

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 26, 2010

ORDER

(Granting NRC Staff's Unopposed Request for an Extension of Time)

On January 25, 2010, the NRC Staff requested an extension of time within which to file its response to the State of New York's motion to compel production of the MACCS2 codes that was filed on January 15, 2010.¹ Specifically, the NRC Staff asks that the deadline for filing its response to New York's motion be extended from January 25, 2010 to January 27, 2010.² The NRC Staff's stated rationale for this extension is the need for its counsel to comprehensively consult with "NRC Staff employees and Sandia National Laboratory personnel who possess specialized knowledge of the facts pertinent to the State's Motion," which the NRC Staff

¹ NRC Staff's Unopposed Request for an Extension of Time to Respond to the State of New York's "Motion to Compel NRC Staff to Produce MACCS2 Codes Absent a Fee in Compliance with the National Environmental Policy Act and NRC Disclosure Obligations" (Jan. 25, 2010) [hereinafter NRC Staff's Motion]. See Motion to Compel NRC Staff to Produce the MACCS2 Codes Absent a Fee in Compliance with the National Environmental Policy Act and NRC Disclosure Obligations (Jan. 15, 2010).

² NRC Staff's Motion at 1-3. Since New York's Motion was filed on January 15, 2010, answers in support of or in opposition to that motion would have been due January 25, 2010. See 10 C.F.R. § 2.323(c) ("Within ten (10) days after service of a written motion . . . a party may file an answer in support of or in opposition to the motion, accompanied by affidavits or other evidence.").

represents was not possible within the presumptive deadline set by NRC regulations due to New York's filing of its motion on the eve of a weekend followed by a federal holiday.³ The NRC Staff concedes that it ordinarily would have been required to file this request one business day before the deadline (which would have been Friday, January 22, 2010.⁴ Nevertheless, both New York and Entergy Nuclear Operations, Inc. (Entergy) did not object to the NRC Staff's request after consultation with the NRC Staff.⁵

There being no objection by New York or Entergy, the Board hereby grants the request. The NRC Staff may file its response to New York's motion to compel on or before January 27, 2010.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁶

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, MD
January 26, 2010

³ Id. at 2.

⁴ Id. at 3.

⁵ Id. at 3. The Board notes that the NRC Staff's obligation to consult other parties before filing a motion arises under 10 C.F.R. § 2.323(b), not § 2.323(a).

⁶ 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 NRC STAFF'S UNOPPOSED REQUEST FOR AN EXTENSION OF TIME) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission.
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
Sherwin E. Turk, Esq.
Beth N. Mizuno, Esq.
David E. Roth, Esq.
Brian Harris, Esq.
Andrea Z. Jones, Esq.
Karl Farrar, Esq.
Brian Newell, Paralegal

Administrative Judge
Lawrence G. McDade, Chair

Administrative Judge
Richard E. Wardwell

Administrative Judge
Kaye D. Lathrop
190 Cedar Lane E.
Ridgway, CO 81432

Zachary S. Kahn, Law Clerk
Joshua A. Kirstein, Law Clerk

Docket Nos. 50-247-LR and 50-286-LR
 ORDER (GRANTING NRC STAFF'S UNOPPOSED REQUEST FOR AN EXTENSION OF TIME)

William C. Dennis, Esq.
 Assistant General Counsel
 Entergy Nuclear Operations, Inc.
 440 Hamilton Avenue
 White Plains, NY 10601

Andrew M. Cuomo, Attorney General
 John J. Sipos, Assistant Attorney General
 Mylan L. Denerstein
 Deputy Assistant Attorney General
 Division of Social Justice
 Janice A. Dean
 Assistant Attorney General
 Office of the Attorney General
 of the State of New York
 The Capitol
 State Street
 Albany, New York 12224

Kathryn M. Sutton, Esq.
 Paul M. Bessette, Esq.
 Martin J. O'Neill, Esq.
 Mauri T. Lemoncelli, Esq.
 Counsel for Entergy Nuclear Operation, Inc.
 Morgan, Lewis & Bockius, LLP
 1111 Pennsylvania Avenue, NW
 Washington, DC 20004

Joan Leary Matthews, Esq.
 Senior Attorney for Special Projects
 New York State Department
 of Environmental Conservation
 625 Broadway, 14th Floor
 Albany, New York 12233-5500

Michael J. Delaney
 Vice President, Energy Department
 New York City Economic Development
 Corporation (NYCEDC)
 110 William Street
 New York, NY 10038

Robert D. Snook, Esq.
 Office of The Attorney General
 State of Connecticut
 55 Elm Street
 P.O. Box 120
 Hartford, CT 06141-0120

Arthur J. Kremer, Chairman
 New York Affordable Reliable Electricity
 Alliance (AREA)
 347 Fifth Avenue, Suite 508
 New York, NY 10016

Stephen C. Filler, Board Member
 Hudson River Sloop Clearwater, Inc.
 303 South Broadway, Suite 222
 Tarrytown, NY 10591

Docket Nos. 50-247-LR and 50-286-LR
 ORDER (GRANTING NRC STAFF'S UNOPPOSED REQUEST FOR AN EXTENSION OF TIME)

Daniel E O'Neill, Mayor
 James Siermarco, M.S.
 Liaison to Indian Point
 Village of Buchanan
 Municipal Building
 236 Tate Avenue
 Buchanan, NY 10511-1298

Manna Jo Greene, Environmental Director
 Hudson River Sloop Clearwater
 112 Little Markey Street
 Poughkeepsie, NY 12601

Thomas F. Wood, Esq.
 Town of Cortlandt
 Daniel Riesel, Esq.
 Jessica Steinberg, J.D.
 Counsel for the Town of Cortlandt
 Sive, Paget & Riesel, P.C.
 460 Park Avenue
 New York, NY 10022

Nancy Burton, Esq.
 Connecticut Residents Opposed
 to Relicensing of Indian Point (CRORIP)
 147 Cross Highway
 Redding Ridge, CT 06876

Elise N. Zoli, Esq.
 Goodwin Proctor, LLP
 Exchange Place
 53 State Street
 Boston, MA 02109

Justin D. Pruyne
 Assistant County Attorney, Litigation Bureau
 Of Counsel to Charlene M. Indelicato, Esq.
 Westchester County Attorney
 148 Martine Avenue, 6th Floor
 White Plains, NY 10601

FUSE USA
 John LeKay
 Heather Ellsworth Burns-DeMelo
 Remy Chevalier
 Bill Thomas
 Belinda J. Jaques
 351 Dyckman Street
 Peekskill, New York 10566

Westchester Citizens' Awareness Network
 (WestCan), Citizens Awareness Network,
 (CAN), et al
 Susan H. Shapiro, Esq.
 21 Pearlman Drive
 Spring Valley, NY 10977

Philip Musegaas, Esq.
 Deborah Brancato, Esq.
 Riverkeeper, Inc.
 828 South Broadway
 Tarrytown, NY 10591

Richard L. Brodsky
 Assemblyman
 5 West Main Street
 Suite 205
 Elmsford, NY 10523

Docket Nos. 50-247-LR and 50-286-LR
ORDER (GRANTING NRC STAFF'S UNOPPOSED REQUEST FOR AN EXTENSION OF TIME)

Sarah L. Wagner, Esq.
Legislative Office Building, Room 422
Albany, NY 12248

[Original signed by Christine M. Pierpoint]

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 26th day of January, 2010