



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 18, 2012

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

Dear Administrative Judges:

In the Atomic Safety and Licensing Board's ("Board") Order of April 18, 2012, the Board stated that "[i]n the coming months, the Board will inform the participants via notice as to the order in which the Board will hear these [Track 1] contentions and the precise times and venue for this hearing."¹ Further, in the Notice of Hearing issued June 8, 2012, the Board listed the order in which the various Track 1 contentions will be heard and the specific dates on which Track 1 hearings will be held.²

In order to commence making preparations for travel to New York for the evidentiary hearings to be held this fall, the NRC Staff ("Staff") and other parties would appreciate receiving further information from the Board, if possible, regarding the following matters:

¹ Order (Memorializing Items Discussed at April 16, 2012 Pre-Hearing Conference) (April 18, 2012), at 4 ¶ G.

² Notice of Hearing (Application for License Renewal) (June 8, 2012), at 5. The Board indicated that hearings on Track 1 contentions will be held on October 15-18, October 22-24, and (tentatively) December 10-14, as needed; further, the Board stated that the contentions will be heard in the following order: NYS-12C, NYS-16B, RK-TC-2, NYS-17B, NYS-37, NYS-5, NYS-8, NYS-6/7, CW-EC-3A, and RK-EC-3/CW-EC-1, The Board further observed that the sequence in which contentions are heard could change if warranted by the Staff's brief in response to the Board's Order of June 7, 2012. *Id.* at 5 n.15. The Staff's brief in response to the Board's Order of June 7 was filed on June 18, 2012.

1. The location of the hearings. This information will assist the parties in finding hotel rooms close to the hearing location for the numerous witnesses and attorneys involved in Track 1 hearings.
2. The dates (or weeks) that specific contentions or groups of contentions will be heard. The Staff recognizes that the Board may not yet be in a position to provide more specific information regarding the dates on which specific contentions will be heard. Nonetheless, to the extent possible, it would be helpful for the parties to receive an estimate of the number of days each contention will be heard and a delineation of which specific contentions will be heard each week. In this regard, many of the parties' witnesses will be traveling to New York from Washington, D.C., or other, more distant, parts of the country. Inasmuch as different witnesses and attorneys are responsible for different contentions, more specific information as to when each contention will be heard would assist the parties in planning when their witnesses and attorneys should expect to travel to and from New York, and how many days they may be required to stay in New York for hearings on the contention(s) to which they are assigned. In particular, it would be useful to know the week(s) in which a contention will be heard, so that the affected witnesses and attorneys can know which week(s) they are or are not expected to be in New York.
3. The availability of conference rooms and/or other work areas. Given the large number of witnesses with whom counsel will be meeting each day, it would be useful to know whether conference rooms and/or other works areas will be available at the hearing site for conferences among the witnesses and counsel, for storage of paper copies of testimony and exhibits, and for such litigation-related tasks as typing and photocopying. In this regard, it would also be useful to know whether photocopying and telephone/telefax services will be available to the parties at the hearing site.

I have discussed the above issues with the attorneys or representatives of the other parties in this proceeding. Counsel for Entergy Nuclear Operations, Inc. and Riverkeeper, Inc., and the representative of Hudson River Sloop Clearwater, Inc., agree that this information would assist them in their logistical planning for the upcoming hearings; the State of New York stated that it takes no position on these matters.

Thank you very much for your consideration.

Sincerely,



Sherwin E. Turk
Counsel for NRC Staff

cc: EIE Service List