

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

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
February 12, 2009

Order

(Granting Petitioners' Joint Motion for an Extension of Time)

On February 5, 2009, the State of New York, the State of Connecticut, Riverkeeper, Inc., and Hudson River Sloop Clearwater (collectively, "Petitioners") filed a joint motion requesting an extension of time, until March 18, 2009, for the filing of new and amended contentions related to the NRC Staff's Draft Safety Evaluation Report ("Draft SER") and Audit Reports.¹ In support of this motion, the Petitioners represented that an extension is necessary because (a) the Draft SER is complex and voluminous and additional time is needed to carefully review the document and prepare well-written and high-quality contentions; (b) the requested extension will not have a material impact on the schedule for this proceeding since the adjudicatory hearing will not be scheduled until after the Final SER and the Final Supplemental Environmental Impact Statement are released; and (c) there are several other deadlines and obligations relevant to this proceeding in the same time frame as the original deadline. Id. at 2-4.

The NRC Staff did not oppose the Joint Motion so long as it is given a commensurate extension of time to respond (through April, 27, 2009). Id. at 4-5. Entergy Nuclear Operations,

¹ Joint Motion Requesting Establishment of a Date Certain for the Filing of New or Amended Contentions Related to the Draft Safety Evaluation Report and Audit Reports (Feb. 5, 2009) [hereinafter Joint Motion].

Inc. ("Entergy") filed an answer to the Joint Motion on February 10, 2009, in which it stated that it did not oppose an extension of time until March 4, 2009, but argued that any longer extension of time was unwarranted.²

The Board hereby grants the Joint Motion. New and amended contentions based on new information presented in the Draft SER and Audit Reports shall be considered timely if filed by the Petitioners on or before March 18, 2009. Any answers thereto shall be filed on or before April 27, 2009.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 12, 2009

² Entergy's Answer to Joint Motion for Extension of Time to File Amended/New Contentions Based on Draft Safety Evaluation Report (Feb. 10, 2009).

³ Copies of this Order were sent this date by Internet e-mail to: (1) Counsel for the NRC Staff; (2) Counsel for Entergy; (3) Counsel for the State of New York; (4) Counsel for Riverkeeper, Inc.; (5) Manna Jo Green, the Representative for Clearwater; (6) Counsel for the State of Connecticut; (7) Counsel for Westchester County; (8) Counsel for the Town of Cortlandt; (9) Mayor Alfred J. Donahue, the Representative for the Village of Buchanan; and (10) Counsel for the New York City Economic Development Corporation.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (GRANTING PETITIONERS' JOINT MOTION FOR AN EXTENSION OF TIME) 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-LR and 50-286-LR
LB ORDER (GRANTING PETITIONERS' JOINT MOTION FOR AN EXTENSION OF TIME)

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Docket Nos. 50-247-LR and 50-286-LR
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Docket Nos. 50-247-LR and 50-286-LR
LB ORDER (GRANTING PETITIONERS' JOINT MOTION FOR AN EXTENSION OF TIME)

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[Original signed by Linda D. Lewis]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of February 2009