

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 11/28/07

ATOMIC SAFETY AND LICENSING BOARD

SERVED 11/28/07

Before Administrative Judges:

Lawrence G. McDade, Chairman
Dr. Kaye D. Lathrop
Dr. Richard E. Wardwell

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.

(Indian Point Nuclear Generating
Units 2 and 3)

Docket Nos. 50-0247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

November 28, 2007

ORDER

(Denying an Extension of Time Within Which to File Requests for Hearing)

In a letter dated November 21, 2007, which was signed by Susan Shapiro, Esq. on behalf of Westchester Citizen's Awareness Network (WestCan), Citizen's Awareness Network (CAN), Rockland County Conservation Association (RCCA), and Public Health and Sustainable Energy (PHASE), four public interest groups requested an extension of time within which to file Requests for Hearing and Petitions to Intervene.¹ In another letter dated November 21, 2007, which was also signed by Susan Shapiro, Esq. on behalf of the Sierra Club – Atlantic Chapter, that public interest group also requested an extension of time within which to file a Request for Hearing and Petition to Intervene.²

Neither of these requests were accompanied by a Proof of Service as required by 10 C.F.R. § 2.302(b), nor did they include a certification by the attorney of the moving party that the movant has made a sincere effort to contact other parties to the proceeding and resolve the

¹ Extension Request of WestCan, CAN, RCCA, and PHASE (Nov. 21, 2007).

² Extension Request of the Sierra Club - Atlantic Chapter (Nov. 21, 2007).

issue(s) raised in the motion as required by 10 C.F.R. § 2.323(b). Accordingly, those Motions were denied.³ In denying these motions the Board expressly stated that:

These two Requests for Extension of Time within which to file Requests for Hearing and Petitions to Intervene that are now before this Board do not comply with 10 C.F.R. §§ 2.302(b) and 2.323(b). We therefore strike these requests from the record and deny the extension of time, without prejudice to filing a new motion which complies with 10 C.F.R. §§ 2.302 and 2.323 as well as all other applicable regulations.⁴

In that same Order, we then stated that “if an additional Motion for an Extension is to be filed by these Parties, it must comply with the Part 2 Rules or the Motion will again be rejected.”⁵

Thereafter, in a letter dated November 27, 2007, which was signed by Susan Shapiro, Esq. on behalf of Westchester Citizen’s Awareness Network (WestCan), Citizen’s Awareness Network (CAN), Rockland County Conservation Association (RCCA), Public Health, and Sustainable Energy (PHASE), and the Sierra Club – Atlantic Chapter, these five public interest groups again requested an extension of time within which to file Requests for Hearing and Petitions to Intervene.⁶

³ Licensing Board Order (Denying an Extension of Time within Which to File Requests For Hearing) at 3 (Nov. 27, 2007).

⁴ Id. at 3-4.

⁵ Id. at 4.

⁶ Extension Request of WestCan, CAN, RCCA, PHASE, and the Sierra Club - Atlantic Chapter (Nov. 27, 2007).

That Motion was accompanied by an adequate Certificate of Service, but it did not include a certification by Ms. Shapiro, as the attorney of the moving party, that the movant has made a sincere effort to contact other parties⁷ to the proceeding and resolve the issue(s) raised in the motion as required by 10 C.F.R. § 2.323(b). Accordingly, this Motion must also be denied.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁸

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, MD
November 28, 2007

⁷ We note that the Commission Staff (10 C.F.R. § 2.302(b)) and the applicant/licensee, Entergy (10 C.F.R. § 2.309(a)) are parties to this proceeding.

⁸ Copies of this Order were sent this date by Internet e-mail to: (1) Counsel for WestCan, CAN, RCCA, PHASE, and the Sierra Club - Atlantic Chapter; (2) Counsel for Entergy; (3) Counsel for the NRC Staff (4) Sherwood Martinelli, the representative for FUSE; (5) New York Affordable Reliable Electricity Alliance; (6) Counsel for the New York City Economic Development Corporation; and (7) Manna Jo Greene, the representative for Clearwater.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (DENYING AN EXTENSION OF TIME WITHIN WHICH TO FILE REQUESTS FOR HEARING) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket Nos. 50-247/286-LR
LB ORDER (DENYING AN EXTENSION OF TIME WITHIN WHICH
TO FILE REQUESTS FOR HEARING)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 28th day of November 2007