RAS 2572

THE CITIZENS AWARENESS NETWORK

DOCKETED
USNRC

In the Matter of

POWER AUTHORITY OF THE STATE OF NEW YORK and ENTERGY NUCLEAR FITZPATRICK LLC, ENTERGY NUCLEAR INDIAN POINT 3 LLC, and ENTERGY NUCLEAR OPERATIONS, INC.

(James A. FitzPatrick Nuclear Power Plant and Indian Point Nuclear Generating Unit No. 3)

Docket Nos. 50-333-LT01 and 50-286-LT (consolidated)

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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

ASLBP No. 01-785-02-LT

December 27, 2000

REQUEST FOR TIME FOR SUBMISSION OF REVISED CONTENTION By THE CITIZENS AWARENESS NETWORK, INC.

The Commission's Memorandum & Order (CLI-00-99) ["M&O"], dated November 27, 2000, allowed the Citizens Awareness Network, Inc. ["CAN"] to submit a revised contention challenging Entergy Nuclear FitzPatrick, Entergy Nuclear Indian Point, and Entergy Nuclear Operations ["the Entergy companies"] ability to offer adequate financial assurance for the safe operation of the FitzPatrick and Indian Point Unit 3 nuclear generation facilities. In order to prepare a contention that meets NRC's pleading requirements for specificity, the M&O required the Entergy companies to make the proprietary information redacted from the publicly available versions of the license transfer applications available to CAN, subject to a Protective Agreement. On December 12, CAN and the Applicants filed the Protective Agreement with the Presiding Officer, and on December 13, CAN began receiving the unredacted information. On December 11, CAN filed a Motion for Schedule Change, which among other items requested that the date for filing the revised contention be changed to January 5, 2001. On December 22, the Presiding Officer granted that request.

However, CAN did not receive all of the required materials on December 13, including the complete versions of the NRC Staff's Safety Evaluation Reports on the applications, which was not received until December 26. Also, the unredacted applications CAN received did not contain certain sections of the applications necessary to evaluate Entergy's financial assurances for submitting the revised contention. Specifically, Enclosure 2 ("Entergy's 10K's") of both applications and Enclosure 10 of the application for Indian Point Unit 3 ("Financial Statements for Entergy Nuclear Indian Point 3") were not included. Furthermore, CAN has discovered that some of the financial information included

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in the applications is now out of date, since the Entergy companies have entered into certain contractual agreements with local municipalities for payment of property taxes. CAN assumes that the NRC has received updated financial information, and CAN must be able to review the information as well, in order to develop and present an up-to-date, accurate analysis in support of its contention. Promptly upon discovery of the omissions CAN requested the omitted Enclosures and new financial information by letter to the Applicants on the next business day, dated December 26, 2000.

Because CAN and its expert witness have not yet received all of the necessary information, CAN's *pro se* representatives and *pro bono* expert witness do not have adequate time to prepare a revised contention by January 5. Therefore, pursuant to 10 CFR § 2.1325 (c), CAN requests that the schedule for submission of the revised contention be changed to January 12, 2001, providing that CAN and its witness receive the required documents by December 29. Should CAN fail to receive the required information by December 29, CAN requests that the Presiding Officer adjust the schedule to allow CAN 10 business days from the date of receipt for filing the revised contention. CAN notes that the Commission's M&O allowed CAN 20 days from the filing of the protective agreement to review materials and submit the revised contention. However, since CAN and its witness have been able to begin review of some of the proprietary information – and in order not to delay the proceeding further – CAN is willing to accept the burden of a shortened period for reviewing the late-received materials. We are only requesting the amount of time we have lost to review the material.

For the Citizens Awareness Network,

Timothy L. Judson
Citizens Awareness Network

Dated at Rowe, Massachusetts
this 27th day of December, 2000.

THE CITIZENS AWARENESS NETWORK

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POWER AUTHORITY OF THE STATE OF NEW YORK, ET AL.	)	
	)	Docket Nos. 50-333-LT and 50-286-LT
(James A. FitzPatrick Nuclear Power Plant and Indian Point Nuclear Generating Unit No. 3)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing REQUEST FOR TIME FOR SUBMISSION OF REVISED CONTENTION has been served upon the persons listed below by electronic mail or US Postal Mail.

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Chief Administrative Judge G. Paul Bollwerk, III Atomic Safety and Licensing Board Panel Mail Stop - T-3 F23 U.S. Nuclear Regulatory Commission Washington, DC 20555-0001 (E-mail: gpb@nrc.gov)	Gerald C. Goldstein, Esquire Arthur T. Cambouris, Esquire David E. Blabey, Esquire The Power Authority of the State of New York 1633 Broadway New York, NY 10019 (E-mail: goldstein.g@nypa.gov)
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Timothy L. Judson
Citizens Awareness Network

Dated at Rowe, Massachusetts
this 27th day of December 2000