

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

July 14, 2010

ORDER

On February 12, 2010, the Board certified to the Commission a question relating to the admissibility of two newly proposed contentions submitted by Hudson River Sloop Clearwater, Inc. (Clearwater), SC-1 and EC-7, which challenged the continuing viability of the Waste Confidence Rule (10 C.F.R. § 51.23).<sup>1</sup> On July 8, 2010, the Commission directed the Board to dismiss Clearwater's proposed contentions.<sup>2</sup>

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<sup>1</sup> Licensing Board Memorandum and Order (Certification to the Commission of a Question Relating to the Continued Viability of 10 C.F.R. § 51.23(b) Arising From Clearwater's Motion for Leave to Admit New Contentions) (Feb. 12, 2010) (unpublished).

<sup>2</sup> CLI-10-19, 72 NRC \_\_, \_\_ (slip op. at 3) (July 8, 2010).

Accordingly, consistent with the Commission's Memorandum and Order, the Board hereby dismisses Clearwater's Contentions SC-1 and EC-7.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>3</sup>

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/RA/  
Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

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/RA/  
Dr. Kaye D. Lathrop  
ADMINISTRATIVE JUDGE

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/RA/  
Dr. Richard E. Wardwell  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
July 14, 2010

<sup>3</sup> 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 Sean Murray, the Representative for the Village of Buchanan; and (10) Counsel for the New York City Economic Development Corporation.