

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

August 28, 2012

ORDER

(Granting, in Part, Joint Motion to Extend the Scheduling Order and Setting Out New Deadlines)

On August 24, 2012, the State of New York (New York), Riverkeeper, Inc. (Riverkeeper), and the State of Connecticut (Connecticut) filed a joint motion requesting an extension of time until October 4, 2012 for the filing of rebuttal testimony on Contention NYS-38/RK-TC-5.¹ The operative scheduling order stated that rebuttal testimony must be submitted within ten days of the NRC Staff's and Entergy Nuclear Operations, Inc.'s (Entergy's) prefiled testimony, or in this case, by August 30, 2012.²

In support of this request, New York, Riverkeeper, and Connecticut state that the NRC Staff and Entergy filed 1,800 pages of testimony and exhibits, and in the month of August, Entergy made numerous relevant disclosures concerning Contention NYS-38/RK-TC-5 for the

¹ Joint Motion by State of New York, State of Connecticut, and Riverkeeper to Amend the Scheduling Order for Responsive Pre-filed Submissions in Support of Contention NYS-38/RK-TC-5 (Aug. 24, 2012) at 1.

² Id.

first time.³ In addition, the moving parties note that the Board granted Entergy and the NRC Staff an additional thirty days to file their prefiled testimony on Contention NYS-38/RK-TC-5, to which they must now respond.⁴ Entergy and the NRC Staff oppose this motion, primarily on the grounds that the length of time requested is excessive.⁵

Because the Board granted Entergy and the NRC Staff a substantial extension of time to file their prefiled testimony concerning this contention, presumably contributing to the voluminous filings which must now be responded to, we GRANT the same thirty day extension to New York, Riverkeeper, and Connecticut for their filings. Thus, all rebuttal filings on this contention, and Connecticut's Initial Statement and exhibits (or any other participating interested governmental entity), must be filed on or before October 1, 2012.

In order to preserve the Board's ability to address this contention at evidentiary hearing in December, we modify the related operative filing dates on Contention NYS-38/RK-TC-5 as follows:

- 1) Motions in limine concerning New York's and Riverkeeper's rebuttal testimony and Connecticut's (or any other interested governmental entity's) Initial Statement are due by October 31, 2012. Responsive testimony concerning Connecticut's and any other interested governmental entity's Initial Statements is also due by October 31, 2012.
- 2) Answers to motions in limine filed by October 30, 2012, are due no later than November 13, 2012.
- 3) Proposed questions for the Board to ask and Motions for Cross Examination on NY-38/RK-TC-5 are due no later than November 26, 2012.

³ Id. at 3-5.

⁴ Id. at 1-2.

⁵ NRC Staff's Answer to Joint Motion to Amend the Scheduling Order for Responsive Pre-filed Submissions in Support of Contention NYS-38/RK-TC-5 (Aug. 27, 2012); Entergy's Answer Opposing Motion for Extension of Time (Aug. 27, 2012).

- 4) Answers to Motions for Cross Examination are due no later than December 6, 2012.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 28, 2012

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,)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting, in Part, Joint Motion to Extend the Scheduling Order and Setting Out New Deadlines)** 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
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
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.

Lawrence G. McDade, Chair
Administrative Judge
lawrence.mcdade@nrc.gov

Brian Newell, Paralegal
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001

Richard E. Wardwell
Administrative Judge
richard.wardwell@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

Michael F. Kennedy
Administrative Judge
michael.kennedy@nrc.gov

Anne Siarnacki, Law Clerk
anne.siarnacki@nrc.gov
Shelbie Lewman, Law Clerk
shelbie.lewman@nrc.gov
James Maltese, Law Clerk
james.maltese@nrc.gov

OGC Mail Center
OGCMailCenter@nrc.gov

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

Elise N. Zoli, Esq.
Goodwin Proctor, LLP
Exchange Place
53 State Street
Boston, MA 02109
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
ksutton@morganlewis.com
martin.oneill@morganlewis.com
rkuyler@morganlewis.com
jrund@morganlewis.com
llong@morganlewis.com; lszett@morganlewis.com
lescher@morganlewis.com
mfreeze@morganlewis.com
awalker@morganlewis.com

Clint Carpenter, Esq.
Bobby Burchfield, Esq.
Matthew Leland, Esq.
McDermott, Will and Emery LLP
600 13th Street, NW
Washington, DC 20005
ccarpenter@mwe.com; bburchfield@mwe.com
mleland@mwe.com

Matthew W. Swinehart, Esq.
Covington & Burling LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
mswinehart@cov.com

Thomas F. Wood, Esq.
Daniel Riesel, Esq.
Victoria Shiah Treanor, Esq.
Adam Stolorow, Esq.
Jwala Gandhi, Paralegal
Peng Deng, Paralegal
Counsel for Town of Cortlandt
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022
driesel@sprlaw.com; vtreanor@sprlaw.com
astolorow@sprlaw.com; jgandhi@sprlaw.com
pdeng@sprlaw.com

Phillip Musegaas, Esq.
Deborah Brancato, Esq.
Ramona Cearley, Secretary
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562
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
MJR1@westchestergov.com

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

ORDER (Granting, in Part, Joint Motion to Extend the Scheduling Order and Setting Out New Deadlines)

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
jlarker@gw.dec.state.ny.us

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

John J. Sipos, Esq.
Charles Donaldson, Esq.
Assistant Attorneys General
Office of the Attorney General
of the State of New York
Elyse Houle, Legal Support
The Capitol
State Street
Albany, New York 12224
John.Sipos@ag.ny.gov;
charlie.donaldson@ag.ny.gov
elyse.houle@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
robert.snook@po.state.ct.us

Janice A. Dean, Esq.
Assistant Attorney General
Kathryn Liberatore, Esq.
Office of the Attorney General
of the State of New York
120 Broadway, 26th Floor
New York, New York 10271
janice.dean@ag.ny.gov;
kathryn.liberatore@ag.ny.gov

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

[Original signed by Herald Speiser _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 28th day of August, 2012