

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

January 12, 2010

MEMORANDUM

(Scheduling Notice – Clearwater’s Motion for Leave to Add a New Contention)

Pending before this Board is a Motion for Leave to Add a New Contention that was filed on October 26, 2009, by Hudson River Sloop Clearwater, Inc. (Clearwater) regarding the availability of off-site storage of spent fuel, and the possible environmental impact of indefinite on-site storage of spent fuel.¹ After full consideration of the issues addressed in Clearwater’s Motion, the NRC Staff’s² and Entergy’s³ Answers in Opposition to the Motion, the Answers in Support of the Motion filed by the State of New York,⁴ the State of Connecticut,⁵ the Town of

¹ Hudson River Sloop Clearwater, Inc.’s Motion for Leave to Add a New Contention Based Upon New Information (Oct. 26, 2009).

² NRC Staff’s Answer to Hudson River Sloop Clearwater, Inc.’s Motion for Leave to Add New Contentions Based Upon New Information (Nov. 20, 2009).

³ Answer of Entergy Nuclear Operations, Inc. Opposing Clearwater’s Motion for Leave to Add New Waste Confidence Contentions (Nov. 20, 2009).

⁴ Answer of the State of New York to Hudson River Sloop Clearwater, Inc.’s Petition Presenting Supplemental Contentions EC-7 and SC-1 Concerning Storage of High-Level Radioactive Waste Generated at Indian Point (Nov. 19, 2009).

⁵ Answer of Richard Blumenthal, Attorney General of Connecticut to Hudson River Sloop Clearwater, Inc.’s Petition Presenting Supplemental Contentions EC-7 and SC-1 Concerning Storage of High-Level Radioactive Waste at Indian Point (Nov. 20, 2009).

Cortlandt,⁶ and Riverkeeper, Inc.,⁷ as well as Clearwater's Combined Reply thereto,⁸ the Board's decision regarding Clearwater's Motion will be issued no later than January 29, 2010.

The Board does not request any additional briefing before we issue our decision on this matter as the relevant issues have been adequately addressed by the parties in the pleadings that have been filed.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁹

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, MD
January 12, 2010

⁶ Town of Cortlandt's Answer to Hudson River Sloop Clearwater, Inc.'s Petition Presenting Supplemental Contentions EC-7 and SC-1 Concerning Storage of High-Level Radioactive Waste at Indian Point (Nov. 20, 2009).

⁷ Answer of Riverkeeper, Inc. in Support of Hudson River Sloop Clearwater Inc.'s New Contentions EC-7 and SC-1 (Nov. 20, 2009).

⁸ Combined Reply to NRC Staff and Entergy's Answers in Opposition to Clearwater's Motion for Leave to Add New Contentions Based Upon New Information (Nov. 27, 2009).

⁹ 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 MEMORANDUM (SCHEDULING NOTICE – CLEARWATER’S MOTION FOR LEAVE TO ADD A NEW CONTENTION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Administrative Judge
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Docket Nos. 50-247-LR and 50-286-LR
 MEMORANDUM (SCHEDULING NOTICE – CLEARWATER’S MOTION FOR LEAVE TO ADD A
 NEW CONTENTION)

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Docket Nos. 50-247-LR and 50-286-LR
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 NEW CONTENTION)

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Docket Nos. 50-247-LR and 50-286-LR
MEMORANDUM (SCHEDULING NOTICE – CLEARWATER'S MOTION FOR LEAVE TO ADD A
NEW CONTENTION)

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[Original signed by Christine M. Pierpoint]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 12th day of January, 2010