

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

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| In the Matter of ENTERGY NUCLEAR OPERATIONS, INC. (Indian Point Nuclear Generating Units 2 and 3) |
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Docket Nos. 50-0247-LR and
50-286-LR

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

February 19, 2009

Order

(Declining to Transfer the Proceeding to the NRC's Electronic Filing System)

On January 14, 2009, this Board convened a pre-hearing conference to discuss various issues in the Indian Point License Renewal Proceeding. Among the issues discussed was whether to transfer this proceeding to the NRC's electronic filing system – the Electronic Information Exchange (“EIE”). Tr. at 757-58. In order to transfer into the EIE system, all of the participants in the proceeding must agree to adopt electronic filing. 72 Fed. Reg. 49,139. The Board directed the NRC Staff during the pre-hearing conference, Tr. at 757-58, and in a subsequent order,¹ to confer with the other participants in this proceeding and inform the Board whether the participants wanted to switch to the EIE system.

The NRC Staff informed the Board on February 9, 2009,² that four of the participants (Entergy, the NRC Staff, the State of Connecticut, and the Town of Cortlandt) did not have a preference for either system; the State of New York was willing to switch but with some caveats, Hudson River Sloop Clearwater and Riverkeeper, Inc. preferred switching barring unforeseen

¹ Licensing Board Order (Summarizing Pre-Hearing Conference) (Feb. 4, 2009) at 1 (unpublished).

² Letter from Sherwin Turk, NRC Staff, to the Indian Point Licensing Board (Feb. 9, 2009).

technical difficulties, and three participants did not respond (Westchester County, New York City, and the Village of Buchanan).³

Since all participants have not agreed to transfer to the EIE system, the Board hereby declines to switch to the EIE system. If at some point in the future all the participants in the proceeding desire to adopt the EIE system, the Board may revisit the issue at that time.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁴

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
February 19, 2009

³ Id. at 2-3.

⁴ 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 (DECLINING TO TRANSFER THE PROCEEDING TO THE NRC'S ELECTRONIC FILING SYSTEM) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
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U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
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Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
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Docket Nos. 50-247-LR and 50-286-LR
 LB ORDER (DECLINING TO TRANSFER THE
 PROCEEDING TO THE NRC'S ELECTRONIC FILING SYSTEM)

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Docket Nos. 50-247-LR and 50-286-LR
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 PROCEEDING TO THE NRC'S ELECTRONIC FILING SYSTEM)

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Docket Nos. 50-247-LR and 50-286-LR
LB ORDER (DECLINING TO TRANSFER THE
PROCEEDING TO THE NRC'S ELECTRONIC FILING SYSTEM)

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[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 19th day of February 2009