

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.¹ 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.² Responses to the motion for declaratory judgment have been delayed by Board

¹ 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].

² 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, 2013.³ The deadline for New York to file any contentions related to Entergy's environmental report supplement is currently August 23, 2012.⁴

New York indicated that the NRC Staff and Entergy oppose this motion.⁵ 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

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Board Order (Granting, in Part, the NRC Staff's and New York's Motions for Extension of Time) (Aug. 8, 2012) at 2 (unpublished).

⁴ Motion to Extend Time at 2.

⁵ Id. at 1.

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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.

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

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