

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

(Granting, in Part, the NRC Staff's and New York's Motions for Extension of Time)

On August 6, 2012, the NRC Staff (Staff) and the State of New York (New York) filed motions for extension of time for the filing of responsive pleadings to Entergy's Motion for Declaratory Order concerning the Coastal Zone Management Act.<sup>1</sup> The parties request extensions to October and November, respectively.<sup>2</sup>

On August 7, 2012, Entergy Nuclear Operations, LLC (Entergy) filed a response in opposition to New York's request, arguing that only the Staff's request is reasonable.<sup>3</sup> Shortly

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<sup>1</sup> State of New York's Motion for Extension of Time to Respond to Entergy's Motion for Declaratory Order Regarding the Coastal Zone Management Act (Aug. 6, 2012) [hereinafter New York's Motion to Extend Time]; NRC Staff's Motion for Extension of Time to Respond to Applicant's Motion for Declaratory Order and Memorandum Concerning the Coastal Zone Management Act (Aug. 6, 2012) [hereinafter Staff's Motion to Extend Time]. See also Motion and Memorandum by Applicant Entergy Nuclear Operations, Inc. for Declaratory Order that It Has Already Obtained the Required New York State Coastal Management Program Consistency Review of Indian Point Units 2 and 3 for Renewal of Operating Licenses (July 30, 2012).

<sup>2</sup> Staff's Motion to Extend Time at 1; New York's Motion to Extend Time at 1.

<sup>3</sup> Entergy's Opposition to New York State's Motion for an Extension of Time (Aug. 7, 2012) at 1.

thereafter, the Staff filed a response to New York's Motion, also arguing New York's request is excessive, but requesting an extension of equal length if the Board grants New York's Motion.<sup>4</sup> Finding New York's request for an extension reasonable, and hardly excessive in light of the pending deadlines in this proceeding, the Board hereby GRANTS the motion.

However, considering the impending deadlines and the hearing dates in October and December, the Board extends the responsive deadline to January 14, 2013, to avoid any potential conflicts with hearing-related matters.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 8, 2012

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<sup>4</sup> NRC Staff's Answer to "State of New York Motion for Extension of Time to Respond to Entergy's Motion for Declaratory Order Regarding the Coastal Zone Management Act" (Aug. 7, 2012) at 1.

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(Indian Point Nuclear Generating, )  
Units 2 and 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting, in Part, the NRC Staff's and New York's Motions for Extension of Time)** have been served upon the following persons by Electronic Information Exchange.

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

Dated at Rockville, Maryland  
this 8<sup>th</sup> day of August 2012