

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Michael F. Kennedy
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

July 12, 2012

ORDER

(Memorializing Items Discussed During the July 9, 2012, Status Conference)

The Board conducted a status conference via telephone on July 9, 2012. This order memorializes directions given during that status conference.

A. Riverkeeper, Inc. Motion to Hold Contention RK-EC-3/CW-EC-1 in Abeyance

On June 25, 2012, Riverkeeper, Inc. (Riverkeeper) filed a motion to hold Contention RK-EC-3/CW-EC-1 (RK-EC-3) in abeyance pending the outcome of its settlement negotiations regarding this contention.¹ Both Entergy and the NRC Staff (Staff) opposed this motion.² During the July 9, 2012, status conference, the Board DENIED this motion and instructed Riverkeeper to file its rebuttal testimony for RK-EC-3 no later than 4:00 p.m. on Friday, July 13, 2012.³ In turn, the deadline for

¹ See Riverkeeper, Inc. Motion to Hold Contention RK-EC-3/CW-EC-1 in Abeyance Pending the Outcome of Settlement Negotiations (June 25, 2012) (unpublished).

² See Entergy's Answer Opposing Riverkeeper Motion to Hold Contention RK-EC-3/CW-EC-1 in Abeyance Pending Outcome of Settlement Negotiations (June 28, 2012); NRC Staff's Answer to "Riverkeeper, Inc. Motion to Hold Contention RK-EC-3/CW-EC-1 in Abeyance Pending the Outcome of Settlement Negotiations" (July 5, 2012).

³ Tr. at 1188–89.

motions in limine regarding Riverkeeper's RK-EC-3 rebuttal testimony is Monday, August 13, 2012.⁴

The Board also raised the possibility of assigning a Settlement Judge to facilitate the resolution of this contention and advised the parties to request such an appointment if they come to believe it might be helpful in the resolution of this contention.

B. Staff's Motion for Extension of Time for Filing Testimony on Contention NYS-38/RK-TC-3

On July 6, 2012, the Staff filed an unopposed motion requesting a 30-day extension of time for it and Entergy to file their testimony, exhibits, and statements of position on NYS-38/RK-TC-5 (NYS-38).⁵ The Board GRANTED this motion.⁶ Thus, Entergy and Staff are directed to file their respective testimony, exhibits, and statements of position on NYS-38 no later than close of business on Monday, August 20, 2012.

C. Motions for Cross Examination, Requests for a Subpart G Proceeding, and Proposed Questions for the Board to Ask at the Evidentiary hearing

During the July 9, 2012, status conference, the Board directed the parties to file motions for cross examination, requests for a Subpart G proceeding, and proposed questions for the Board to ask at the evidentiary hearing for all Track 1 Contentions no later than Wednesday, August 29, 2012.⁷

D. New or Amended Contentions triggered by draft Supplement to the Final Supplemental Environmental Impact Statement

On June 26, 2012, the Staff issued its draft Supplement to the Final Supplemental Environmental Impact Statement (FSEIS).⁸ The Board directs the Intervenors not to file new or

⁴ See id. at 1189.

⁵ NRC Staff's Unopposed Motion for Extension of Time for the Filing of Testimony, Exhibits, and Statements of Position on Contention NYS-38/RK-TC-5 (July 6, 2012) at 3.

⁶ Tr. at 1185.

⁷ See id. at 1190.

⁸ See letter from Sherwin E. Turk, Counsel for NRC Staff, to the Licensing Board (June 26, 2012).

amended contentions that might arise from the draft Supplement to the FSEIS at this time. The Board will issue an Order at a later date setting forth a timeline for filing new or amended Contentions, if any, that arise from the draft Supplement to the FSEIS.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 12, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Memorializing Items Discussed During the July 9, 2012, Status Conference)** have been served upon the following persons by Electronic Information Exchange.

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

Dated at Rockville, Maryland
this 12th day of July 2012