
and Indian Point Nuclear Generating )  
Unit No. 3) )

Docket Nos. 50-333-LT and  
50-286-LT

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER  
(SUPPLEMENTAL FILING SCHEDULES AND PROCEDURES) have been served upon the  
following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 50-333-LT and 50-286-LT  
LB MEMORANDUM AND ORDER  
(SUPPLEMENTAL FILING SCHEDULES  
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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 5<sup>th</sup> day of December 2000