

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

August 8, 2012

ORDER

(Concerning Recent Changes to 10 C.F.R. Part 2)

On August 3, 2012, the U.S. Nuclear Regulatory Commission published in the Federal Register a notice of the adoption of a final rule that discusses changes to its 10 C.F.R. Part 2 rules of practice, effective September 4, 2012.¹ The Effectiveness of the Final Rule states that in open proceedings, “if there is a dispute over an adjudicatory obligation or situation arising prior to the effective date of the new rule, the former rule provisions would be used. However, the new or amended requirements will be effective and govern all obligations and disputes that arise after [September 4, 2012,]” absent a subsequent Order from the Board.²

In order to ensure this proceeding’s October and December hearing dates continue as scheduled, and to preempt any potential disputes regarding the timeliness of motions, new or amended contentions, and responsive pleadings, the Board hereby directs that the deadlines

¹ Amendments to Adjudicatory Process Rules and Related Requirements, 77 Fed. Reg. 46,562 (Aug. 3, 2012).

² Id.

set forth in the July 1, 2010 Scheduling Order and all subsequent scheduling orders will remain in effect, notwithstanding the new Part 2 provisions.³ Any reference to a changed rule in the Boards' orders shall be interpreted to contemplate the former rule provisions absent further Board order.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 8, 2012

³ See, e.g., Licensing Board Scheduling Order (July 1, 2010) (unpublished); Licensing Board Order (Denying NRC Staff's Motion for Partial Reconsideration and State of New York/Riverkeeper's Cross-Motion to NRC Staff's Motion for Reconsideration) (Apr. 23, 2012) (unpublished); Licensing Board Order (Memorializing Items Discussed During the July 9, 2012, Status Conference) (July 12, 2012) (unpublished).

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(Indian Point Nuclear Generating,)
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Concerning Recent Changes to 10 C.F.R. Part 2)** have been served upon the following persons by Electronic Information Exchange.

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Dated at Rockville, Maryland
this 8th day of August 2012

Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission