

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 Westchester County's Request for a 30-Day Extension of Time  
Within Which to Submit an Amicus Curiae Brief)

In a letter dated November 27, 2007, which was signed by Assistant County Attorney Justin Pruyne, Westchester County, New York, a local governmental body within the meaning of 10 C.F.R. § 2.315, requested "a thirty (30) day extension to submit an *amicus curiae* brief in this proceeding to on or before Monday, December 31, 2007."<sup>1</sup> We must deny this request because the NRC regulations do not permit the submission of *amicus* briefs at this point in this proceeding.

Westchester County may participate in the proceeding before this Board in one of two ways. First, pursuant to 10 C.F.R. § 2.315, Westchester County may participate with respect to admitted contentions as an "interested governmental body." However, since to date, no

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<sup>1</sup> Westchester County Government Request For An Extension of Time at 1 (Nov. 28, 2007).

contentions have been admitted, a request pursuant to Section 2.315 at this time would be premature. Instead, Westchester County may petition to participate with regard to any admitted contention within thirty (30) days of the contention being admitted.<sup>2</sup>

In the alternative, Westchester County may seek to participate in this proceeding as a party pursuant to 10 C.F.R. § 2.309. If it desires to follow that course, the representative for Westchester County may file a Request for Hearing and Petition to Intervene on or before December 10, 2007.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

*/RA/*

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, MD  
November 28, 2007

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<sup>2</sup> If, after contentions were admitted, Westchester County determined that it needed more than thirty (30) days within which to decide whether to participate pursuant to Section 2.315, a request for an extension of time would, at that point, be timely.

<sup>3</sup> Copies of this Order were sent this date by Internet e-mail to: (1) Counsel for Westchester County; (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; (7) Manna Jo Greene, the representative for Clearwater; and (8) Counsel for WestCan, CAN, RCCA, PHASE, and the Sierra Club - Atlantic Chapter.

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 WESTCHESTER COUNTY'S REQUEST FOR A 30-DAY EXTENSION OF TIME WITHIN WHICH TO SUBMIT AN AMICUS CURIAE BRIEF) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Administrative Judge  
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Administrative Judge  
Richard E. Wardwell  
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Washington, DC 20555-0001

Administrative Judge  
Kaye D. Lathrop  
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Docket Nos. 50-247/286-LR  
LB ORDER (DENYING WESTCHESTER COUNTY'S REQUEST FOR  
A 30-DAY EXTENSION OF TIME WITHIN WHICH TO SUBMIT AN  
AMICUS CURIAE BRIEF)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 28<sup>th</sup> day of November 2007