

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 16, 2012

ORDER

(Requesting Witness Availability for Contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5 during the week of December 10, 2012)

The Board is considering whether to address Contentions NYS-26/RK-TC-1B (NYS-26) and NYS-38/RK-TC-5 (NYS-38) during the upcoming Track 1 Evidentiary Hearing.<sup>1</sup> If heard during the Track 1 Evidentiary Hearing, these contentions will be considered after the previously scheduled contentions,<sup>2</sup> and thus will not be heard until the week of December 10, 2012.

The parties that have submitted, or plan to submit, testimony regarding these contentions shall send information regarding the availability of witnesses to present oral testimony on NYS-26 and NYS-38 during the week of December 10, 2012, to the Board's Law Clerk, Shelbie Lewman, via e-mail (shelbie.lewman@nrc.gov) by Wednesday, August 29, 2012. If a witness is unavailable, state the days of, and the reason for, the unavailability in the e-mail to Ms. Lewman.

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<sup>1</sup> The Board is aware that a portion of Contention NYS-38 relates to NYS-25. The portion of Contention NYS-38 relating to NYS-25 will not be heard during the Track 1 Evidentiary Hearing.

<sup>2</sup> See Licensing Board Notice of Hearing (Application for License Renewal) (June 7, 2012) at 5.

The Board previously inquired concerning witness availability for NYS-26. As a result of that inquiry, the Board was notified that the NRC Staff's witness Dr. Allen Hiser may be unavailable during the week of December 10, 2012, because of a previous plan to attend an IAEA meeting. The NRC Staff, in its e-mail to Ms. Lewman, is to confirm whether Dr. Hiser is committed to attend the IAEA meeting, state the dates of his involvement, explain Dr. Hiser's specific role at the IAEA meeting, and discuss the relative importance of his attendance. Furthermore, if Dr. Hiser will attend the IAEA meeting during the full week of December 10, 2012, the NRC Staff shall explain whether it believes that Dr. Hiser's presence is necessary at the Evidentiary Hearing if both Dr. Ching Ng and Mr. On Yee, who are also NRC Staff witnesses for NYS-26, are available and present to answer the Board's questions regarding this contention.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 16, 2012

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
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 (Requesting Witness Availability for Contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5 during the week of December 10, 2012)** have been served upon the following persons by Electronic Information Exchange.

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**ORDER (Requesting Witness Availability for Contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5 during the week of December 10, 2012)**

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**ORDER (Requesting Witness Availability for Contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5 during the week of December 10, 2012)**

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

Dated at Rockville, Maryland  
this 16<sup>th</sup> day of August 2012