

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 8, 2015

ORDER  
(Scheduling Oral Argument)

On April 9, 2015, the State of New York (New York) filed a motion to withdraw the proprietary designation and compel the public disclosure of five documents produced by Entergy Nuclear Operations, Inc. (Entergy) as part of its mandatory disclosures.<sup>1</sup> Entergy opposed the motion.<sup>2</sup> The NRC Staff took no position, but filed an answer on the governing legal principles.<sup>3</sup> New York filed a reply on May 1, 2015.<sup>4</sup> On May 5, 2015, the Board issued an order setting a telephonic oral argument during the week of May 11, 2015, and invited counsel

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<sup>1</sup> State of New York Motion to Withdraw the Proprietary Designation of Various Pressurized Water Reactor Owners' Group and Westinghouse Documents (Apr. 9, 2015) (hereinafter New York Motion). The documents include a memorandum prepared by the Pressurized Water Reactor Owners Group (PWROG) and four calculation notes prepared by Westinghouse Electric Company LLC (Westinghouse), Entergy's vendor. *Id.* at 1.

<sup>2</sup> Entergy's Answer Opposing New York State's Motion to Strike Proprietary Designations (Apr. 20, 2015) (hereinafter Entergy Answer).

<sup>3</sup> NRC Staff's Answer to "State of New York Motion to Withdraw the Proprietary Designation of Various Pressurized Water Reactor Owners' Group and Westinghouse Documents" (Apr. 20, 2015).

<sup>4</sup> State of New York Reply in Support of Motion to Withdraw Proprietary Designations (May 1, 2015) (hereinafter New York Reply); see also Licensing Board Order (Granting New York's Motion for Leave to File a Reply) (Apr. 24, 2015) (unpublished).

for Westinghouse to participate.<sup>5</sup> On May 5, 2015, Westinghouse filed a motion to appear specially before the Board, requesting ten days to file an answer to the New York Motion and New York Reply, and requesting that the oral argument be postponed.<sup>6</sup> On May 6, 2015, New York submitted an answer opposing Westinghouse's motion.<sup>7</sup>

Having received all the parties and Westinghouse's availability for the week of May 11, 2015, the Board hereby schedules a telephonic oral argument for Thursday, May 14, 2015 at 1:30 pm EDT. Entergy shall notify Westinghouse of this order. Because the argument will discuss documents designated as proprietary, a telephone line will not be made available for the public to listen. Participants in the proceeding as well as Westinghouse shall contact the Board's law clerk [Alana.Wase@nrc.gov](mailto:Alana.Wase@nrc.gov) for the telephone number and passcode. Should counsel for PWROG wish to participate, they may do so. Entergy should notify PWROG of this opportunity and the need to contact the Board's law clerk.

At this time the Board holds Westinghouse's motion in abeyance until after the telephonic oral argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
May 8, 2015

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<sup>5</sup> Licensing Board Order (Setting Oral Argument on Proprietary Designation of Documents) (May 5, 2015) at 2-3 (unpublished) (hereinafter Order Setting Oral Argument).

<sup>6</sup> Motion of Westinghouse Electric Company LLC to Appear Specially in Connection with State of New York Motion to Strike Proprietary Designations of Westinghouse and PWROG Proprietary Documents (May 5, 2015).

<sup>7</sup> State of New York Answer Opposing Motion of Westinghouse Electric Company LLC to Appear Specially in Connection with the State's Motion to Withdraw Proprietary Designations of Westinghouse and PWROG Documents (May 6, 2015).

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	)	and 50-286-LR
(Indian Point Nuclear Generating,	)	
Units 2 and 3)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Scheduling Oral Argument)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Brian Newell ]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 8<sup>th</sup> day of May, 2015