

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

ENERGY 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 22, 2010

ORDER

(Granting New York's Motion To Establish February 25, 2010 As The Date By Which New York May File Contentions Related To Entergy's Revised Submission Concerning Severe Accident Mitigation Alternatives)

Pending before this Board is a Motion by the State of New York requesting that we set February 25, 2010, as the date by which it may file new or amended contentions related to Entergy's revised submission concerning severe accident mitigation alternatives (SAMA).¹ New York justifies this request, inter alia, because it received Entergy's revised SAMA submissions and documents related to those revised SAMA submissions during the holiday season.² Because of the timing of these transfers of data, New York represents that its review of this data and any new or amended contentions that may arise out of such review will be adequate and complete if New York is permitted to file contentions by February 25, 2010.³ New York also claims that such a schedule will not have a "material impact" on the pace of this proceeding

¹ Motion by the State of New York for a Schedule Establishing February 25, 2010 as the Date by Which the State May File Contentions Related to Entergy's Revised Submission Concerning Severe Accident Mitigation Alternatives (Jan. 21, 2010).

² Id. at 1-3.

³ Id. at 2-3 (citations omitted).

since evidentiary hearings are typically not held until the NRC Staff issues its Final Supplemental Environmental Impact Statement and Final Safety Evaluation Report, neither of which has been issued.⁴ Lastly, pursuant to 10 C.F.R. § 2.323, New York declares that it has discussed this matter with Entergy and the Applicant responded that it did not oppose the proposed schedule.⁵ Further, New York represents that the NRC Staff stated that it took no position on the Motion.⁶

There being no objection by either Entergy or the NRC Staff, the Board hereby grants the Motion to permit possible new or amended contentions based on Entergy's revised SAMA submissions to be filed by February 25, 2010. Accordingly, new contentions filed by the State of New York on or before February 25, 2010, which arise out of Entergy's revised SAMA submissions from December 21, 2009, through January 20, 2010, will be deemed timely under 10 C.F.R. § 2.309(f)(2).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁷

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, MD
January 22, 2010

⁴ Id. at 3 (citations omitted).

⁵ Id. at 3-4.

⁶ Id. at 4.

⁷ 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 ORDER (GRANTING NEW YORK'S MOTION TO ESTABLISH FEBRUARY 25, 2010 AS THE DATE BY WHICH NEW YORK MAY FILE CONTENTIONS RELATED TO ENTERGY'S REVISED SUBMISSION CONCERNING SEVERE ACCIDENT MITIGATION ALTERNATIVES) 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

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Docket Nos. 50-247-LR and 50-286-LR
 ORDER (GRANTING NEW YORK'S MOTION TO ESTABLISH FEBRUARY 25, 2010 AS THE DATE
 BY WHICH NEW YORK MAY FILE CONTENTIONS RELATED TO ENTERGY'S REVISED
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Docket Nos. 50-247-LR and 50-286-LR

ORDER (GRANTING NEW YORK'S MOTION TO ESTABLISH FEBRUARY 25, 2010 AS THE DATE BY WHICH NEW YORK MAY FILE CONTENTIONS RELATED TO ENTERGY'S REVISED SUBMISSION CONCERNING SEVERE ACCIDENT MITIGATION ALTERNATIVES)

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ORDER (GRANTING NEW YORK'S MOTION TO ESTABLISH FEBRUARY 25, 2010 AS THE DATE BY WHICH NEW YORK MAY FILE CONTENTIONS RELATED TO ENTERGY'S REVISED SUBMISSION CONCERNING SEVERE ACCIDENT MITIGATION ALTERNATIVES)

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[Original signed by Christine M. Pierpoint]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of January, 2010