

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Kaye D. Lathrop
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating Units 2 and 3)

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

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

February 16, 2012

ORDER

(Granting NRC Staff's Unopposed Time Extension Motion
and Directing Filing of Status Updates)

The NRC Staff has sought an extension of the time within which it may file its evidentiary submissions from February 29, 2012, to March 30, 2012.¹ The NRC Staff's request is unopposed, and it represents that Applicant Entergy Nuclear Operations, Inc. (Entergy) has asked that it be covered by any time extension granted to the NRC Staff.²

Because its request is unopposed, we grant the NRC Staff's Motion. Entergy and the NRC Staff shall file their respective evidentiary submissions no later than March 30, 2012.

In granting the NRC Staff's Motion, we note that this request yet again disrupts the schedule we have set in this proceeding, especially given that we have been on the critical path to evidentiary hearing for several months. For example, over one month after Intervenor's presented testimony on a majority of the contentions in this proceeding, the NRC Staff notified the Board of unresolved safety issues relating to one contention for which Intervenor's submitted testimony, Contention NYS-25. In addition, the NRC Staff states that because of this ongoing

¹ NRC Staff's Unopposed Motion for Extension of Time for the Filing of Testimony, Exhibits and Statements of Position (Feb. 2, 2012) at 1.

² Id. at 4.

review, it might issue a second supplement to its Safety Evaluation Report for Indian Point Units 2 and 3.³

Because of the current dynamic nature of the NRC Staff's uncompleted safety reviews, we place Contention NYS-25 on the second hearing track that already includes NYS-38/RK-TC-5 and RK-EC-8.⁴ In order to be timely and fully informed as to the status of ongoing NRC Staff reviews and to be able to set a schedule in the future for an evidentiary hearing on this second hearing track, we direct the NRC Staff to notify the Board as soon as any event with potential to alter the schedule arises. Additionally, the NRC Staff shall submit status updates on the first business day of each month stating the expected completion date of the NRC Staff's ongoing safety and environmental reviews, the nature of the issues addressed by these reviews, and any other unresolved aspect of the NRC Staff's review of Entergy's License Renewal Application for Indian Point Units 2 and 3.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 16, 2012

³ See Letter from Sherwin E. Turk & Brian G. Harris, Counsel for NRC Staff, to Atomic Safety and Licensing Board (Jan. 27, 2012) at 1.

⁴ We have already placed Contentions NYS-38/RK-TC-5 and RK-EC-8 in abeyance pending resolution of disclosure disputes and the NRC Staff's anticipated draft supplement to its Final Supplemental Environmental Impact Statement. See Licensing Board Order (Dec. 14, 2011) at 2 (unpublished).

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER (Granting NRC Staff's Unopposed Time Extension Motion and Directing Filing of Status Updates) have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-7H4M
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

Sherwin E. Turk, Esq.
Edward L. Williamson, Esq.
Beth N. Mizuno, Esq.
David E. Roth, Esq.
Brian Harris, Esq.
Mary B. Spencer, Esq.
Anita Ghosh, Esq.
Karl Farrar, Esq.
Brian Newell, Paralegal
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
E-mail:

Lawrence G. McDade, Chair
Administrative Judge
E-mail: lawrence.mcdade@nrc.gov

sherwin.turk@nrc.gov
edward.williamson@nrc.gov
beth.mizuno@nrc.gov
brian.harris.@nrc.gov
david.roth@nrc.gov
mary.spencer@nrc.gov
anita.ghosh@nrc.gov
karl.farrar@nrc.gov
brian.newell@nrc.gov

Richard E. Wardwell
Administrative Judge
E-mail: richard.wardwell@nrc.gov

Kaye D. Lathrop
Administrative Judge
190 Cedar Lane E.
Ridgway, CO 81432
E-mail: kaye.lathrop@nrc.gov

Joshua A. Kirstein, Law Clerk
E-mail: josh.kirstein@nrc.gov
Anne Siarnacki, Law Clerk
E-mail: anne.siarnacki@nrc.gov

OGC Mail Center
OGCMailCenter@nrc.gov

Docket Nos. 50-247-LR and 50-286-LR
ORDER (Granting NRC Staff's Unopposed Time Extension Motion and
Directing Filing of Status Updates)

William C. Dennis, Esq.
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601
Email: wdennis@entergy.com

Elise N. Zoli, Esq.
Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, MA 02109
E-mail: ezoli@goodwinprocter.com

Kathryn M. Sutton, Esq.
Paul M. Bessette, Esq.
Martin J. O'Neill, Esq.
Raphael Kuyler, Esq.
Jonathan M. Rund, Esq.
Lena Michelle Long, Esq.
Laura Swett, Esq.
Lance Escher, Esq.
Mary Freeze, Legal Secretary
Antoinette Walker, Legal Secretary
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
E-mail: ksutton@morganlewis.com
pbessette@morganlewis.com
martin.o'neill@morganlewis.com
rkuyler@morganlewis.com
jrund@morganlewis.com
llong@morganlewis.com
lszett@morganlewis.com
lescher@morganlewis.com
mfreeze@morganlewis.com
awalker@morganlewis.com

Thomas F. Wood, Esq.
Daniel Riesel, Esq.
Victoria Shiah, Esq.
Counsel for Town of Cortlandt
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022
E-mail: driesel@sprlaw.com
vshiah@sprlaw.com

Phillip Musegaas, Esq.
Deborah Brancato, Esq.
Ramona Cearley, Secretary
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562
E-mail: phillip@riverkeeper.org
dbrancato@riverkeeper.org
rcearley@riverkeeper.org

Melissa-Jean Rotini, Esq.
Assistant County Attorney
Office of Robert F. Meehan,
Westchester County Attorney
148 Martine Avenue, 6th Floor
White Plains, NY 10601
E-mail: MJR1@westchestergov.com

Manna Jo Greene, Environmental Director
Steven C. Filler
Karla Raimundi
Hudson River Sloop Clearwater, Inc.
724 Wolcott Ave.
Beacon, NY 12508
E-mail: mannajo@clearwater.org
stephenfiller@gmail.com
karla@clearwater.org

Michael J. Delaney, Esq.
Director, Energy Regulatory Affairs
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373
E-mail: mdelaney@dep.nyc.gov

Docket Nos. 50-247-LR and 50-286-LR
ORDER (Granting NRC Staff's Unopposed Time Extension Motion and
Directing Filing of Status Updates)

Joan Leary Matthews, Esq.
Senior Attorney for Special Projects
New York State Department
of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-5500
E-mail: jmatthe@gw.dec.state.ny.us

John Louis Parker, Esq.
Office of General Counsel, Region 3
New York State Department
of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561-1620
E-mail: jlarker@gw.dec.state.ny.us

John J. Sipos, Esq.
Charles Donaldson, Esq.
Assistant Attorneys General
Office of the Attorney General
of the State of New York
The Capitol
State Street
Albany, New York 12224
E-mail: John.Sipos@ag.ny.gov
charlie.donaldson@ag.ny.gov

Robert D. Snook, Esq.
Assistant Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
E-mail: robert.snook@po.state.ct.us

Sean Murray, Mayor
Kevin Hay, Village Administrator
Village of Buchanan
Municipal Building
236 Tate Avenue
Buchanan, NY 10511-1298
E-mail: SMurray@villageofbuchanan.com
Administrator@villageofbuchanan.com

Janice A. Dean, Esq.
Assistant Attorney General
Office of the Attorney General
of the State of New York
120 Broadway, 26th Floor
New York, New York 10271
E-mail: Janice.Dean@ag.ny.gov

[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 16th day of February 2012