

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

(Concerning State of New York's Motion for Extension of Time to File New Contentions)

On August 20, 2012, the State of New York (New York) filed a motion for an extension of time to file new contentions associated with Entergy Nuclear Operations, Inc.'s (Entergy's) Coastal Zone Management Act (CZMA) environmental report supplement.<sup>1</sup> The motion requested that time be extended such that any new contention on this supplement would be timely up to thirty days after the Board rules on Entergy's motion for declaratory judgment on the CZMA issue.<sup>2</sup> Responses to the motion for declaratory judgment have been delayed by Board

---

<sup>1</sup> State of New York Motion for Extension of Time to File New Contentions, If Any, on Entergy's Environmental Report "Supplement" Regarding the Coastal Zone Management Act (Aug. 20, 2012) [hereinafter Motion to Extend Time].

<sup>2</sup> Id. at 1. 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).

order until January 14, 2013.<sup>3</sup> The deadline for New York to file any contentions related to Entergy's environmental report supplement is currently August 23, 2012.<sup>4</sup>

New York indicated that the NRC Staff and Entergy oppose this motion.<sup>5</sup> New York is granted an extension of time until further order of the Board. The NRC Staff and Entergy are to file responses on or before August 30, 2012. Once the Board has had the opportunity to review those responses, it will make a determination on New York's request for an extension of time.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

---

Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
August 21, 2012

---

<sup>3</sup> Licensing Board Order (Granting, in Part, the NRC Staff's and New York's Motions for Extension of Time) (Aug. 8, 2012) at 2 (unpublished).

<sup>4</sup> Motion to Extend Time at 2.

<sup>5</sup> Id. at 1.

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 (Concerning State of New York's Motion for Extension of Time to File New Contentions)** 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](mailto: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](mailto: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](mailto:sherwin.turk@nrc.gov); [edward.williamson@nrc.gov](mailto:edward.williamson@nrc.gov)  
[beth.mizuno@nrc.gov](mailto:beth.mizuno@nrc.gov); [brian.harris@nrc.gov](mailto:brian.harris@nrc.gov)  
[david.roth@nrc.gov](mailto:david.roth@nrc.gov); [mary.spencer@nrc.gov](mailto:mary.spencer@nrc.gov)  
[anita.ghosh@nrc.gov](mailto:anita.ghosh@nrc.gov); [karl.farrar@nrc.gov](mailto:karl.farrar@nrc.gov)  
[brian.newell@nrc.gov](mailto:brian.newell@nrc.gov)

Lawrence G. McDade, Chair  
Administrative Judge  
[lawrence.mcdade@nrc.gov](mailto:lawrence.mcdade@nrc.gov)

Richard E. Wardwell  
Administrative Judge  
[richard.wardwell@nrc.gov](mailto:richard.wardwell@nrc.gov)

Michael F. Kennedy  
Administrative Judge  
[michael.kennedy@nrc.gov](mailto:michael.kennedy@nrc.gov)

Anne Siarnacki, Law Clerk  
[anne.siarnacki@nrc.gov](mailto:anne.siarnacki@nrc.gov)  
Shelbie Lewman, Law Clerk  
[shelbie.lewman@nrc.gov](mailto:shelbie.lewman@nrc.gov)  
James Maltese, Law Clerk  
[james.maltese@nrc.gov](mailto:james.maltese@nrc.gov)

OGC Mail Center  
[OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov)

**ORDER (Concerning State of New York's Motion for Extension of Time to File New Contentions)**

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

Elise N. Zoli, Esq.  
Goodwin Procter, LLP  
Exchange Place  
53 State Street  
Boston, MA 02109  
[ezoli@goodwinprocter.com](mailto: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](mailto:ksutton@morganlewis.com)  
[martin.oneill@morganlewis.com](mailto:martin.oneill@morganlewis.com)  
[rkuyler@morganlewis.com](mailto:rkuyler@morganlewis.com)  
[jrund@morganlewis.com](mailto:jrund@morganlewis.com)  
[llong@morganlewis.com](mailto:llong@morganlewis.com); [lszett@morganlewis.com](mailto:lszett@morganlewis.com)  
[lescher@morganlewis.com](mailto:lescher@morganlewis.com)  
[mfreeze@morganlewis.com](mailto:mfreeze@morganlewis.com)  
[awalker@morganlewis.com](mailto:awalker@morganlewis.com)

Clint Carpenter, Esq.  
Bobby Burchfield, Esq.  
Matthew Leland, Esq.  
McDermott, Will and Emery LLP  
600 13<sup>th</sup> Street, NW  
Washington, DC 20005  
[ccarpenter@mwe.com](mailto:ccarpenter@mwe.com); [bburchfield@mwe.com](mailto:bburchfield@mwe.com)  
[mleland@mwe.com](mailto:mleland@mwe.com)

Matthew W. Swinehart, Esq.  
Covington & Burling LLP  
1201 Pennsylvania Avenue, NW  
Washington, DC 20004  
[mwinehart@cov.com](mailto: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](mailto:driesel@sprlaw.com); [vtreanor@sprlaw.com](mailto:vtreanor@sprlaw.com)  
[astolorow@sprlaw.com](mailto:astolorow@sprlaw.com); [jgandhi@sprlaw.com](mailto:jgandhi@sprlaw.com)  
[pdeng@sprlaw.com](mailto:pdeng@sprlaw.com)

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

Melissa-Jean Rotini, Esq.  
Assistant County Attorney  
Office of Robert F. Meehan,  
Westchester County Attorney  
148 Martine Avenue, 6<sup>th</sup> Floor  
White Plains, NY 10601  
[MJR1@westchestergov.com](mailto: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](mailto:mannajo@clearwater.org); [stephenfiller@gmail.com](mailto:stephenfiller@gmail.com)  
[karla@clearwater.org](mailto:karla@clearwater.org)

**ORDER (Concerning State of New York's Motion for Extension of Time to File New Contentions)**

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](mailto: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](mailto: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](mailto:John.Sipos@ag.ny.gov);  
[charlie.donaldson@ag.ny.gov](mailto:charlie.donaldson@ag.ny.gov)  
[elyse.houle@ag.ny.gov](mailto: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](mailto: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, 26<sup>th</sup> Floor  
New York, New York 10271  
[janice.dean@ag.ny.gov](mailto:janice.dean@ag.ny.gov);  
[kathryn.liberatore@ag.ny.gov](mailto: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](mailto:SMurray@villageofbuchanan.com)  
[Administrator@villageofbuchanan.com](mailto:Administrator@villageofbuchanan.com)

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

Dated at Rockville, Maryland  
this 21<sup>st</sup> day of August 2012