

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. 50-247-LR and 50-286-LR

ASLBP No. 07-858-03-LR-BD01

March 11, 2011

ORDER

(Granting New York's and Clearwater's/Riverkeeper's Motions for Extensions of Time)

Before the Board are two motions for extensions of time: (1) the State of New York (New York) has moved to extend the time within which it may reply to Answers filed on March 7, 2011, by Entergy Nuclear Operations, Inc. (Entergy) and the NRC Staff to New York's proposed contentions NYS-12C and NYS-37,<sup>1</sup> and (2) Hudson River Sloop Clearwater, Inc. and Riverkeeper, Inc. (Clearwater/Riverkeeper) have moved to extend the time within which they may answer Entergy's pending Motion to Strike, which was filed on March 4, 2011.<sup>2</sup>

New York asks that the time within which it may file its reply be extended from March 14, 2011, to March 18, 2011, because of expert and consultant availability and the length and content of the Answers to which it intends to reply. Further, it claims that the additional time will be beneficial to the Board through the efficiency New York hopes to achieve by filing a single reply to the Answers for each contention.<sup>3</sup>

Clearwater/Riverkeeper ask that the time within which they may file an answer to Entergy's Motion to Strike be extended from March 14, 2011, to March 21, 2011, due to Clearwater's reorganization of its legal team and the

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<sup>1</sup> Motion of the State of New York for a Four Day Extension of Time to File Replies to NRC Staff and Entergy's March 7, 2011 Answers (Mar. 9, 2011) [hereinafter New York Motion].

<sup>2</sup> Hudson River Sloop Clearwater, Inc. and Riverkeeper, Inc.'s Motion for Extension of Time to Respond to Entergy's Motion to Strike (Mar. 9, 2011) [hereinafter Clearwater/Riverkeeper Motion].

<sup>3</sup> New York Motion at 2-3.

limited resources Clearwater/Riverkeeper have to file the reply to another contention by March 14, 2011.<sup>4</sup> Both New York's Motion and Clearwater's/Riverkeeper's Motion represent that the NRC Staff does not object to their respective extensions, while they concede that Entergy opposes their Motions.<sup>5</sup> Entergy filed Answers opposing each Motion on March 10, 2011.<sup>6</sup>

Given the length and number of the pleadings recently filed and that granting these extensions will not alter the "trigger date" for evidentiary hearing filings we established in our Scheduling Order,<sup>7</sup> we hereby grant both Motions. New York may reply to Entergy's and the NRC Staff's Answers to NYS-12C and NYS-37 no later than March 18, 2011, and Clearwater/Riverkeeper may file their answer to Entergy's Motion to Strike no later than March 21, 2011.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>8</sup>

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
March 11, 2011

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<sup>4</sup> Clearwater/Riverkeeper Motion at 2-3. In a prior Order, we mandated that Clearwater had until March 14, 2011, to respond to Entergy's Motion to Strike. See Licensing Board Order (Deadline to Respond to Entergy's Motion to Strike (Mar. 8, 2011) at 1 (unpublished).

<sup>5</sup> New York Motion at 3; Clearwater/Riverkeeper Motion at 3-4.

<sup>6</sup> See Applicant's Answer to New York State's Motion for Extension of Time to File Reply to Answers to FSEIS Contentions (Mar. 10, 2011); Applicant's Answer to Hudson River Sloop Clearwater, Inc. and Riverkeeper, Inc.'s Motion for Extension of Time to File an Answer to Applicant's Motion to Strike (Mar. 10, 2011).

<sup>7</sup> See Licensing Board Scheduling Order (July 1, 2010) at 13 (unpublished). The Board previously granted an extension to Clearwater until March 21, 2011, within which to reply to another proposed contention, Clearwater EC-3. See Licensing Board Order (Granting Clearwater's Motion for Extension of Time) (Mar. 8, 2011) at 2 (unpublished).

<sup>8</sup> Copies of this Order were sent this date by Internet e-mail to: (1) Counsel for the NRC Staff; (2) Counsel for Entergy Nuclear Operations, Inc.; (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) Michael J. Delaney, counsel for the City of New York.

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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 Licensing Board “**ORDER (Granting New York’s and Clearwater’s/Riverkeeper’s Motions for Extensions of Time)**” have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Administrative Judge  
Lawrence G. McDade, Chair

Administrative Judge  
Richard E. Wardwell

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Kaye D. Lathrop  
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Joshua A. Kirstein, Law Clerk

Docket Nos. 50-247-LR and 50-286-LR

**ORDER (Granting New York's and Clearwater's/Riverkeeper's Motions  
for Extensions of Time)**

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**ORDER (Granting New York's and Clearwater's/Riverkeeper's Motions  
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[Signed by Linda D. Lewis]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 11<sup>th</sup> day of March 2011