

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

September 14, 2012

ORDER

(Evidentiary Hearing Administrative Matters)

Contentions NYS-26B/RC-TC-1B and NYS-38/RK-TC-5

On August 16, 2012, the Board stated that it was “considering whether to address Contentions NYS-26B/RC-TC-1B (NYS-26) and NYS-38/RK-TC-5 (NYS-38) at the upcoming Track 1 Evidentiary Hearing.”<sup>1</sup> In order to determine the feasibility of addressing these contentions in 2012, we asked the parties to inform us of their witnesses’ availability to give oral testimony on these contentions during the week of December 10, 2012.<sup>2</sup> In response, the NRC Staff informed the Board that two of its key witnesses for these contentions will be out of the country during the week of December 10, 2012. Therefore, due to this witness unavailability, the Board will not address NYS-26 and NYS-38 during the Track 1 Evidentiary Hearing.

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<sup>1</sup> Licensing Board Order (Requesting Witness Availability for Contentions NYS-26B/RK-TC-1B and NYS-38/RK-TC-5 during the week of December 10, 2012) (Aug. 16, 2012) at 1 (unpublished).

<sup>2</sup> See id.

CHECWORKS Presentation and Order of Contentions

The Board requests that Dr. Jeffrey S. Horowitz, principal author of CHECWORKS, provide the Board with a presentation, not to exceed fifteen minutes, on the CHECWORKS Program. As part of an overview of how the program works, the presentation should cover the required input parameters, the general mathematical analogues used in its calculations, the types of output data, and the calibration process. Subsequently, parties will be allowed to respond to Dr. Horowitz's presentation.<sup>3</sup>

Dr. Horowitz's presentation will be the first testimony to be heard at the Track 1 Evidentiary Hearing, and thus the Board has modified the order in which it will hear the contentions. We will address the Track 1 contentions in the following order:

1. RK-TC-2
2. NYS-12C
3. NYS-16B
4. NYS-17B
5. NYS-37
6. NYS-5
7. RK-EC-3
8. NYS-6/7
9. NYS-8
10. CW-EC-3A<sup>4</sup>

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<sup>3</sup> Dr. Horowitz gave a similar presentation in the license-renewal hearing for the Vermont Yankee facility. See Entergy Nuclear Vermont Yankee, LLC (Vermont Yankee Nuclear Power Station), Tr. 1436–1450 (July, 23, 2008) (ADAMS Accession No. ML082100170).

<sup>4</sup> New York has informed the Board that Dr. Sheppard, who is a witness for contentions NYS-16B and NYS-17B, teaches classes at Williams College on Tuesday afternoons. See e-mail from John Sipos, Assistant Attorney General, New York State Attorney General's Office, to Shelbie Lewman, Judicial Law Clerk, Atomic Safety and Licensing Board Panel (Aug. 30, 2012 1:56 PM EDT). This modification to the order in which the Board will hear contentions will

The Board has received several requests from the parties seeking more information on the rate at which the Board will address contentions. The Board will address the contentions in the order listed above, but we cannot estimate a rate per contention. Because of the large volume of information that must be addressed at this hearing, the witnesses for each contention must be available to testify at the time the Board is ready to address a given contention.

#### Opening Statements

Given the large quantity of information that must be addressed at the Track 1 Evidentiary Hearing, the Board does not request opening statements from the parties.

#### Daily Hearing Schedule

As previously announced, the Evidentiary Hearing will commence at 1:00 p.m. on Monday, October 15, 2012.<sup>5</sup> The hearing will reconvene at 9:00 a.m. on each of the subsequent days.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

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Lawrence G. McDade, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
September 14, 2012

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ensure that Dr. Sheppard will not need to testify on either Tuesday, October 16 or Tuesday, October 23, 2012.

<sup>5</sup> Licensing Board Notice (Evidentiary Hearing Venue) (July 27, 2012) at 1 (unpublished).

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NUCLEAR REGULATORY COMMISSION

In the Matter of )  
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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 (EVIDENTIARY HEARING ADMINISTRATIVE MATTERS)** have been served upon the following persons by Electronic Information Exchange.

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Dated at Rockville, Maryland  
this 14<sup>th</sup> day of September 2012

[Original signed by Evangeline S. Ngbea]  
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