

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
April 13, 2010

Order
(Scheduling Telephonic Status Conference)

The Board will convene a telephonic status conference, to be held Monday, April 19, 2010, at 1:00 P.M. EDT. All participants in this proceeding will be provided the telephone number and pass code for the conference via electronic-mail. A representative of all admitted parties and government entities in this proceeding shall notify the Board's law clerk, Joshua Kirstein, regarding how many phone lines each admitted organization will require for the telephonic status conference. This notification shall be made by close of business on April 15, 2010, via e-mail to josh.kirstein@nrc.gov. The telephone number and pass code for the April 19, 2010 telephonic status conference will be sent to each admitted organization by Mr. Kirstein via return e-mail on Friday, April 16, 2010.¹

At the conference the Board will:

- (1) seek confirmation of the target date for the publication of the Final Environmental Impact Statement (FEIS);

¹ Individuals who have not been admitted as participants to this proceeding that wish to listen to (but not speak during) the telephonic status conference may contact Ms. Karen Valloch via e-mail at karen.valloch@nrc.gov by close of business on April 15, 2010 to obtain listening-only access. The telephone number and pass code for such non-speaking access to the telephonic status conference will be sent via return e-mail by Ms. Valloch on Friday, April 16, 2010.

- (2) seek confirmation that the Section 2.236 Mandatory Disclosures are being made as required;
- (3) solicit the views of the participants regarding the establishment of deadlines for the submission of Motions for Summary Disposition;
- (4) solicit the views of the participants regarding the time that will be needed between the publication of the FEIS and the commencement of the hearing and an exposition of the events that must occur during that time period;
- (5) solicit the views of the participants regarding the scheduling of the submission of statements of position, direct written testimony, exhibits, rebuttal statements of position, rebuttal testimony, and proposed cross-examination;
- (6) solicit the views of the participants regarding the establishment of a deadline for any motion to proceed pursuant to subpart G rather than subpart L;
- (7) solicit the views of the participants regarding any procedures that will promote the fair and expeditious resolution of this proceeding;
- (8) ask questions regarding the admissibility of New York's New and Amended SAMA contentions.

In an effort to schedule this status conference at a time that would be convenient to most, if not all of the participants to this proceeding, we asked all parties and interested governmental entities who are participating in this proceeding to provide the Board a list of the dates and times between April 14, 2010 and April 21, 2010 when their representatives would not be available during weekday business hours. Further, we noted that because many of the parties were represented by numerous representatives, it may not be possible for the Board to schedule the conference at a time when all of the representatives of each party would be without a conflict. Accordingly, we asked that for those times when no representative of your respective organizations would be available, to explain the nature of the conflict that would inhibit your organization's participation in this conference.

The NRC Staff and the State of Connecticut complied. However, all of the other participants in this proceeding were either unable or unwilling to comply with this simple request.

While in this instance we were able to accommodate everyone's schedule,² given the numbers involved, this may not always be the case. Accordingly, be advised that if a participant fails in the future to comply with directions to aid the Board in determining the most compatible time for conducting a portion of this proceeding, we may irrevocably establish our schedule without regard to your conflicts.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD³

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 13, 2010

² We assume that neither Westchester County nor the Village of Buchanan had a conflict since they did not respond to our request for information regarding conflicts.

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 ORDER (SCHEDULING TELEPHONIC STATUS CONFERENCE) 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
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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
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Administrative Judge
Lawrence G. McDade, Chair

Administrative Judge
Richard E. Wardwell

Administrative Judge
Kaye D. Lathrop
190 Cedar Lane E.
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Joshua A. Kirstein, Law Clerk

Docket Nos. 50-247-LR and 50-286-LR
ORDER (SCHEDULING TELEPHONIC STATUS CONFERENCE)

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Docket Nos. 50-247-LR and 50-286-LR
ORDER (SCHEDULING TELEPHONIC STATUS CONFERENCE)

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Liaison to Indian Point
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Docket Nos. 50-247-LR and 50-286-LR
ORDER (SCHEDULING TELEPHONIC STATUS CONFERENCE)

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 13th day of April, 2010