

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

May 15, 2013

ORDER

(Granting New York's Motion for Leave to File Additional Exhibits)

On May 3, 2013, New York State (New York) filed a motion for leave to file two additional exhibits relevant to Contention NYS-37.¹ Specifically, New York requests leave to file as exhibits NYS000474 and NYS000475, two orders of the New York State Public Service Commission.

New York states that the documents "are relevant to the issues addressed by Contention NYS-37 that the parties and their witnesses discussed in their pre-filed testimony and during the evidentiary hearing," in that they "represent additional governmental approvals of two projects that will provide replacement energy to the New York metropolitan area if Indian Point is not relicensed."² New York further states that the projects have been referenced in other admitted exhibits and testimony.

¹ See Motion by the State of New York for Leave to File Two Additional Exhibits Concerning Consolidated Contention NYS-37 (May 3, 2013).

² Id. at 1-2.

The Nuclear Regulatory Commission Staff opposes the motion.³ The Staff argues that the proposed exhibits are “immaterial and cumulative,” and that the approval (or non-approval) of the projects referenced in them have no bearing on the resolution of Contention NYS-37.⁴ The Staff also argues that one of the exhibits, proposed NYS000475, is late, being filed eleven weeks after its issuance.⁵ The other parties do not oppose the motion.

We will exercise our discretion to admit New York’s exhibits. Accordingly, New York’s motion is GRANTED, and exhibits NYS000474 and NYS000475 are admitted.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
May 15, 2013

³ See NRC Staff’s Opposition to Motion by the State of New York for Leave to File Two Additional Exhibits Concerning Consolidated Contention NYS-37 (May 13, 2013).

⁴ Id. at 2-4.

⁵ Id. at 4.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting New York's Motion for Leave to File Additional Exhibits)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Brian Newell]
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Dated at Rockville, Maryland
this 15th day of May, 2013