

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence G. McDade, Chairman  
Dr. Michael F. Kennedy  
Dr. Richard E. Wardwell

In the Matter of

ENTERGY 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

June 29, 2012

ORDER

(Scheduling July 9, 2012, Status Conference)

Late in the evening on June 25, 2012, Riverkeeper, Inc. (Riverkeeper) filed a motion to hold Contention RK-EC-3/CW-EC-1 (RK-EC-3) in abeyance pending the outcome of its current settlement negotiations with Entergy regarding this contention.<sup>1</sup> Riverkeeper represented that both Entergy and the NRC Staff (Staff) oppose this motion.<sup>2</sup>

As of the time the Board received this motion, there were only three days until Riverkeeper's June 29, 2012, deadline for filing its RK-EC-3 rebuttal testimony.<sup>3</sup> Accordingly, while on June 26, 2012, we temporarily suspended the deadline for Riverkeeper's rebuttal testimony on RK-EC-3 until further Order, we also notified the parties that we were convening a

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<sup>1</sup> Riverkeeper, Inc. Motion to Hold Contention RK-EC-3/CW-EC-1 in Abeyance Pending the Outcome of Settlement Negotiations (June 25, 2012) at 4.

<sup>2</sup> Id. at 1.

<sup>3</sup> See Licensing Board Order (Granting Unopposed Motion for Extension of Time) (May 16, 2012) at 1–2 (Unpublished).

status conference to discuss the issues raised in Riverkeeper's motion, and requested input on their availability for this status conference.<sup>4</sup> The parties have responded to that request, and it appears that all parties are available on Monday, July 9, 2012. Thus, we will conduct the status conference via telephone on Monday, July 9, 2012, at 1:30 p.m. EDT. The telephone number and passcode to join the teleconference are as follows:

Telephone number: 1-800-779-6032

Passcode: 28650.

Any party wishing to file a written response to Riverkeeper's motion to hold RK-EC-3 in abeyance must do so by 1:00 p.m. EDT on Friday, July 6, 2012.

As the Board has previously indicated, Entergy filed its direct testimony on March 30, 2012, and Riverkeeper has therefore had nearly ninety days to prepare its rebuttal testimony. Thus, Riverkeeper is instructed to continue preparing its rebuttal testimony on RK-EC-3 during this brief delay because the window for submission of this testimony after the status conference may well be very small.<sup>5</sup>

On June 26, 2012, the Staff also issued its draft Supplement to the Final Supplemental Environmental Impact Statement (FSEIS).<sup>6</sup> The Board previously instructed the Intervenors in this proceeding "not to file contentions on the [FSEIS] until told by the Board they may do so."<sup>7</sup> We also indicated that after the issuance of the FSEIS, we would either convene a pre-hearing conference or sua sponte set a schedule for submission of any such new or amended

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<sup>4</sup> See e-mail from Shelbie Lewman, Judicial Law Clerk, Atomic Safety and Licensing Board Panel, to Parties (June 26, 2012).

<sup>5</sup> Id.

<sup>6</sup> See letter from Sherwin E. Turk, Counsel for NRC Staff, to the Licensing Board (June 26, 2012).

<sup>7</sup> Licensing Board Order (Memorializing Items Discussed at April 16, 2012 Pre-Hearing Conference) (Apr. 18, 2012) at 4 (unpublished).

contentions.<sup>8</sup> Given that we will convene a status conference on July 9, 2012, to discuss Riverkeeper's motion, we will also discuss the schedule for filing new and amended contentions that might arise from the FSEIS during that conference.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
June 29, 2012

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<sup>8</sup> Id.

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NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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ENTERGY NUCLEAR OPERATIONS, INC. ) Docket Nos. 50-247-LR  
 ) and 50-286-LR  
(Indian Point Nuclear Generating, )  
Units 2 and 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (SCHEDULING JULY 9, 2012, STATUS CONFERENCE)** have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Evangeline S. Ngbea]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
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