

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 21, 2012

ORDER

(Granting the State of Connecticut's Motion for Leave to File Reply)

On August 10, 2012, the State of Connecticut (Connecticut) filed a motion for leave to file a reply to the responses of the NRC Staff and Entergy Nuclear Operations, Inc. (Entergy) to its statement of position.¹ The motion indicated that Entergy and the NRC Staff opposed the motion and reserved the right to file an answer.² Pursuant to 10 C.F.R. § 2.323(c), replies were due on or before August 20, 2012.³ On August 20, 2012, the NRC Staff submitted a letter to the Board, stating that it did not intend to file an answer to the motion.⁴ Entergy has not filed an answer.

¹ State of Connecticut's [sic] Motion for Leave to File Reply to Responses of NRC Staff and Entergy to Connecticut's Statement of Position (Aug. 10, 2012).

² Id. at 2.

³ 10 C.F.R. § 2.323(c) (2012).

⁴ Letter from Sherwin E. Turk, Counsel for the NRC Staff, to the ASLB Licensing Board (Aug. 20, 2012).

Connecticut's motion is GRANTED. As the Board noted in its previous orders, Statements of Position are not evidence, but rather constitute attorney arguments. Accordingly, any motion to strike "testimony" in this document is inappropriate.⁵ The Board will give Connecticut's Statement of Position and Supplementary Filing the appropriate weight as a non-evidentiary filing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 21, 2012

⁵ Licensing Board Order (Granting in Part and Denying in Part Applicant's Motions in Limine) (Mar. 6, 2012) at 14, 19 (unpublished).

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 (Granting the State of Connecticut's Motion for Leave to File Reply)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop O-7H4M
Washington, DC 20555-0001
ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
Washington, DC 20555-0001

Sherwin E. Turk, Esq.
Edward L. Williamson, Esq.
Beth N. Mizuno, Esq.
David E. Roth, Esq.
Brian Harris, Esq.
Mary B. Spencer, Esq.
Anita Ghosh, Esq.
Karl Farrar, Esq.
Brian Newell, Paralegal
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop O-15D21
Washington, DC 20555-0001
sherwin.turk@nrc.gov; edward.williamson@nrc.gov
beth.mizuno@nrc.gov; brian.harris@nrc.gov
david.roth@nrc.gov; mary.spencer@nrc.gov
anita.ghosh@nrc.gov; karl.farrar@nrc.gov
brian.newell@nrc.gov

Lawrence G. McDade, Chair
Administrative Judge
lawrence.mcdade@nrc.gov

Richard E. Wardwell
Administrative Judge
richard.wardwell@nrc.gov

Michael F. Kennedy
Administrative Judge
michael.kennedy@nrc.gov

Anne Siarnacki, Law Clerk
anne.siarnacki@nrc.gov
Shelbie Lewman, Law Clerk
shelbie.lewman@nrc.gov
James Maltese, Law Clerk
james.maltese@nrc.gov

OGC Mail Center
OGCMailCenter@nrc.gov

ORDER (Granting the State of Connecticut's Motion for Leave to File Reply)

William C. Dennis, Esq.
Assistant General Counsel
Entergy Nuclear Operations, Inc.
440 Hamilton Avenue
White Plains, NY 10601
wdennis@entergy.com

Elise N. Zoli, Esq.
Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, MA 02109
ezoli@goodwinprocter.com

Kathryn M. Sutton, Esq.
Paul M. Bessette, Esq.
Martin J. O'Neill, Esq.
Raphael Kuyler, Esq.
Jonathan M. Rund, Esq.
Lena Michelle Long, Esq.
Laura Swett, Esq.
Lance Escher, Esq.
Mary Freeze, Legal Secretary
Antoinette Walker, Legal Secretary
Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
ksutton@morganlewis.com
martin.oneill@morganlewis.com
rkuyler@morganlewis.com
jrund@morganlewis.com
llong@morganlewis.com; lswett@morganlewis.com
lescher@morganlewis.com
mfreeze@morganlewis.com
awalker@morganlewis.com

Clint Carpenter, Esq.
Bobby Burchfield, Esq.
Matthew Leland, Esq.
McDermott, Will and Emery LLP
600 13th Street, NW
Washington, DC 20005
ccarpenter@mwe.com; bburchfield@mwe.com
mleland@mwe.com

Matthew W. Swinehart, Esq.
Covington & Burling
1201 Pennsylvania Avenue, NW
Washington, DC 20004
mwinehart@cov.com

Thomas F. Wood, Esq.
Daniel Riesel, Esq.
Victoria Shiah Treanor, Esq.
Adam Stolorow, Esq.
Jwala Gandhi, Paralegal
Peng Deng, Paralegal
Counsel for Town of Cortlandt
Sive, Paget & Riesel, P.C.
460 Park Avenue
New York, NY 10022
driesel@sprlaw.com; vtreanor@sprlaw.com
astolorow@sprlaw.com; jgandhi@sprlaw.com
pdeng@sprlaw.com

Phillip Musegaas, Esq.
Deborah Brancato, Esq.
Ramona Cearley, Secretary
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562
phillip@riverkeeper.org; dbrancato@riverkeeper.org
rcearley@riverkeeper.org

Melissa-Jean Rotini, Esq.
Assistant County Attorney
Office of Robert F. Meehan,
Westchester County Attorney
148 Martine Avenue, 6th Floor
White Plains, NY 10601
MJR1@westchestergov.com

Manna Jo Greene, Environmental Director
Steven C. Filler
Karla Raimundi
Hudson River Sloop Clearwater, Inc.
724 Wolcott Ave.
Beacon, NY 12508
mannajo@clearwater.org; stephenfiller@gmail.com
karla@clearwater.org

ORDER (Granting the State of Connecticut's Motion for Leave to File Reply)

John Louis Parker, Esq.
Office of General Counsel, Region 3
New York State Department
of Environmental Conservation
21 South Putt Corners Road
New Paltz, NY 12561-1620
jlparker@gw.dec.state.ny.us

Michael J. Delaney, Esq.
Director, Energy Regulatory Affairs
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373
mdelaney@dep.nyc.gov

John J. Sipos, Esq.
Charles Donaldson, Esq.
Assistant Attorneys General
Office of the Attorney General
of the State of New York
Elyse Houle, Legal Support
The Capitol
State Street
Albany, New York 12224
John.Sipos@ag.ny.gov;
charlie.donaldson@ag.ny.gov
elyse.houle@ag.ny.gov

Robert D. Snook, Esq.
Assistant Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
robert.snook@po.state.ct.us

Janice A. Dean, Esq.
Assistant Attorney General
Kathryn Liberatore, Esq.
Office of the Attorney General
of the State of New York
120 Broadway, 26th Floor
New York, New York 10271
janice.dean@ag.ny.gov;
kathryn.liberatore@ag.ny.gov

Sean Murray, Mayor
Kevin Hay, Village Administrator
Village of Buchanan
Municipal Building
236 Tate Avenue
Buchanan, NY 10511-1298
SMurray@villageofbuchanan.com
Administrator@villageofbuchanan.com

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

Dated at Rockville, Maryland
this 21st day of August 2012