

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

October 15, 2012

ORDER

(Granting Riverkeeper's Motion for Leave to File Additional Exhibits)

On October 11, 2012, Riverkeeper, Inc. (Riverkeeper) filed a Motion for Leave to File Additional Exhibits Concerning Contention RK-TC-2 (Flow Accelerated Corrosion), in which Riverkeeper requests permission to file additional exhibits which it has labeled as RIV000127 through RIV000131.¹

Riverkeeper's motion for leave to file additional exhibits concerning Contention RK-TC-2 is Granted. However, unlike recent motions to admit exhibits that we have granted over the past few days, this motion is opposed. Moreover, the rationale for opposing this motion that was stated by the NRC Staff and Entergy is not without merit.

These documents are not of recent origin, discuss technical aspects of flow accelerated corrosion, and are not relevant to Entergy's recent submission (October 12, 2012) that was filed at the request of the Board which was, as directed, limited to an overview of the CHECKWORKS program. If Riverkeeper considered the review of these exhibits by the Board

¹ See Riverkeeper, Inc. Motion for Leave to File Additional Exhibits Concerning Contention RK-TC-2 (Flow Accelerated Corrosion) (Oct. 11, 2012) at 1.

necessary to the development of an adequate record, it could have, and should have submitted these exhibits months ago.

Nevertheless, accepting Riverkeeper's representations regarding the significance of these exhibits, we will admit them and allow Riverkeeper's expert witness, Dr. Hopenfeld, to refer to them in response to the Board's questions.² Likewise, witnesses proffered by the other parties may, if they wish, refer to these exhibits and, recognizing that the other parties had not been presented with these exhibits when they submitted their proposed questions, we will liberally evaluate requests to interrogate Dr. Hopenfeld regarding any conclusions he may express that rely on these exhibits.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Lawrence G. McDade, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 15, 2012

² These exhibits do not appear to be relevant to the introductory presentations regarding the design and generic operation of the CHECKWORKS program that was requested by the Board. Accordingly, we do not anticipate that they will be referred to during those presentations. If Riverkeeper, or Entegy, believes that any of these documents are relevant to the subject matter of Board's CHECKWORKS request, a brief oral application explaining their relevance should be made before the CHECKWORKS presentations at the outset of the hearing.

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(Indian Point Nuclear Generating,)
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Riverkeeper's Motion for Leave to File Additional Exhibits)** 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
hearingdocket@nrc.gov

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

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
Shelbie Lewman, Law Clerk
James Maltese, Law Clerk
Carter Thurman, Law Clerk
anne.siarnacki@nrc.gov
shelbie.lewman@nrc.gov
james.maltese@nrc.gov
carter.thurman@nrc.gov

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

OGC Mail Center
OGCMailCenter@nrc.gov

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

William B. Glew, Jr.
Organization: Entergy
440 Hamilton Avenue, White Plains, NY 10601
wglew@entergy.com

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

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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

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

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

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 LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
mswinehart@cov.com

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

Edward F. McTiernan, Esq.
New York State Department
of Environmental Conservation
Office of General Counsel
625 Broadway
Albany, NY 12233-1500
efmctier@gw.dec.state.ny.us

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

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Richard Webster, Esq.
Public Justice, P.C.
For Hudson River Sloop Clearwater, Inc.
1825 K Street, NW, Suite 200
Washington, D.C. 20006
webster@publicjustice.net

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

Dated at Rockville, Maryland
this 15th day of October 2012

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